

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

IN RE: ETHICON, INC., PELVIC REPAIR

SHARON BOGGS, ET AL.,)
Plaintiffs,) Civil Action No.
-vs-) 2:12-cv-00368
ETHICON, INC.; JOHNSON & JOHNSON)
Defendants.)

CAROL JEAN DIMOCK)
Plaintiff,) Civil Action No.
-vs-) 2:12-cv-00401
ETHICON, INC.; JOHNSON & JOHNSON)
Defendants.)

HARRIET BEACH,)
Plaintiff,) Civil Action No.
-vs-) 2:12-cv-00476
ETHICON, INC.; JOHNSON & JOHNSON)
Defendants.)

NANCY HOOPER, ET AL.,)
Plaintiffs,) Civil Action No.
-vs-) 2:12-cv-00492
ETHICON, INC.; JOHNSON & JOHNSON)
Defendants.)

DINA BENNETT,)
Plaintiff,) Civil Action No.
-vs-) 2:12-cv-00497
ETHICON, INC.; JOHNSON & JOHNSON)
Defendants.)

KRYSTAL TEASLEY,)
Plaintiff,) Civil Action No.
-vs-) 2:12-cv-00500
ETHICON, INC.; JOHNSON & JOHNSON)
Defendants.)

MARIA C. STONE, ET AL.,)
Plaintiffs,) Civil Action No.
-vs-) 2:12-cv-00652
ETHICON, INC.; JOHNSON & JOHNSON)
Defendants.)

1	-----)	
	ANA RUEBEL,)	
2		)	Civil Action No.
	Plaintiff,	)	2:12-cv-00663
	-vs-)	
3	ETHICON, INC.; JOHNSON & JOHNSON)	
	Defendants.)	
4	-----)	
	DONNA LOUSTAUNAU,)	
5		)	Civil Action No.
	Plaintiff,	)	2:12-cv-00666
	-vs-)	
6	ETHICON, INC.; JOHNSON & JOHNSON)	
	Defendants.)	
7	-----)	
	BARBARA VIGNOS-WARE, ET AL.,)	
8		)	Civil Action No.
	Plaintiffs,	)	2:12-cv-00761
	-vs-)	
9	ETHICON, INC.; JOHNSON & JOHNSON)	
	Defendants.)	
10	-----)	
	DEE McBRAYER, ET AL.,)	
11		)	Civil Action No.
	Plaintiffs,	)	2:12-cv-00779
	-vs-)	
12	ETHICON, INC.; JOHNSON & JOHNSON)	
	Defendants.)	
13	-----)	
	TERESA GEORGILAKIS, ET AL.,)	
14		)	Civil Action No.
	Plaintiffs,	)	2:12-cv-00829
	-vs-)	
15	ETHICON, INC.; JOHNSON & JOHNSON)	
	Defendants.)	
16	-----)	
	JANET SMITH, ET AL.,)	
17		)	Civil Action No.
	Plaintiffs,	)	2:12-cv-00861
	-vs-)	
18	ETHICON, INC.; JOHNSON & JOHNSON)	
	Defendants.)	
19	-----)	
	LOIS HOY, ET AL.,)	
20		)	Civil Action No.
	Plaintiffs,	)	2:12-cv-00876
	-vs-)	
21	ETHICON, INC.; JOHNSON & JOHNSON)	
	Defendants.)	
22	-----)	
	SHERRY FOX, ET AL.,)	
23		)	Civil Action No.
	Plaintiffs,	)	2:12-cv-00878
	-vs-)	
24	ETHICON, INC.; JOHNSON & JOHNSON)	
)	
25	Defendants.)	
	-----)	

