



IN THE CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA

**IN RE: TOBACCO LITIGATION
(Individual Personal Injury Cases)**

**CIVIL ACTION NO. 00-C-5000
(Judge Arthur M. Recht)**

**ORDER MODIFYING JANUARY 10, 2017
CASE MANAGEMENT ORDER/TRIAL PLAN – REVISION NO. 1**

Upon consideration of the agreement of the parties, it is hereby ordered that the January 10, 2017 Case Management Order/Trial Plan (“CMO/TP”) is modified so that the remaining deadlines contained in the CMO/TP are revised as set forth below:

d. February 10, 2017, to December 22, 2017 - Expert and lay witness depositions shall be conducted during this period; all reliance materials shall be disclosed to the other party 10 business days before a deposition is scheduled. Plaintiff’s expert witnesses shall be deposed before Liggett’s expert witnesses.

DEPOSITIONS – All sworn deposition or trial testimony from any previous or contemporary tobacco litigation cases in which Liggett was a party at the time the deposition or trial testimony was elicited, or where otherwise permitted by law, may be used in pretrial motion and at trial;

a. December 1, 2017 - Plaintiffs shall disclose trial exhibits, and provide electronic copies of all exhibits to counsel for Defendant;

b. January 5, 2018 - Liggett shall disclose trial exhibits, and provide electronic copies of all exhibits to counsel for Plaintiffs;

c. January 15, 2018 - Objections to Plaintiffs’ exhibits and demonstrative materials must be filed;

d. February 9, 2018 - Objections to Liggett’s exhibits and demonstrative materials must be filed;

- e. Beginning on or about January 22, 2018, if needed, the Court shall schedule a series of exhibit conferences;
- f. December 22, 2017 - Discovery deadline;
- g. January 10, 2018 – Deadline for Plaintiffs and Liggett to file Deposition Designations for all Depositions they intend to use at trial;
- h. February 23, 2018 – Deadline for Plaintiffs and Liggett to file Objections and Counter-Designations to the opposing party’s Deposition Designations;
- i. March 9, 2018 – Deadline for Plaintiffs and Liggett to file Objections to Counter-Designations and Counter-Counter Designations;
- j. March 23, 2018 - All pretrial motions, dispositive motions and motions in limine must be filed;
- k. May 16, 2018 - All written oppositions to pretrial, dispositive motions, and motions in limine must be filed;
- l. June 6, 2018 - All written replies to pretrial, dispositive motions and motions in limine must be filed;
- m. On or after June 27, 2018 - Hearing on all pretrial motions, dispositive motions, and motions in limine;
- n. On or after June 27, 2018 - Pretrial, settlement, and document conferences;
Trial – TBD.
- o. Parties to provide 48 hours notice of fact and expert witnesses to be called at trial;

p. Parties to provide 24 hours notice of exhibits they intend to use at trial, and exhibits in categorical publication packets to be used at trial, but excluding potential cross-examination exhibits/materials they intend to use at trial;

q. Parties to provide 24 hours notice of use of demonstrative exhibits to be used at trial, excluding potential cross-examination exhibits;

r. By agreeing to specific dates included with the final scheduling order entered by the Court, Liggett does not waive any objection it may have to these proceedings. The objections and exceptions of all parties are noted, incorporated by reference, submitted for reconsideration, and preserved.

2. Discovery relevant to Phase II issues shall begin, if necessary, after the Phase I Liggett Trial.

3. Should any plaintiff-specific discovery become necessary to the Phase I consolidated trial in order to preserve the testimony of a plaintiff, reasonable and necessary discovery shall be commenced immediately following compliance with the following provisions:

a. Once a specific plaintiff is designated as needing to have his or her testimony preserved, plaintiffs' counsel shall have five (5) days to turn over copies of all medical records concerning that plaintiff in their possession along with an executed authorization and answers to Liggett's first set of interrogatories;

b. The deposition of the designated plaintiff can be noticed any time after thirty (30) business days from the turning over of the indicated materials;

c. The deposition of the designated plaintiff shall be limited to eight (8) hours or whatever time period the plaintiff's treating physician feels that plaintiff can bear, including a reasonable period of time for breaks and meals.

ENTER: July 24, 2017.

/s/ Arthur M. Recht
Senior Status Judge
Tobacco Litigation

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