

IN THE CHANCERY COURT FOR THE STATE OF TENNESSEE  
TWENTIETH JUDICIAL DISTRICT, DAVIDSON COUNTY,

SEABISCUIT FOODS, INC., )  
 )  
 Plaintiff/Counter-Defendant, )  
 )  
 vs. )  
 )  
 THOMAS EDWARD MCDOUGAL, )  
 )  
 Defendant/Counter-Plaintiff/ )  
 Third-Party Plaintiff, )  
 )  
 vs. )  
 )  
 OUTLANDERS, LLC, )  
 )  
 Third-Party Defendant. )

NF  
No. 15-927-BC

2016 FEB 16 PM 2:49  
CLEER & HASTER  
DAVIDSON CO. CHANCERY CT.  
D.S. & M.

FILED

CASE LITIGATION PLAN ORDER

This lawsuit is between competitors in the restaurant industry. Each has filed claims against the other: a July 31, 2015 Complaint and an October 2, 2015 Counterclaim.

The case contains allegations of misrepresentations, misappropriation, trademark issues, violations of trade secrets, breach of contract and more. A 12-person jury has been demanded.

The case will be expensive to prepare for trial and try because it has numerous claims, disputed issues of fact and questions of law. For this reason, by agreement of Counsel, litigation was held in abeyance while Counsel engaged in settlement discussions. With no agreement reached, proceeding with litigation was necessary.

Accordingly, pursuant to Tennessee Civil Procedure Rule 16.02, the Court conducted a case litigation plan conference on February 10, 2016. The Court conferred with Counsel and established deadlines for completion of the case. From that conference, the Court enters the following litigation plan.

1. Until March 8, 2016, there shall be no litigation. This is to provide the parties one more opportunity to settle before incurring litigation costs. The exception to this standstill order is paragraph 2 below.
2. March 18, 2016 is the deadline for the Counter-plaintiff to add Mr. Summers as a party should Counter-plaintiff determine to do so, and for Plaintiff to file any amendments to add or revise its pleadings regarding the McDougal entities. Requiring these amendments to set the parties of the case at the outset of the litigation is to prevent having to later repeat or refocus discovery or dispositive motions.
3. On May 12, 2016 at 11:00 a.m., the Court shall conduct a telephone conference to select a trial date in early 2017 and to discuss whether the expense of mediation would be productive. Defendant's counsel shall initiate the call (number for Court – 615-862-5705).
4. All discovery and motions related thereto are to be completed by August 26, 2016.
5. Dispositive motions are to be filed so as to be heard on or before October 28, 2016.

*Ellen Hobbs Lyle*  
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ELLEN HOBBS LYLE  
CHANCELLOR  
TENNESSEE BUSINESS COURT  
PILOT PROJECT

cc: Roland W. Baggott, III  
William L. Norton, III  
Kristi W. Arth

 MAILED  
2-16-16