

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

FRANCHISE RISK SOLUTIONS, INC., )  
 )  
Plaintiff, )  
 )  
VS. )  
 )  
CONIFER HOLDINGS, INC., )  
 )  
WILLIAM O. FLOYD, BORIS )  
 )  
MATTHEW PETCOFF, and )  
 )  
SYCAMORE INSURANCE AGENCY, )  
 )  
INC. d/b/a BLUE SPRUCE )  
 )  
UNDERWRITERS, )  
 )  
 )  
 )  
Defendants. )

NE  
NO. 16-176-BC

GLENN B. SMITH  
DAVIDSON COUNTY CHANCERY CT  
D.C. & M.

2016 JUL 13 AM 8:16

FILED

RULE 16 CASE LITIGATION PLAN ORDER

On July 6, 2016, a Rule 16 Conference was conducted. The status of the case is that the exchange of extensive written discovery and forensic examination of electronic devices are being completed. Also Counsel for Defendant Floyd anticipates filing a motion to dismiss with respect to some of his affirmative defenses to claims under Tennessee Code Annotated section 39-14-602 and his preemption defense of the Tennessee Uniform trade Secrets Act.

In addition to the foregoing, deadlines for preparing and trying the case were discussed and determined as follows.

1. On September 22, 2016, the Court shall initiate and conduct a status telephone conference at noon on progress on trial preparation.

2. With the exception of Defendants' expert witness disclosures, all discovery, including motions related thereto, and Plaintiff's expert witness disclosure shall be completed by November 18, 2016.

3. Pursuant to Supreme Court Rule 31, the case is referred to mediation to be completed by December 16, 2016.

4. Defendants' expert witness disclosure deadline is December 19, 2016.

5. Motions for summary judgment are to be filed so as to be heard by February 10, 2017.

6. The case is set for a one week, 12-person jury trial beginning March 6, 2017, at 9:00 a.m.

7. A pretrial conference shall be conducted on February 23, 2017,\* at 9:00 a.m. Prior to the pretrial conference, by February 13, 2017, designation of deposition excerpts shall be filed. Objections thereto shall be filed by February 21, 2017.

Also prior to the pretrial conference, by February 15, 2017, Counsel shall file the following:

- (1) A list of pattern instructions counsel anticipates requesting the Court to provide to the jury at the conclusion of the proof;
- (2) Proposed jury instructions which vary from the pattern instructions along with citations to statutory or case authority;


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\*After the Rule 16 Conference the Court changed this date to provide more time for filings for the pretrial conference.

- (3) A proposed verdict form; and
- (4) All motions in limine.

Responses to motions in limine shall be filed by February 21, 2017.

8. The temporary injunction, contained in paragraph 2 of the April 5, 2016 Memorandum and Order enjoining the Defendants from using, accessing, attempting to access or disclosing any of Plaintiff's materials acquired from Plaintiff's computer system, is extended to August 31, 2016.

  
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ELLEN HOBBS LYLE  
CHANCELLOR  
TENNESSEE BUSINESS COURT  
PILOT PROJECT

cc: James R. Kelly  
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John Jacobson  
Counsel for William O. Floyd

 MAILED *faxed*  
7-13-16