1	-----)	
	DONNA MASSEY, ET AL.,)	
2	Plaintiffs,	)	Civil Action No.
	-vs-	)	2:12-cv-00880
3	ETHICON, INC.; JOHNSON & JOHNSON)	
	Defendants.)	
4	-----)	
	JULIE WROBLE, ET AL.,)	
5	Plaintiffs,	)	Civil Action No.
	-vs-	)	2:12-cv-00883
6	ETHICON, INC.; JOHNSON & JOHNSON)	
	Defendants.)	
7	-----)	
	BARBARA KAISER,)	
8	Plaintiff,	)	Civil Action No.
	-vs-	)	2:12-cv-00887
9	ETHICON, INC.; JOHNSON & JOHNSON)	
	Defendants.)	
10	-----)	
	JOYCE JUSTUS,)	
11	Plaintiff,	)	Civil Action No.
	-vs-	)	2:12-cv-00956
12	ETHICON, INC.; JOHNSON & JOHNSON)	
	Defendants.)	
13	-----)	
	BETTY FUNDERBURKE,)	
14	Plaintiff,	)	Civil Action No.
	-vs-	)	2:12-cv-00957
15	ETHICON, INC.; JOHNSON & JOHNSON)	
	Defendants.)	
16	-----)	
	VIRGINIA WHITE, ET AL.,)	
17	Plaintiffs,	)	Civil Action No.
	-vs-	)	2:12-cv-00958
18	ETHICON, INC.; JOHNSON & JOHNSON)	
	Defendants.)	
19	-----)	
	JACKIE FRYE,)	
20	Plaintiff,	)	Civil Action No.
	-vs-	)	2:12-cv-01004
21	ETHICON, INC.; JOHNSON & JOHNSON)	
	Defendants.)	
22	-----)	
	DONNA HANKINS, ET AL.,)	
23	Plaintiffs,	)	Civil Action No.
	-vs-	)	2:12-cv-01011
24	ETHICON, INC.; JOHNSON & JOHNSON)	
	Defendants.)	
25	-----)	

1	-----)	
	PATRICIA RUIZ,)	
2		)	Civil Action No.
	Plaintiff,	)	2:12-cv-01021
	-vs-)	
3	ETHICON, INC.; JOHNSON & JOHNSON)	
	Defendants.)	
4	-----)	
	CONSTANCE DAINO, ET AL.,)	
5		)	Civil Action No.
	Plaintiffs,	)	2:12-cv-01145
	-vs-)	
6	ETHICON, INC.; JOHNSON & JOHNSON)	
	Defendants.)	
7	-----)	
	CINDY SMITH,)	
8		)	Civil Action No.
	Plaintiff,	)	2:12-cv-01149
	-vs-)	
9	ETHICON, INC.; JOHNSON & JOHNSON)	
	Defendants.)	
10	-----)	
	PATTI ANN PHELPS, ET AL.,)	
11		)	Civil Action No.
	Plaintiffs,	)	2:12-cv-01171
	-vs-)	
12	ETHICON, INC.; JOHNSON & JOHNSON)	
	Defendants.)	
13	-----)	
	DIANE KROPF,)	
14		)	Civil Action No.
	Plaintiff,	)	2:12-cv-01202
	-vs-)	
15	ETHICON, INC.; JOHNSON & JOHNSON)	
	Defendants.)	
16	-----)	
	JOAN ADAMS,)	
17		)	Civil Action No.
	Plaintiff,	)	2:12-cv-01203
	-vs-)	
18	ETHICON, INC.; JOHNSON & JOHNSON)	
	Defendants.)	
19	-----)	
	CYNTHIA NIX,)	
20		)	Civil Action No.
	Plaintiff,	)	2:12-cv-01278
	-vs-)	
21	ETHICON, INC.; JOHNSON & JOHNSON)	
	Defendants.)	
22	-----)	
	DINA DESTEFANO-RASTON,)	
23		)	Civil Action No.
	Plaintiff,	)	2:12-cv-01299
	-vs-)	
24	ETHICON, INC.; JOHNSON & JOHNSON)	
	Defendants.)	
25	-----)	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TRANSCRIPT OF PROCEEDINGS
BEFORE THE **HONORABLE MAGISTRATE JUDGE CHERYL A. EIFERT**
TELEPHONE CONFERENCE
THURSDAY, FEBRUARY 19, 2016; 11:00 A.M.
HUNTINGTON, WV

Proceedings recorded by mechanical stenography,
transcript produced by computer.

Mary A. Schweinhagen, RDR, CRR
Federal Official Court Reporter
300 Virginia Street, East
Charleston, WV 25301

*** **

1 **APPEARANCES:**

2 (ALL ATTORNEYS ARE APPEARING VIA TELEPHONE)

3 **On behalf of Plaintiffs Michael and Sharon Boggs; Teresa and**
4 **Angelo Georgilakis; Donna and Roger Hankins; Dina**
Destefano-Raston and Terry Raston:

5 **ANDRES PEREIRA, ESQ.**
6 MUELLER LAW
7 404 West 7th Street
8 Austin, TX 78701

