

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

S&V INDUSTRIES, INC.,)
)
Plaintiff,)
)
VS.)
)
CARLISLE TIRE & WHEEL CO.;)
CARLISLE TRANSPORT PRODUCTS,)
INC.; CTP TRANSPORT PRODUCTS,)
LLC; CARLISLE FLUID)
TECHNOLOGIES, INC., and THE)
CARLSTAR GROUP LLC,)
)
Defendants.)

NF
NO. 15-956-BC

2015 DEC -9 PM 2:28
FILED
DAVIDSON COUNTY CHANCERY CT.
D.C. & M.

CASE LITIGATION PLAN ORDER

On December 4, 2015, a conference was conducted to prepare and enter a litigation plan for this case. There was analysis of the pleadings and efficient preparation of the case for trial.

In addition, Counsel announced that the parties have agreed to waive the jury demand.

Also, although bifurcation of discovery and conducting a trial to decide first if there is liability on the part of the Defendants was discussed, with discovery and a trial on damages to proceed in a later, second phase, that plan was not adopted due to the risk of duplication of work, particularly because some of the deponents are located in India. Moreover, Defendants are able to somewhat achieve the effect of bifurcation with their strategy to promptly pursue summary judgment on liability and timing of some of the deadlines below.

From conferring with Counsel, the Court enters the following deadlines.

1. Dr. Rupp Deposition—On or before December 18, 2015, Plaintiff shall file a notice with the Court stating a date certain that Dr. Rupp's deposition has been set (likely to be sometime in March 2016).

2. Dismissal of Defendants—By February 29, 2016, Plaintiff shall dismiss unnecessary Defendants.

3. Designation of Liability Experts—By February 29, 2016, Defendants shall designate and provide Tennessee Civil Procedure Rule 26 discovery on expert witness(es) who will testify on liability. Plaintiff's deadline for this same liability expert witness information is April 8, 2016.

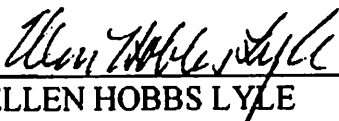
4. Interim Status Conference—On April 8, 2016, at 11:30 a.m., a status conference shall be held to review activity in the case and to set final deadlines to dispose of the case.

5. Motions for Summary Judgment on Liability—These motions must be filed so as to be heard on or before June 24, 2016.

Lastly, in the upcoming depositions of the Plaintiff's representatives, being scheduled by Counsel, those depositions shall be taken without prejudice to the Defendants to redepose or to later take the depositions of other of Plaintiff's representatives regarding damages with such additional witness costs, such as travel expense, to be paid by Defendants. The reason

is that at this early stage of discovery there does not appear to be sufficiently detailed discovery responses by the Plaintiff on damages and/or time for the Defendants to fully analyze this part of the discovery prior to the upcoming depositions. Reserving to Defendants the option to redepose Plaintiff's representatives on damages prevents delay and enables depositions to begin forthwith on other significant aspects of the case.

It is so ORDERED.



ELLEN HOBBS LYLE
CHANCELLOR
TENNESSEE BUSINESS COURT
PILOT PROJECT

cc: Jay S. Bowen
Lauren Kilgore
Brigid Carpenter
Perry W. Miles
Derek H. Swanson
George B. Davis

 **MAILED**
12-9-15