

USDC/ATTY-003 (Rev. 2/07) | LR 16.1 Report of Parties Planning Meeting

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF WEST VIRGINIA**  
**AT BECKLEY**

MARY WEBB, individually, and in her capacity  
as Administratrix of the Estate of Robert A.  
Webb

**REPORT OF PARTIES' PLANNING MEETING**  
**CASE NUMBER 5:09-01253**

**V.**

Raleigh County Sheriff's Department; Raleigh  
County Commission; Sheriff Danny Moore,  
Chief Deputy Steve Tanner; Deputy Greg S.  
Kade; and Deputy John E. Hajash

*Guideline for parties and attorneys:*

The parties are advised to use the *Worksheet for Report of Parties Planning Meeting* (Form USDC/ATTY-004 located on the Court's website at [www.wvud.uscourts.gov](http://www.wvud.uscourts.gov)) and the suggested guidelines contained in the form's comments.

1. Pursuant to Fed.R.Civ.P. 26(f), a meeting was held on December 9, 2009. Those participating were:

|                                       |                  |                                      |
|---------------------------------------|------------------|--------------------------------------|
| Michael A. Olivio and Travis Griffith | for plaintiff(s) |                                      |
| Kermit J. Moore                       | for defendant(s) | Deputy John E. Hajash                |
| Chip E. Williams                      | for defendant(s) | Raleigh County Sheriff's Department, |
|                                       | for defendant(s) |                                      |

2. Pre-Discovery Disclosures. The parties will exchange by February 2, 2010 the information required by Fed.R.Civ.P. 26(a)(1).

3. Plaintiff(s) should be allowed until February 18, 2010 to join additional parties and until February 18, 2010 to amend the pleadings. Defendant(s) should be allowed until February 18, 2010 to join additional parties and until February 18, 2010 to amend the pleadings.

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4. Discovery Plan. The parties jointly propose to the court the following discovery plan:  
[Use separate paragraphs or subparagraphs as necessary if parties disagree.]

Discovery will be needed on the following subjects:

Liability and Damages

Disclosure of electronically stored information should be handled as follows:

By agreement of parties

The parties have agreed to an order regarding claims of privilege or of protection as trial-preparation material asserted after production, as follows:

By agreement of parties

This action is not suitable for designation as a complex case requiring special case management procedures and additional pretrial conferences. If the parties and attorneys believe that the case is complex, the basis for that belief is:

The last date to serve discovery requests is June 30, 2010. The last date on which to take a discovery deposition is 45 days after the last date to serve discovery requests. The last date on which to take a discovery deposition is known as the "discovery completion date." [Discovery on \_\_\_\_\_ to be completed by August 14, 2010.]

The parties Select: adopt the discovery limits set forth in the Federal Rules of Civil Procedure. If the parties and attorneys believe that more discovery is needed, the basis for that belief is:

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Reports from retained experts under Rule 26(a)(2) due:

By the party with the burden of proof on an issue: June 14, 2010 ;  
By the party not bearing the burden of proof on an issue: July 14, 2010 ; and  
Expert witness disclosures intended solely to contradict or rebut evidence on the same issue  
identified by another party: August 4, 2010 .

5. Magistrate judges will resolve discovery disputes. The parties do not consent to have a United States magistrate judge conduct any and all further proceedings in the case, including trial, and order the entry of a final judgment.
6. Mediation shall take place on or before October 30, 2010 .
7. Potential dispositive motions shall be filed by September 14, 2010 , with responses and replies filed according to the Local Rules.
8. The parties request a pretrial conference in January, 2011 .  
The plaintiff(s) shall submit a proposed pretrial order to defendant(s) on or before December 22, 2010 .  
The defendant(s) shall compile a proposed integrated pretrial order and submit it to chambers of the presiding judicial officer on or before January 3, 2011 .
9. Where applicable, proposed jury instruction shall be exchanged and transmitted to chambers of the presiding judicial officer in WordPerfect format on or before January 12, 2011 .
10. Where applicable, proposed findings of fact and conclusions of law shall be exchanged and transmitted to chambers of the presiding judicial officer in WordPerfect format on or before \_\_\_\_\_.
11. A final settlement conference will take place on January 24, 2011 .

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12. The case should be ready for trial by January 25, 2011, and at this time is expected to take approximately Seven days.

The parties do not request a conference with the court before entry of the scheduling order.

/s/ Kemit J. Moore

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