8 **On behalf of Plaintiff Carol Dimock:**

9 **ELIZABETH A. BOWMAN, ESQ.**
10 Law Office of Elizabeth Bowman
11 8 East Broadway
12 Suite 413
13 Salt Lake City, UT 84111

12 **On behalf of Plaintiffs Harriet Beach; and Janet and Randy**
13 **Smith:**

14 **AMY ESKIN, ESQ.**
15 Levin Simes
16 44 Montgomery Street
17 32nd Floor
18 San Francisco, CA 94111

17 **On behalf of Plaintiff Ana Ruebel:**

18 **KAREN H. BEYEA-SCHROEDER, ESQ.**
19 Fleming, Nolen & Jez
20 2800 Post Oak Boulevard
21 Suite 4000
22 Houston, TX 77056

22 **On behalf of Plaintiffs Barbara Vignos-Ware and Gary Ware:**

23 **MARK C. SPARKS, ESQ.**
24 Mostyn Law Firm
25 6280 Delaware Street
Beaumont, TX 77706

1 **APPEARANCES (CONTINUED):**

2 **On behalf of Plaintiffs Dee and McBrayer:**

3 **AMANDA ROBINSON, ESQ.**

4 Robinson, Calcagnie, Robinson, Shapiro, Davis
5 19 Corporate Plaza Drive
6 Newport Beach, CA 92660

6 **On behalf of Plaintiffs Sherry Fox and Roy Fox, Jr.:**

7 **CLINT CASPERSON, ESQ.**

8 Tracey & Fox Law Firm
9 440 Louisiana
10 Houston, TX 77002

10 **On behalf of Plaintiffs Donna and Charles Massey:**

11 **P. LEIGH O'DELL, ESQ.**

12 Beasley Allen Crow Methvin Portis & Miles
13 P.O. Box 4160
14 Montgomery, AL 3103-4160

14 **On behalf of Plaintiff Jackie Frye:**

15 **MS. ANDREA HIRSCH, ESQ.**

16 Herman Gerel
17 230 Peachtree Street
18 Suite 2260
19 Atlanta, GA 30303

18 **On behalf of Plaintiff Joan Adams:**

19 **ROBERT PRICE, ESQ.**

20 Levin, Papantonio, Thomas, Mitchell, Rafferty & Proctor
21 316 South Baylen Street
22 Pensacola, FL 32502

22 **On behalf of Plaintiff Cynthia Nix:**

23 **JAY H. HENDERSON, ESQ.**

24 Fibich, Leebron, Copeland, Briggs, Josephson
25 1150 Bissonnet
Houston, TX 77005

1 **APPEARANCES (CONTINUED):**

2 **On behalf of Plaintiff Cynthia Nix:**

3 **LISA L. CAUSEY, ESQ.**
4 Salim-Beasley
5 1901 Texas Street
6 Natchitoches, LA 71457

7 **On behalf of Plaintiff Patricia Ruiz; and all remaining**
8 **Plaintiffs:**

9 **D. RENEE BAGGETT, ESQ.**
10 Aylstock, Witkin, Kreis & Overholtz
11 17 East Main Street
12 Suite 200
13 Pensacola, FL 32502

14 **For the Defendants:**

15 **DAVID B. THOMAS, ESQ.**
16 **PHILIP J. COMBS, ESQ.**
17 Thomas, Combs & Spann
18 P.O. Box 3824
19 Charleston, WV 25338

20 *** **

21

22

23

24

25

1 P-R-O-C-E-E-D-I-N-G-S

2 JUDICIAL ASSISTANT: Hello. This is Laura, Judge
3 Eifert's judicial assistant, and I would first like to
4 confirm our court reporter today, Mary Schweinhagen, is on
5 the line?

6 COURT REPORTER: I'm here, Laura. Thank you.

7 JUDICIAL ASSISTANT: Thank you, Mary.

8 First I would like counsel for Ethicon, please identify
9 yourself.

10 MR. THOMAS: David Thomas and Phil Combs, Thomas,
11 Combs & Spann. That's all.

12 JUDICIAL ASSISTANT: Yes, thank you.

13 What I will do now is call each case, and as we call
14 the case, plaintiffs' counsel, please identify yourself.

15 Sherry Boggs, et al., case number 2:12-cv-368.

16 MS. BAGGETT: Kate, or, I am sorry, Laura, this is
17 Renee Baggett for the plaintiffs.

18 JUDICIAL ASSISTANT: Yes.

19 MS. BAGGETT: I believe that there may have been
20 some confusion getting the other party -- the plaintiffs'
21 counsel on the line. I'll let them speak up if there are
22 any --

