

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

KATHY HOLT WEEDMAN, JACK)	
SANDERS HOLT, JANELLE HOLT,)	
JUDY BAUMAN and DONNA)	
ETHRIDGE,)	
)	
Plaintiffs,)	
)	
VS.)	NO. 16-464-BC
)	
SANDERS MANUFACTURING)	
COMPANY, OWEN SANDERS,)	
JAMES J. SANDERS III, ERIC O.)	
SANDERS, and LOREN G.)	
KIRKPATRICK,)	
)	
Defendants.)	

MEMORANDUM AND ORDER DENYING
PLAINTIFFS' MOTION TO CONTINUE TRIAL DATE

It is ORDERED that the Plaintiffs' motion to continue the trial, set to begin on December 11, 2017, is denied.

In so ruling, the Court has followed the case law, cited by Counsel, that a determination of whether a continuance should be granted is specific to the unique facts of each case and "should be viewed in the context of all the circumstances existing when the motion [for continuance] is filed." *Howell v. Ryerkerk*, 372 S.W.3d 576, 579, 580 (Tenn. Ct. App. 2012)(quoting *Nagarajan v. Terry*, 151 S.W.3d 166, 172 (Tenn. Ct App. 2003). "Factors relevant to the trial court's decision include: (1) the length of time the proceeding

has been pending, (2) the reason for the continuance, (3) the diligence of the party seeking the continuance, and (4) the prejudice to the requesting party if the continuance is not granted.” *Id.* at 580-81 (quoting *Nagarajan*, 151 S.W.3d at 172) (internal quotation marks omitted).

With respect to the unique facts of this case, the context of the existing circumstances, and the factors listed above, Plaintiffs assert the following, quoted from their briefing, in support of a new trial:

- New claims sanctioned for trial,
- Pending motions to alter or amend two orders of this court,
- Counsel’s scheduling conflicts,
- Pending issues ripe for summary judgment,
- Need for further briefing on ERISA jurisdiction, and
- Ongoing settlement negotiations.

Each of the Plaintiffs’ points is addressed as follows.

1. New claims sanctioned for trial—The claims characterized by Plaintiffs as new are related to the “Weedman Proposal.” These, the Court finds, are not new claims. They are simply another instance and example of oppressive, wrongful conduct for which the Plaintiffs have already asserted claims in their original complaint and first amended complaint, *see* Paragraph 2.5 and 2.8 of the Plaintiffs First Amended Complaint under Oppressive Director Action, where the Plaintiffs allege that the Directors are acting in an oppressive and self-serving manner detrimental to the shareholders.

2. Pending motions to alter or amend—These motions do not present anything new. The motions reassert the Plaintiffs’ continued and often repeated opposition to previous

rulings. Accordingly, the Court shall issue shortly a ruling on the papers on these motions which will not delay the trial.

3. Counsel's Scheduling Conflicts—The scope and extent of the trial has been narrowed by the summary judgment orders issued in this case to a bench trial shorter in length than originally set. Accordingly, the Court will work with Plaintiffs' Counsel to accommodate his hearings at the Board of Professional Responsibility. By November 29, 2017, at noon, Plaintiffs' Counsel shall file his schedule of BPR hearings with this Court. At the pretrial conference scheduled for Thursday, November 30, 2017, at 9:00 a.m., the Court shall set a schedule to accommodate the BPR hearings.

4. Pending Issues Ripe for Summary Judgment—Summary judgment motions have been filed and ruled upon in this case. The issues have already been narrowed and focused. Additional summary judgment motions would not be productive.

5. Need for further briefing on ERISA Jurisdiction—The Court analyzed thoroughly and exhaustively the ERISA jurisdictional issues in this case and has repeatedly maintained its ruling. No further briefing is needed.

6. Ongoing Settlement Negotiations—The settlement negotiations as described by Plaintiffs' Counsel are not sufficiently advanced to merit a continuance.

/s/ Ellen Hobbs Lyle
ELLEN HOBBS LYLE
CHANCELLOR
BUSINESS COURT DOCKET
PILOT PROJECT

cc by U.S. Mail, email, or efilng as applicable to:

William B. Hawkins III

Eric G. Evans

Ronald H. Pursell

Edward Hadley

James Catalano