



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**

THIS DOCUMENT APPLIES TO ALL CASES

AMENDED CASE MANAGEMENT ORDER AND TRIAL PLAN FOR PHASE II

The Court enters this AMENDED ORDER regarding:

Expert and Party Discovery

1. Plaintiffs shall have until **September 21, 2016**, to submit revised or supplemental expert disclosures that include the following opinions:
 - a. an estimate of the excess dose of smoke each Plaintiff inhaled prior to July, 1, 1969, as a result of the failure to instruct; and
 - b. that the failure to instruct prior to July 1, 1969, caused, or contributed to cause damage or harm to the Plaintiff within the meaning of West Virginia law.
2. If Plaintiffs provide disclosures offering the opinions described above, Defendants shall have until **October 24, 2016**, to identify counter-experts to address the issue of whether the opinions disclosed meet the *Gentry* standards for admissibility.
3. The parties shall have until **January 20, 2017**, to take depositions of the experts disclosed on the issue of causation and the alleged excess exposures at issue.
4. Defendants shall have until **February 19, 2017** to decide whether to file a motion challenging the admissibility of the newly disclosed opinions on February 19, 2017, or hold the issue for pre-trial motions.
5. If Defendants file a motion challenging admissibility on February 19, 2017, Plaintiffs shall have until **March 20, 2017**, to respond to the motion, and Defendants shall have until **March 30, 2017**, to file a reply brief.

6. All discovery as to the first five Plaintiffs shall be completed by **August 1, 2017**.

Motion Practice

7. All motions, including, *Gentry* Motions, are due **October 2, 2017**. All responses to motions are due **October 16, 2017**, and all reply briefs are due **October 26, 2017**.

8. The Court will hear all motions not requiring testimony on **November 1, 2017**, at a time and place to be determined by the Court. The Court will discuss scheduling a hearing for all motions requiring testimony during the November 1, 2017, hearing.

9. The trial date of May 1, 2017, is hereby vacated. The new trial date for the first five cases is tentatively rescheduled on **May 1, 2018**.

It is to **ORDERED**.

ENTER: July 19, 2016.

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