23 MR. PEREIRA: Yes.

24 MS. BAGGETT: -- but from what I understood was --
25 I'm sorry?

1 MR. PEREIRA: This is Andres Pereira from the
2 Mueller Law firm on behalf of Sharon Boggs.

3 MS. BAGGETT: If we could --

4 JUDICIAL ASSISTANT: Okay. Wait one moment,
5 please.

6 The gentleman who has just identified yourself, would
7 you please repeat your name?

8 MR. PEREIRA: Yes, ma'am. Hi, Laura. This is
9 Andres Pereira from the Mueller Law Firm on behalf of Sharon
10 Boggs.

11 JUDICIAL ASSISTANT: Thank you.

12 Now continue, Renee.

13 MS. BAGGETT: I apologize. Some of the firms may
14 have been under the impression that this was a uniform
15 concern where this -- our office could cover for everyone,
16 so there may be a few that don't appear on the phone, but I
17 will be speaking on behalf of those firms.

18 JUDICIAL ASSISTANT: Okay, thank you. I will
19 continue to read each case for the benefit of the court
20 reporter and the transcript, and we'll just continue.

21 So the next one would be Carol Dimock, 2:12-cv-401.

22 MS. BOWMAN: (Telephone interference) for Carol
23 Dimock.

24 JUDICIAL ASSISTANT: Did you say Elizabeth Bowman?

25 MS. BOWMAN: Yes, Bowman, B-O-W-M-A-N.

1 JUDICIAL ASSISTANT: Thank you. Good morning.

2 Next case, Harriet Beach, case number 2:12-cv-476.

3 MS. ESKIN: Good morning, Laura. This is Amy
4 Eskin, E-S-K-I-N, for the plaintiff.

5 JUDICIAL ASSISTANT: Thank you.

6 Nancy Hooper, et al., case number 2:12-cv (telephone
7 interference).

8 COURT REPORTER: I'm sorry, Laura, could you
9 repeat that? Someone has --

10 JUDICIAL ASSISTANT: Yes. Nancy Hooper, et al.,
11 case number 2:12-cv-493.

12 COURT REPORTER: Thank you.

13 JUDICIAL ASSISTANT: Dina Bennett, case number
14 2:12-cv-497.

15 Krystal Teasley, case number 2:12-cv-500.

16 Maria Stone, et al., case number 2:12-cv-652.

17 Ana Ruebel, case number 2:12-cv-663.

18 MS. BEYEA-SCHROEDER: Karen Beyea-Schroeder,
19 Fleming, Nolen & Jez, on behalf of plaintiff.

20 JUDICIAL ASSISTANT: I apologize. Would you
21 please repeat your name one more time.

22 MS. BEYEA-SCHROEDER: Sure. Karen, K-A-R-E-N. My
23 last name is Beyea-Schroeder. It's spelled B, as in "boy,"
24 E-Y-E-A, hyphen, S-C-H-R-O-E-D-E-R.

25 JUDICIAL ASSISTANT: Thank you.

1 MS. BEYEA-SCHROEDER: Thank you.

2 JUDICIAL ASSISTANT: Thank you.

3 Donna Loustaunau, case number 2:12-cv-666.

4 Barbara Vignos-Ware, et al., case number 2:12-cv-761.

5 MR. SPARKS: This is Mark Sparks from the Mostyn
6 Law Firm for that plaintiff.

7 JUDICIAL ASSISTANT: Thank you.

8 Dee McBrayer, et al., case number 2:12-cv-779.

9 MS. ROBINSON: Good morning. This is Amanda
10 Robinson for the plaintiff.

11 JUDICIAL ASSISTANT: Thank you.

12 Teresa -- and I am probably not going to pronounce this
13 correctly -- Georgilakis, case number 2:12-cv-829.

14 MR. PEREIRA: Hi. Andres Pereira on behalf of
15 Ms. Georgilakis.

16 JUDICIAL ASSISTANT: Thank you.

17 Janet Smith, et al., case number 2:12-CV-861.

18 MS. ESKIN: Good morning again, Laura. Amy Eskin
19 for the plaintiff.

20 JUDICIAL ASSISTANT: Thank you.

21 Lois Hoy, et al., case number 2:12-cv-876.

22 Sherry Fox, et al., case number 2:12-c-878.

23 MR. CASPERSON: This is Clint Casperson for the
24 Fox plaintiffs.

25 JUDICIAL ASSISTANT: Would you repeat your last

1 name please.

