



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

SECOND CASE MANAGEMENT ORDER

DEADLINE TO FILE AMENDED COMPLAINTS: September 30, 2015.

FACT DISCOVERY

FACT DISCOVERY COMPLETION DEADLINE: February 29, 2016.

All responses and objections to discovery shall be completed by the fact discovery completion deadline. The fact discovery completion deadline established in this scheduling order does not excuse failure to comply with the provisions of Rule 26(e) requiring supplementation of responses to discovery.

EXPERT DISCOVERY

PLAINTIFFS' EXPERT WITNESS DISCLOSURE DEADLINE: March 1, 2016.

DEFENDANTS' EXPERT WITNESS DISCLOSURE DEADLINE: April 15, 2016.

DEADLINE FOR COMPLETION OF DISCOVERY DEPOSITIONS OF PLAINTIFFS'

EXPERTS: May 13, 2016.

EXPERT DISCOVERY COMPLETION DEADLINE (INCLUDING COMPLETION OF

DISCOVERY DEPOSITIONS OF DEFENDANTS' EXPERTS): June 15, 2016.

Any party desiring to use an expert witness must furnish opposing counsel with the specialty of such expert 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 WVRCP 26(b)(4). If the name, reports or 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. Additionally, per agreement of the parties, each party shall, contemporaneously with its disclosure of experts, provide at least two (2) available deposition dates for each expert disclosed by that party.

DEADLINE FOR MOTIONS RELATED TO FACT DISCOVERY: March 1, 2016.

DEADLINE FOR RESPONSES TO FACT DISCOVERY MOTIONS: March 15, 2016.¹

DEADLINE FOR REPLIES TO FACT DISCOVERY MOTIONS: March 22, 2016.

HEARING ON FACT DISCOVERY MOTIONS: April 11, 2016, at 10:00 a.m., 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.**

DEADLINE FOR MOTIONS RELATED TO EXPERT DISCOVERY: June 15, 2016.

DEADLINE FOR RESPONSES TO EXPERT DISCOVERY MOTIONS: June 29, 2016.

DEADLINE FOR REPLIES TO EXPERT DISCOVERY MOTIONS: July 7, 2016.

HEARING ON EXPERT DISCOVERY MOTIONS: August 8, 2016, at 10:00 a.m., 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.**

DEADLINE FOR DISPOSITIVE MOTIONS, MOTIONS IN LIMINE AND

DAUBERT/WILT MOTIONS: August 15, 2016.

DEADLINE FOR RESPONSES TO DISPOSITIVE MOTIONS, MOTIONS IN LIMINE

AND DAUBERT/WILT MOTIONS: August 29, 2016.

¹ “Unless otherwise ordered by the Court, any response to a motion shall be e-filed and served within fourteen (14) calendar days after the filing of the motion, not including the date the motion is filed. Any reply shall be e-filed and served within seven (7) calendar days after the filing of the response, not including the date the response is filed. All motions, responses and replies shall be e-filed and served by no later than 5:00 p.m. Eastern Standard Time.” *Order Regarding E-filing and Service Deadlines for Responses to Motions and Replies to Responses* (Transaction ID 54977765).

DEADLINE FOR REPLIES TO DISPOSITIVE MOTIONS, MOTIONS IN LIMINE AND DAUBERT/WILT MOTIONS: September 6, 2016.

HEARING ON DISPOSITIVE MOTIONS, MOTIONS IN LIMINE AND DAUBERT/WILT MOTIONS: at 10:00 a.m. on September 19, 2016, 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.**

WVRE 103(c) requires that all motions in limine should be determined prior to trial, where practicable. This Court will not consider motions in limine on the day of trial without good cause shown.

If a discovery deposition is scheduled within 30 days of the close of discovery, counsel must request an expedited copy of the transcript of such deposition. The Court will not permit supplementation of dispositive motions or responses to dispositive motions with deposition testimony received after the briefing deadlines set forth above.

WITNESS AND EXHIBIT LISTS, PROPOSED JURY QUESTIONNAIRE, PROPOSED VOIR DIRE, AND PROPOSED JURY INSTRUCTIONS: August 22, 2016.

Parties shall electronically file and serve their witness and exhibit lists, proposed jury questionnaire, proposed voir dire, and proposed jury instructions on one another, the Presiding Judges and the Mass Litigation Manager. Parties shall also provide the Mass Litigation Manager with their proposed voir dire and proposed jury instructions in Microsoft WORD format via electronic mail **no later than August 23, 2016.** The Mass Litigation Manager's electronic mail address is kim.fields@courtswy.gov

The witness list shall be a bona fide list of intended trial witnesses and any recently discovered fact or condition witness. Names of witnesses must be specified and must include

contact information for each witness and a statement of intended testimony. Unnamed/unlisted witness reservations are not authorized.

EXHIBITS AND DEPOSITION DESIGNATIONS EXCHANGED: August 22, 2016.

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:

August 29, 2016.

All parties are to meet and confer no later than **September 8, 2016**, to resolve objections to witnesses, exhibits and deposition designations.

PRETRIAL CONFERENCE MEMORANDA: September 19, 2016.

All parties are directed to exchange and deliver their pretrial conference memoranda to the Presiding Judges and the Mass Litigation Manager, which shall contain the following:

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| a. Statement of the Case | f. Specific List of Witnesses
(NO reservations authorized) |
| b. Issues of Fact | g. Pending Motions |
| c. Issues of Law | h. Motions in Limine |
| d. Proposed Stipulations | i. Proposed Verdict Form |
| e. Specific Schedule of Exhibits
(NO reservations authorized) | j. Deposition Designation Objections |

PRETRIAL CONFERENCE: October 11, 2016, at 10:00 a.m., in the Courtroom located on the Second Floor of the Circuit Court of Ohio County, 1500 Chapline Street, **Wheeling, West Virginia** 26003. The pretrial conference will continue until completed.

LEAD COUNSEL TRYING THE CASE MUST APPEAR AT THE PRETRIAL CONFERENCE.

TRIAL: **October 24, 2016, at 9:00 a.m.,** in the Courtroom located on the Second Floor of the Circuit Court of Ohio County, 1500 Chapline Street, **Wheeling, West Virginia** 26003. The Court has set aside three weeks.

MODIFICATION: In accordance with WVRCP 16(b) and 29(b), this Case Management Order shall not be modified, except by leave of the Court.

SANCTIONS: In accordance with WVRCP 16(f), the Court may impose the full spectrum of sanctions authorized by the WVRCP if a party or party's counsel fails to obey this order or other orders of this Court.

Unless authorized by the Court, the above dates and requirements of this Case Management Order are **FINAL**. **NO** additional evidence developed as a result of deviations from this Case Management Order will be admissible at trial.

It is so **ORDERED**.

ENTER: September 3, 2015

James P. Mazzone
Lead Presiding Judge
Zoloft Litigation