



**IN THE CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA**

**IN RE: TOBACCO LITIGATION  
(INDIVIDUAL PERSONAL INJURY CASES)**

**CIVIL ACTION NO. 00-C-5000  
(JUDGE JACK ALSOP)**

**THIS DOCUMENT APPLIES TO ALL CASES  
SCHEDULING ORDER - PHASE I TRIAL OF ALL REMAINING  
CASES AGAINST THE LIGGETT DEFENDANTS**

The Presiding Judges have scheduled the Phase I trial of all remaining cases against Defendants Liggett Group LLC, Liggett & Myers Inc., and Brooke Group Ltd. (collectively "Liggett Defendants") to begin at **9:00 a.m. on August 12, 2019**, in Courtroom Four, also known as the Ceremonial Courtroom, on the Second Floor of the Kanawha County Courthouse, at 407 Virginia Street, East, Charleston, West Virginia. The following deadlines shall govern the Phase I trial of all remaining cases against the Liggett Defendants.

**DEFENDANTS' EXPERT WITNESS DISCLOSURES ARE DUE: December 15, 2018.**

Defendants shall furnish opposing counsel with the specialty of such expert witness and copies of all reports submitted by such witness or, if no reports have been submitted, a summary of the substance of such expert's contemplated testimony, in accordance with Rule 26(b)(4) of the West Virginia Rules of Civil Procedure. If the name, reports, or Rule 26(b)(4) material are not timely provided, a motion to continue, motion to exclude, or other sanction motion on this basis will not be considered unless opposing counsel has filed such motion prior to the pretrial conference.

**ALL FACT WITNESSES MUST BE DISCLOSED: January 2, 2019.**

**THE PARTIES SHALL BE READY TO CONDUCT MEDIATION BY: January 2, 2019.**

The Resolution Judges will enter a separate order regarding scheduling of mediation and mediation statements.

**DEADLINE FOR DISPOSITIVE MOTIONS: May 1, 2019.**

**DEADLINE FOR RESPONSES TO DISPOSITIVE MOTIONS: May 15, 2019.**

**DEADLINE FOR REPLIES TO DISPOSITIVE MOTIONS: May 22, 2019.**

The Presiding Judges will hear dispositive motions during the pretrial conference on **June 21, 2019.**

**DEADLINE FOR MOTIONS IN LIMINE: May 15, 2019.**

**DEADLINE FOR RESPONSES TO MOTIONS IN LIMINE: May 29, 2019.**

**DEADLINE FOR REPLIES TO MOTIONS IN LIMINE: June 5, 2019.**

The Presiding Judges will hear motions in limine during the pretrial conference on **June 21, 2019.**

**EXHIBITS AND DEPOSITION DESIGNATIONS EXCHANGED: May 17, 2019.**

Parties shall exchange full and complete copies of all exhibits intended to be introduced into evidence at trial and all deposition designations. All exhibits shall be pre-marked.

**OBJECTIONS TO EXHIBITS, WITNESSES AND DEPOSITION DESIGNATIONS: May 24, 2019.** All parties shall meet and confer **no later than May 31, 2019**, to resolve objections to witnesses, exhibits and deposition designations.

**DEADLINE FOR PRETRIAL CONFERENCE MEMORANDA: June 7, 2019.**

All parties shall file and serve their pretrial conference memoranda and deliver their pretrial conference memoranda to the Presiding Judges and the Mass Litigation Manager. The pretrial conference memoranda shall contain:

- |                          |                               |
|--------------------------|-------------------------------|
| a. Statement of the Case | f. Specific List of Witnesses |
| b. Issues of Fact        | (No reservations authorized)  |
| c. Issues of Law         | g. Pending Motions            |
| d. Proposed Stipulations | h. Proposed Verdict Form      |

e. Specific Schedule of Exhibits

i. Deposition Designation Objections

(No reservations authorized)

The witness list shall be a bona fide list of intended trial witnesses. Names of witnesses shall be specified and shall include contact information for each witness and a statement of intended testimony. Unnamed/unlisted witness reservations are not authorized.

**DEADLINE FOR PROPOSED JURY INSTRUCTIONS AND VOIR DIRE: June 7, 2019.**

All parties shall file and serve their proposed jury instructions and voir dire and shall deliver their proposed jury instructions and voir dire to the Presiding Judges and the Mass Litigation Manager. Parties shall also provide the Mass Litigation Manager with their proposed jury instructions and voir dire in Microsoft Word format via electronic mail on June 7, 2019. The Mass Litigation Manager's electronic mail address is [kim.fields@courtsv.gov](mailto:kim.fields@courtsv.gov).

**PRETRIAL CONFERENCE: At 9:00 a.m. on June 21, 2019**, in Courtroom Four, also known as the Ceremonial Courtroom, on the Second Floor of the Kanawha County Courthouse, at 407 Virginia Street, East, Charleston, West Virginia. **LEAD COUNSEL TRYING THE CASE SHALL APPEAR.**

**MODIFICATION:** The dates and requirements of this Scheduling Order are **FINAL**. No additional evidence developed as a result of deviations from this Scheduling Order will be admissible at trial. The Scheduling Order shall not be modified, except by leave of the Court.

**SANCTIONS:** In accordance with Rule 16(f) of the West Virginia Rules of Civil Procedure, the Court will impose the full spectrum of sanctions by the West Virginia Rules of Civil Procedure if a party or party's counsel fails to obey this order or other orders of this Court.

It is so **ORDERED**.

**ENTER:** October 5, 2018.

/s/ Jack Alsop  
Lead Presiding Judge  
Tobacco Litigation