2 MR. CASPERSON: Casperson, C-A-S-P-E-R-S-O-N.

3 JUDICIAL ASSISTANT: Thank you.

4 Donna Massey, et al., case number 2:12-cv-880.

5 MS. O'DELL: This is Leigh O'Dell for the Masseys.

6 JUDICIAL ASSISTANT: Thank you.

7 Julie Wroble, et al., case number 2:12-cv-883.

8 Barbara Kaiser, case number 2:12-cv-887.

9 Joyce Justus, case number 2:12-cv-956.

10 Betty Funderburke, case number 2:12-cv-957.

11 Virginia White, et al., case number 2:12-cv-958.

12 Jackie Frye, case number 2:12-cv-1004.

13 MS. HIRSCH: Andrea Hirsch for the plaintiff,

14 Ms. Frye.

15 JUDICIAL ASSISTANT: Thank you.

16 Donna Hankins, et al., case number 2:12-cv-1011.

17 MR. PEREIRA: Andres Pereira on behalf of

18 plaintiff.

19 JUDICIAL ASSISTANT: Thank you.

20 Patricia Ruiz, case number 2:12-cv-1021.

21 MS. BAGGETT: Renee Baggett on behalf of

22 plaintiffs.

23 JUDICIAL ASSISTANT: Thank you, Renee.

24 Constance Daino, case number 2:12-cv-1145.

25 Cindy Smith, case number 2:12-cv-1149.

1 Patti Ann Phelps, et al., case number 2:12-cv-1171.

2 Diane Kropf, et al., case number 2:12-cv-1202.

3 Joan Adams, case number 2:12-cv-1203.

4 MR. PRICE: This is Robert Price with Levin
5 Papantonio for Ms. Adams.

6 JUDICIAL ASSISTANT: Thank you.

7 Cynthia Nix, case number 2:12-cv-1278.

8 MR. HENDERSON: Jay --

9 MS. CAUSEY: Lisa --

10 MR. HENDERSON: -- Henderson with the Fibich firm
11 for Ms. Nix.

12 JUDICIAL ASSISTANT: I'm sorry --

13 MS. CAUSEY: Lisa Causey --

14 JUDICIAL ASSISTANT: Wait one moment, please. The
15 gentleman that just responded, would you please repeat your
16 name?

17 MR. HENDERSON: Jay Henderson, H-E-N-D-E-R-S-O-N.

18 JUDICIAL ASSISTANT: Thank you.

19 And then someone else spoke up?

20 MS. CAUSEY: Yes, Lisa Causey, C-A-U-S-E-Y.

21 JUDICIAL ASSISTANT: Thank you.

22 And, finally, Dina Destefano-Raston, et al., case
23 number 2:12-cv-1299.

24 MR. PEREIRA: Andres Pereira on behalf of
25 plaintiffs.

1 JUDICIAL ASSISTANT: All right. Thank you.

2 The phone call is concerning defendant's motion to
3 compel production of pathology slides, and if everyone would
4 please hold one moment for Judge Eifert.

5 MR. PEREIRA: Laura? Laura?

6 JUDICIAL ASSISTANT: Yes.

7 MR. PEREIRA: I also have Nancy Hooper and Krystal
8 Teasley. I don't know if you called out those names or not.

9 JUDICIAL ASSISTANT: I did early on. Who is
10 speaking, please?

11 MR. PEREIRA: This is Andres Pereira.

12 JUDICIAL ASSISTANT: Yes, I did call their cases.
13 I went in sequential order as opposed to alphabetical order.
14 But, yes, I did call those.

15 So at this point, let --

16 MR. PEREIRA: Okay. Thank you.

17 JUDICIAL ASSISTANT: You are welcome.

18 Let me remind everyone that when you are speaking or
19 responding to the Judge, please identify yourself for the
20 sake of the court reporter and the transcript.

21 One moment.

22 THE COURT: Good morning.

23 RESPONSE: Good morning, Your Honor.

24 THE COURT: Thank you all for making time this
25 morning because I know you thought you had this all

1 resolved, and I think you do. I just wanted to make sure we
2 were all on the same page about a couple of things.

3 First of all, I understand that the plaintiffs have
4 agreed to send the slides to Ethicon, so that issue is
5 resolved, and that will be done as quickly as possible.

