

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
CLARKSBURG DIVISION**

REGENERON PHARMACEUTICALS, INC.,

Plaintiff,

v.

CELLTRION, INC.,

Defendant.

Civil Action No. 1:23-cv-00089-TSK

JURY TRIAL DEMANDED

**JOINT MOTION TO PERMIT PARTIES' LOCAL COUNSEL TO ATTEND
DEPOSITIONS BY TELEPHONE OR OTHER ELECTRONIC MEANS**

NOW COME Plaintiff Regeneron Pharmaceuticals, Inc. and Defendant Celltrion, Inc.¹ (collectively referred to hereafter as the “Parties”), pursuant to Rule 8(b) of the West Virginia Rules for Admission to the Practice of Law and Local Rule of General Procedure 83.03, seeking permission from this Court to allow their local counsel to attend depositions by telephone or other electronic means. In support of this motion, the Parties state as follows:

1. As evidenced by the record for this matter, the Parties are represented by numerous *pro hac vice* counsel.

2. Sponsoring West Virginia “local counsel” for Plaintiff are attorneys Steven R. Ruby, David R. Pogue, and Raymond S. Franks II of Carey Douglas Kessler & Ruby, PLLC. Local counsel for the Defendant in the above-referenced matter are attorneys Michael B. Hissam, Max C. Gottlieb, Andrew C. Robey, and Carl Winfield Shaffer of Hissam Forman Donovan Ritchie PLLC.

¹ By joining in this mere procedural motion, Defendant Celltrion, Inc. in no way intends to waive its pending Motion to Dismiss or its assertion that this Court lacks personal jurisdiction over Celltrion.

3. The Parties are in the process of scheduling multiple depositions.

4. To assist with efforts to schedule depositions, and alleviate unnecessary travel by their local counsel, the Parties request that their local counsel be permitted to attend depositions by phone or other electronic means.

5. NDWV Local Rule of General Procedure 83.02(b) provides that local counsel

...shall attend the taking of depositions and other actions that occur in the case that are not actually conducted before the judge, tribunal or other body of the State of West Virginia *unless, upon motion of counsel, the presiding judge permits local counsel to appear by telephone or other electronic means*, and shall further be a responsible attorney in all other aspects of the case.

(Emphasis added).

6. Rule 8(b) of the W.Va. Rules for the Admission to Practice Law similarly states that

... [l]ocal counsel shall further attend the taking of depositions and other events that occur in the proceedings that are not actually conducted before the judge, tribunal or other body of the State of West Virginia, *unless the presiding judge permits local counsel to appear by telephone or other electronic means*.

(Emphasis added).

7. The West Virginia Supreme Court has noted that

[t]he primary purpose behind these [local counsel] rules is to both protect the client by insuring the integrity and competency of the lawyers that practice before courts situated in this state, and to safeguard the efficient operation of judicial tribunals by ensuring counsel's availability, accessibility, and accountability to litigants, other counsel, and the judiciary.

Armor v. Lantz, 535 S.E.2d 737, 749-50 (W. Va. 2000) (internal citations omitted).

8. Allowing the Parties' local counsel to attend depositions by phone or other electronic means would alleviate some difficulties associated with scheduling depositions as the travel availability of only the Parties' national counsel would be required. This would assist in safeguarding the efficient operation of the judicial tribunals by ensuring counsel's availability and

accessibility, and would not hinder the primary purpose behind the rules as local counsel would still be able to actively participate in depositions as needed.

WHEREFORE, the Parties respectfully request that this Court enter an Order² permitting their local counsel to attend depositions by telephone or other electronic means, and for any further relief this Court deems just and reasonable.

Date: February 29, 2024

Respectfully submitted,

/s/ David R. Pogue

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² A proposed Order granting the relief sought is attached hereto.

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