

IN THE CIRCUIT COURT OF HARRISON COUNTY, WEST VIRGINIA
BUSINESS COURT DIVISION

RONALD LANE, INC.,
a West Virginia corporation,
CHRISTOPHER LANE, and
NORMAN LANE

Plaintiffs,

vs.

Civil Action No.: 21-C-12
Presiding: Judge Lorensen

RONALD LANE,

Defendant,

Order Setting Pretrial and Trial Schedule

On the 30th day of June, 2021, upon the appearance of the Plaintiffs Christopher Lane, by counsel Daniel Taylor, Norman Lane by counsel John Gianola, and Ronald Lane, Inc., by counsel Stephen G. Higgins, and further upon the appearance of Defendant Ronald Lane by counsel R. Booth Goodwin II and Richard D. Owen, the court did convene a hearing on the trial schedule. Upon consultation with counsel the following dates shall govern these proceedings.

1. This matter will be tried to a jury on: March 15, 2022 at 9 a.m. The trial is expected to take five trial days. Continuance motions must be filed and heard prior to the pre-trial conference.

2. A first pretrial conference shall be held on: February 11, 2022 at the hour of 11:00 a.m. At this first pretrial conference all pending motions, including dispositive motions, shall be resolved. **A second pretrial conference shall be conducted on March 14, 2022, at 10:00 a.m.** All self-represented parties and any lawyer who will participate in the trial must appear at the pretrial conferences. All parties are directed to file with the clerk, exchange and deliver a pretrial memorandum no later than seven (7) days before the second pretrial conference. These memoranda must set forth the following:

1. Statement of the Case
2. Issues of Fact
3. Issues of Law
4. Proposed Stipulations
5. Schedule of Exhibits

7. List of Pending Motions
8. List of Motions *in Limine*
9. Requested Instructions of Law
(Disk as well as hard copy shall be provided to the Court.)

7-1-2021
Bust
R Booth Goodwin II
L Tappan
J Higgins
DTaylor
J Gianola

6. List of Witnesses

10. Requested *voir dire*

Schedule of Exhibits: The parties shall file and exchange a list of all proposed exhibits (including demonstrative) and shall make the exhibits available for viewing by counsel no later than 14 days prior to the second pretrial. Exhibits shall be individually identified and given a unique identifying number. General designations such as “Records from Doctor Jones” are not sufficient. The parties shall mark all exhibits by use of standard exhibit stickers and provide a list to the Court and counsel. Failure to properly identify, mark or provide an exhibit is grounds for exclusion of the exhibit at trial.

Video Depositions to be used at trial: If a video deposition is to be used, all parties must be prepared to argue objections at the second pretrial conference. Thereafter, the proponent of the video deposition shall have the video edited to reflect the court’s rulings. In addition, the proponent of the video deposition must have a videographer at trial.

Jury Instructions: Counsel should be prepared to discuss jury instructions at the second pretrial conference. Late instructions will be considered only if justified by good cause.

3. **Expert disclosures:**

Party with the Burden of Proof: **October 1, 2021.**

Party without the Burden of Proof: **October 1, 2021.**

- a) Any party desiring to use an expert witness must furnish opposing counsel with a disclosure meeting the requirements of Rule 26(b)(4), Rules of Civil Procedure.
- b) The admissibility of expert testimony is subject to Rule 104(a) of the Rules of Evidence. Objection to the admissibility of expert testimony will be deemed waived if not objected to by a motion *in limine* filed at on or before 30 days and a hearing thereon set with the Court prior to first day of trial.
- c) Co-designation or co-reliance upon experts must also specifically be made in writing on date of Expert Disclosure.

4. **Dispositive Motions:** Any motion filed under Rules 12 or 56 of the West Virginia Rules of Civil Procedure must be filed no later than 60 days prior to the first pretrial conference.

5. **Final witness list filed and exchanged:** **August 2, 2021.** The witness list will contain the name of each person who will be called to testify at trial. By listing a witness, the lawyer or party identifying the witness certifies to the court that he or she has spoken in person or by telephone with the witness and has confirmed his or her availability

for trial. Parties must identify their witnesses by name and business or home address. Any witness not identified by name (such as “representative of the ABC Corporation”), fails to meet the requirements of this order and will be treated as a failure to list the witness. Any witness listed may be called by any party, except retained experts. The unavailability of a witness will not be considered good cause for a continuance unless compliance with this order is shown.

6. Discovery completion date: November 5, 2021. All requests must be served and evidence of service filed with the clerk at least 35 days in advance of this date so that all responses may be completed by this date. All trial depositions must be completed at least 30 days before the pretrial.

7. Motions in limine. Any motion in limine must be filed at least 14 days before the pretrial and will be ruled on at the pretrial conference.

8. Mediation. This matter is referred for mediation. The Plaintiff is to schedule mediation in accordance with Rule 25.01 *et seq.*, West Virginia Trial Court Rules. Mediation must be complete by **January 21, 2022**.

9. Finality of dates set forth in the order. The dates set by the court are final and may be modified only upon written motion, a statement as to whether the modification is agreed to or not and by order of the court. Any party requesting a hearing must furnish the court with three dates for which all counsel and self-represented parties are available or set forth what efforts were exercised to obtain such dates.

10. Dates may be changed only by order of the court. While agreements among counsel or self-represented parties regarding any matter pertaining to the case are encouraged, these agreements are not binding on the court unless confirmed by order. No additional evidence developed as a result of deviations from the above schedule will be admissible at trial unless justice requires. Any party seeking a continuance must do so in writing. Calling the court’s chambers will not excuse any requirement of this order.

11. The dates set out above do not relieve counsel or parties from timely compliance with discovery requests propounded pursuant to the West Virginia Rules of Civil Procedure.

12. Sanctions: In accordance with Rule 16(f), West Virginia Rules of Civil Procedure, the Court may impose the full spectrum of sanctions authorized by the Rule if a party or party’s counsel fails to obey this order or other orders of this Court including taxation of costs, including attorney fees, exclusion of evidence, dismissal of claims or defenses and judgment default.


13. **Motions practice.** If your motion requires urgent attention, consult with other counsel and state on the motion whether the relief sought is agreed, contested or what efforts were made to consult with the opposing parties.

14. **Service by e-mail.** The parties agreed that in lieu of paper service by mail of documents required by be served by Rule 5, Rules of Civil Procedure, it shall be sufficient to send a .pdf version by e-mail to parties entitled to service of those motions, notices and other writings filed with the clerk and any discovery required to be served.

15. **Trial Court Rule 6.04 waiver.** Counsel are not required to provide the court copies of out of state authorities. If the court cannot access authorities relied upon, the court will contact counsel to request assistance under Trial Court Rule 6.04, only if necessary.

The Clerk shall transmit true and correct copies to counsel of record and self-represented parties.

Jun 23, 2021
Date of Entry



JUDGE MICHAEL D. LORENSEN
JUDGE OF THE WEST VIRGINIA
BUSINESS COURT DIVISION

STATE OF WEST VIRGINIA

COUNTY OF HARRISON, TO-WIT

I, Albert F. Marano, Clerk of the Fifteenth Judicial Circuit and the 18th Family Court Circuit of Harrison County, West Virginia, hereby certify the foregoing to be a true copy of the ORDER entered in the above styled action on the

23rd day of July, 2021.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the

Seal of the Court this 23rd day of July, 2021.

Albert F. Marano

Fifteenth Judicial Circuit & 18th

Family Court Circuit Clerk

Harrison County, West Virginia