6 But what I wanted to talk to you about was the rest of
7 the motion had to do with the extension of time, and I want
8 to make it just very clear that I cannot grant that part of
9 the motion. So when I'm going through these motions and I
10 am entering my order, I am going to grant the motion in part
11 and deny the motion in part. And the reason I am denying
12 that is I had a conversation with Judge Goodwin yesterday,
13 and he made it very, very, very clear to me, there is
14 absolutely no wiggle room in these dates. He is not going
15 to grant any kind of extensions.

16 I understand, Mr. Combs, your point that it won't
17 affect the discovery deadlines, and I think that's the most
18 important point, that it's not going to affect the discovery
19 deadlines. So I think you can go ahead and have your own
20 off-the-record agreement to this extension, but I cannot
21 grant you an extension. Do you understand?

22 MR. COMBS: Yes, Your Honor.

23 COURT REPORTER: I'm sorry. Who was that that
24 spoke?

25 THE COURT: I'm sorry?

1 COURT REPORTER: I don't know who that was that
2 said "Yes, Your Honor."

3 THE COURT: Yes, that was Phil Combs, I believe.
4 Wasn't that you, Mr. Combs?

5 MR. COMBS: Yes, Your Honor, it was Phil Combs.

6 THE COURT: So I just wanted to make sure that
7 when you got my orders, that everybody understood what I was
8 doing. I didn't want someone to be alarmed when they saw
9 that I denied that aspect of it.

10 I do also want you to know that I told him about the
11 problem that there might be in getting all of the reports
12 done by the March 2nd deadline. And his response to that
13 was, well, you know, if there is a problem and the problem
14 is due to the slides not being forwarded as they should have
15 been, then maybe no one will be able to use the slides.

16 So what I think he is trying to say indirectly is that
17 we just all need to work together and get it resolved. So
18 the point being that you can have this agreement and not
19 raise any objection to the defendants' report being late,
20 but it's not going to be on the record as an official
21 extension.

22 Okay?

23 MR. PEREIRA: Your Honor, with regards to sharing
24 the slides that Dr. Iakovlev has reviewed or has created --
25 this is Andres Pereira, by the way, from Mueller Law. I

1 just wanted to confirm that the defendant's expert won't be
2 doing anything destructive to the slides and that the slides
3 will be returned to the plaintiffs after the defense expert
4 has reviewed them.

5 THE COURT: Response?

6 MR. THOMAS: David Thomas, Your Honor, for
7 Ethicon. And that's correct.

8 MR. PEREIRA: Okay.

9 THE COURT: Okay. All right. Thank --

10 MR. THOMAS: Your Honor? Your Honor?

11 THE COURT: Yes?

12 MR. THOMAS: This is David Thomas for Ethicon. I
13 just want to raise this while we have you on the line as
14 well as plaintiffs' counsel. We have six weeks to complete
15 the plaintiffs' expert depositions and the defense expert
16 depositions. Ethicon has requested dates for plaintiffs'
17 experts, and the sooner, the better because the end of March
18 is going to be busy by anybody's estimation. And I foresee
19 that we may need the Court's help on these kind of issues
20 and just wanted to alert, we'll be back to you.

21 THE COURT: Well, please do, because, as I said,
22 it was made abundantly clear to me yesterday that there are
23 not going to be any more changes of the deadlines or any
24 changes of these deadlines. Judge Goodwin said -- and it's
25 not just because of this particular wave but because of all

1 of the other things he has scheduled, he really has no
2 wiggle room. He has no room to change any of these dates.
3 So we are stuck with these dates. So if you need help, the
4 sooner you get to me, the faster we can get the things
5 resolved and the more likely you will make these deadlines.
6 So just let me know. I'll be around.

7 MR. THOMAS: Thank you, Your Honor.

8 THE COURT: All right. Thank you all.

9 RESPONSE: Thank you, Your Honor.

10 (Hearing concluded at 11:15 a.m.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF REPORTER

I, Mary A. Schweinhagen, Federal Official Realtime Court Reporter in and for the United States District Court for the Southern District of West Virginia, do hereby certify that pursuant to Section 753, Title 28, United States Code, that the foregoing is a true and correct transcript of the stenographically reported proceedings held in the above-entitled matter and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

s/Mary A. Schweinhagen

February 23, 2016

MARY A. SCHWEINHAGEN, RDR, CRR
FEDERAL OFFICIAL COURT REPORTER