



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: ZOLOFT LITIGATION

Civil Action No. 14-C-7000

THIS DOCUMENT APPLIES TO ALL CASES

**ORDER REGARDING DEFENDANTS' MOTION
TO ESTABLISH CERTAIN TRIAL PROTOCOLS**

The Presiding Judges have reviewed and maturely considered *Defendants' Motion to Establish Certain Trial Protocols* (Transaction ID 59768376), *Plaintiffs' Response* (Transaction ID 59824230), and *Defendants' Reply* (Transaction ID 59844609), and have conferred with one another to insure uniformity of their decision, as contemplated by Rule 26.07(a) of the West Virginia Trial Court Rules. Defendants' motion is GRANTED in part and DENIED in part as follows:

1. Time Limits: The Court DENIES Defendants' request that Plaintiffs and Defendants each receive fifty percent of the allotted trial time before the jury. Imposing pre-set time limits on trial time is not necessary. The Court GRANTS Defendants' request that Plaintiffs and Defendants have equal amounts of time to present their opening statements and closing arguments.

2. Exhibit Lists: The Court DENIES Defendants' request that the parties exchange Short Exhibit Lists containing no more than 250 exhibits, not including medical records or published scientific literature. The Court will not set a specific limit on the number of exhibits each side presents at trial. The Court advises the parties to work together to present a manageable universe of exhibits, and cautions the parties against including duplicative or cumulative exhibits.

As previously ordered, all exhibits shall be pre-marked. *Second Case Management Order* (Transaction ID 57813632). In addition, the Court ORDERS the parties to prepare exhibit

notebooks for each of the Presiding Judges, the Mass Litigation Manager, and each of the jurors. The parties are further ORDERED to bring all of their proposed exhibits to the Pretrial Conference on January 5, 2017, and be prepared to discuss any objections to exhibits that remain unresolved after the parties met and conferred.

3. Designations: The Court DENIES Defendants' request that deposition designations be exchanged seven days prior to the designated testimony being played for the jury. The Parties are ORDERED to bring their deposition designations to the Pretrial Conference on January 5, 2017, and be prepared to discuss any objections to deposition designations that remain unresolved after the parties met and conferred.

4. Disclosure of Live Witnesses: The Court DENIES Defendants' request that the parties identify all witnesses they intend to call live at trial, as well as any exhibits they intend to use during direct examination, at least 48 hours prior to the witness taking the stand. Plaintiffs are ORDERED to disclose the list of live witnesses they intend to call at trial between January 17, 2017, and January 21, 2017, no later than 9:00 a.m. on January 5, 2017, during the Pretrial Conference. Plaintiffs' witness list for week one shall include the order in which Plaintiffs intend to call such witnesses and the approximate day on which each live witness is expected to be called to testify. Plaintiffs and Defendants are ORDERED to disclose the list of live witnesses they intend to call at trial between January 23, 2017, and January 28, 2017, no later than 9:00 a.m. on January 17, 2017. The witness list for week two of trial shall list the order in which Plaintiffs and Defendants intend to call such witnesses and the approximate day on which each live witness is expected to be called to testify.

5. Amendment of Pretrial Conference Memoranda: Any amendments to the parties' Pretrial Conference Memoranda shall be exchanged and delivered to the Presiding Judges and

the Mass Litigation Manager no later than December 22, 2016. See the *Second Case Management Order* for the contents of the pretrial conference memoranda.

It is so **ORDERED**.

ENTER: November 18, 2016.

/s/ James P. Mazzone
Lead Presiding Judge
Zoloft Litigation