

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

VINCENT NOVAK, M.D.,)
)
 Plaintiff,)
)
 VS.)
)
 PREMIER ORTHOPAEDIC &)
 SPORTS MEDICINE, PLC,)
)
 Defendant.)

NF
NO. 15-1484-BC

FILED
2016 FEB 18 PM 2:14
CLEER & HASTEN
DAVIDSON CO. CHANCERY CT
D.C. & M.

CASE LITIGATION PLAN ORDER

After conferring with Counsel, it appears that the most productive way to proceed is for Counsel to first obtain more information about their positions with some initial discovery. From that, Counsel and the Court will be in a better position to evaluate the case and fill in the rest of the steps of the litigation plan of this case.

It is therefore ORDERED, pursuant to Tennessee Civil Procedure Rule 16.02, that the following initial plan for the case is entered.

1. On or before April 7, 2016, the parties shall serve and respond to preliminary written discovery; and shall have worked through objections or had motions related thereto ruled upon. During this time of preliminary discovery, all other litigation is stayed.

2. On April 7, 2016, at 12:30 p.m., the Court shall conduct a status conference by telephone to:

- determine the sequencing and timing of any additional discovery and the extent of the same;
- whether to allow serial dispositive motions or order that all dispositive motions be heard at the same time and date, and to set a deadline for those;
- whether mediation would be productive and, if so, the most meaningful time for that;
- identification by Counsel to the Court of the provisions in the contracts relied upon by Counsel for recovery of attorneys' fees, and each Counsel's explanation of their theory of how the fee provisions apply under the circumstances of this case.


Attorney Jacobs shall initiate the call. The number to use for the Court is 615-862-5705.

3. Lastly, the Court documents herein for context as the case proceeds that:

(a) It appears at this time that the case can be decided and completed on motions for summary judgment. The timetable the Court has in mind is for all dispositive motions to be argued no later than September 9, 2016.

(b) Some of the parameters the Court would use in ruling on a motion in this case that discovery is burdensome and unreasonable because it has exceeded the "preliminary" scope set above in paragraph 1 of the Case Litigation Plan are these: (1) the limitations already in place in the Tennessee Rules of Civil Procedure on written discovery; (2) the common understanding of preliminary discovery as including, but not limited to, contention interrogatories; (3) that preliminary discovery in this case includes updated

financial information from the Defendants to the Plaintiff; and (4) that the range of attorney time both on drafting and serving discovery, and responding to the other party's discovery, which is proportionate to the issues in the case, is \$5,000 to \$7,000.



ELLEN HOBBS LYLE
CHANCELLOR
TENNESSEE BUSINESS COURT
PILOT PROJECT

cc: Sharon O. Jacobs
Thomas Roe Frazer III
J. Scott Hickman
Lauren Z. Curry

 MAILED
2-18-16