



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: YEAGER AIRPORT LITIGATION

CIVIL ACTION NO. 16-C-7000

THIS DOCUMENT APPLIES TO:

THEODORE CARTER and
REBECCA CARTER, husband
and wife,

Plaintiffs,

v.

Civil Action No. 15-C-1074 KAN

CENTRAL REGIONAL WEST
VIRGINIA AIRPORT AUTHORITY,
COROTOMAN, INC., a West Virginia Corporation,
JOHN WELLFORD, individually and as Agent for
COROTOMAN, INC., and NATIONWIDE MUTUAL
FIRE INSURANCE COMPANY, an Ohio Corporation,

Defendants.

ORDER APPROVING JURY QUESTIONNAIRE

The Presiding Judges have reviewed and considered the proposed jury questionnaires submitted by Plaintiffs Theodore Carter and Rebecca Carter and by Defendant Nationwide Mutual Fire Insurance Company. The Court approves the jury questionnaire attached as Exhibit A to this order and ORDERS this questionnaire to be used for the trial on declaratory judgment scheduled to commence on October 16, 2017.

It is so **ORDERED**.

ENTER: August 31, 2017.

/s/ John A. Hutchison
Lead Presiding Judge
Yeager Airport Litigation



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Jury Questionnaire

This questionnaire is part of the jury selection process. The questions must be answered by you under penalty of perjury and you should fill out this questionnaire by yourself without consulting any other person or source. Do not do any research regarding anything in this questionnaire by reading, talking to anyone, or going on the Internet.

This questionnaire is designed to obtain information from you with respect to your qualifications to sit as a juror in this case in order to shorten the process of jury selection. Please answer all the questions that apply to you as completely as possible. Do not write on the back of any page. If you need extra room to write, use the last page and indicate the question number.

The information contained in this questionnaire will become part of the Court's permanent record, but it will not be distributed to anyone except the attorneys in the case, those who work for the attorneys, the judges and those who work for the judges. During the questioning by the Court or the attorneys, you will be given an opportunity to explain or expand any answers, if necessary. If for any reason you do not want to answer any of the questions asked, please write the word 'PRIVATE' next to the question and we will take this matter up with you in private. If you do not understand a question, please write "I DO NOT UNDERSTAND" and the question will be explained to you in Court. THERE ARE NO RIGHT OR WRONG ANSWERS.



1. Have you read anything, seen anything, or heard anything about this case or about the EMAS collapse and subsequent landslide that occurred at Yeager Airport in March 2015?

_____ Yes _____ No

If your answer is yes, please state what you read, saw or heard. _____

2. Have you or any member of your immediate family ever had a landslide or earth movement on your property?

_____ Yes _____ No

If your answer is yes, please state whether your property was damaged, describe the damage, state the time period when the landslide or earth movement occurred, and whether you were able to repair the damage. _____

3. Have you or any member of your immediate family ever experienced any flooding on your property?

_____ Yes _____ No

If your answer is yes, please state whether your property was damaged, describe the damage, state the time period when the flooding occurred, and whether you were able to repair the damage. _____

4. Have you or any members of your immediate family ever been a party in a lawsuit?

_____ Yes _____ No

If your answer is yes, please explain the nature of the lawsuit, whether you were a plaintiff or defendant, and whether the lawsuit was tried or settled. _____

5. Have you ever served as a juror?

_____ Yes _____ No

If your answer is yes, when did you serve as a juror and what type of case(s) did you hear? Was your experience positive or negative? _____

6. Have you or any member of your immediate family ever been employed by an insurance company, an insurance adjuster, or an insurance claims investigator?

_____ Yes _____ No

If your answer is yes, please identify the employee, their position and dates employed.

7. Have you or any member of your immediate family ever experienced a problem with an insurance agent, insurance adjuster or insurance company that resulted in you or the family member seeking advice from an attorney or the West Virginia Insurance Commissioner?

_____ Yes _____ No

If your answer is yes, please describe the problem and the result. _____

8. Have you or any member of your immediate family ever been insured by Nationwide Mutual Fire Insurance Company?

_____ Yes _____ No

If your answer is yes, please state when you were insured and the type of insurance coverage provided. _____

9. Have you or any member of your immediate family ever worked for:

- | | | |
|---|-----------|----------|
| a. Nationwide Mutual Fire Insurance Company | _____ Yes | _____ No |
| b. Yeager Airport | _____ Yes | _____ No |
| c. John Wellford | _____ Yes | _____ No |
| d. Corotoman, Inc. | _____ Yes | _____ No |
| e. The Federal Aviation Administration | _____ Yes | _____ No |
| f. Triad Engineering | _____ Yes | _____ No |
| g. Cast & Baker Construction | _____ Yes | _____ No |
| h. Rodney Loftis or any other excavator | _____ Yes | _____ No |
| i. Kanawha County Commission | _____ Yes | _____ No |
| j. local, county, state or federal government | _____ Yes | _____ No |
| k. an engineer or any engineering firms | _____ Yes | _____ No |
| l. a geologist or any geological firms | _____ Yes | _____ No |

If your answer is yes, please identify the employee, their position and dates employed.

10. Have you or any members of your immediate family ever sued or made any claim for damages against or had a claim made against you by:

- | | | |
|---|-----------|----------|
| a. Theodore or Rebecca Carter | _____ Yes | _____ No |
| b. Nationwide Mutual Fire Insurance Company | _____ Yes | _____ No |
| c. Yeager Airport | _____ Yes | _____ No |
| d. John Wellford | _____ Yes | _____ No |
| e. Corotoman, Inc. | _____ Yes | _____ No |

If your answer is yes, please describe the suit or claim and the result. _____

11. Are you related by blood or marriage or do you know socially or in any business capacity:

- | | | |
|---|-----------|----------|
| a. Rodney Dale Loftis, II | _____ Yes | _____ No |
| b. Dale Mobley, Loftis employee | _____ Yes | _____ No |
| c. Terry Sayre, Yeager Airport Executive Director | _____ Yes | _____ No |
| d. Rick Atkinson, Former Yeager Airport Executive Director | _____ Yes | _____ No |
| e. Dale Petry, Kanawha County Homeland Security Director | _____ Yes | _____ No |
| f. Charles Bailey, Esquire, Yeager Airport Attorney | _____ Yes | _____ No |
| g. David Armstrong, Kanawha County Economic Development Specialist, Kanawha County Planning and Development | _____ Yes | _____ No |
| h. Larry Jarvis, Central Contracting | _____ Yes | _____ No |
| i. Jim McIntosh, Central Contracting | _____ Yes | _____ No |
| j. Theodore Carter, Plaintiff | _____ Yes | _____ No |
| k. Rebecca Carter, Plaintiff | _____ Yes | _____ No |
| l. John Wellford, Defendant | _____ Yes | _____ No |
| m. Tim Murnahan, Assistant Yeager Airport Director | _____ Yes | _____ No |
| n. James Estep, Keystone Drive property owner | _____ Yes | _____ No |
| o. Curtis Nader, Keystone Drive property owner | _____ Yes | _____ No |
| p. Nick Keller, Operations Chief, Yeager Airport | _____ Yes | _____ No |
| q. R. Edison Hill, Yeager Airport Board Member | _____ Yes | _____ No |
| r. Kent Carper, Kanawha County Commission Member | _____ Yes | _____ No |

- | | | |
|--|---------|--------|
| s. Yeager Airport Police Chief Long | ___ Yes | ___ No |
| t. Andrew Gunnoe, Deputy County Manager, Kanawha County | ___ Yes | ___ No |
| u. Lorna Morris, daughter of Theodore and Rebecca Carter | ___ Yes | ___ No |
| v. Michael Kidd, nephew of Theodore and Rebecca Carter | ___ Yes | ___ No |
| w. Kim Lewis, Assistant Director of Yeager Airport | ___ Yes | ___ No |
| x. Charles Hill, son of Theodore and Rebecca Carter | ___ Yes | ___ No |
| y. Norman Shumate, Member of Yeager Airport Board | ___ Yes | ___ No |
| z. Betsy Ross, Nationwide employee | ___ Yes | ___ No |
| aa. Steve Young, Nationwide employee | ___ Yes | ___ No |
| bb. James D. McQueen, Jr., Counsel for Plaintiffs | ___ Yes | ___ No |
| cc. Christopher J. Heavens, Counsel for Plaintiffs | ___ Yes | ___ No |
| dd. Rhonda L. Harvey, Counsel for Nationwide | ___ Yes | ___ No |
| ee. Ashley Hardesty Odell, Counsel for Nationwide | ___ Yes | ___ No |
| ff. David F. Nelson, Counsel for Nationwide | ___ Yes | ___ No |

If your answer is yes, please identify the person or persons you know and explain in detail how you know them. _____

12. Do you know of any reason why you should not sit as a juror in this case?

___ Yes ___ No

If your answer is yes, please explain. _____

The undersigned swears or affirms that the answers to these questions are the truth, except where they are stated upon information and belief, and the undersigned states that he or she believes the answers to be true.

Date: _____

Juror Name: _____
(please print)

Juror Signature: _____