

CASREF, PROTOR

**U.S. District Court  
Western District of Kentucky (Louisville)  
CIVIL DOCKET FOR CASE #: 3:10-cv-00074-JGH**

Shamrock Marketing, Inc. v. Bridgestone  
Bandag, LLC  
Assigned to: Judge John G. Heyburn, II  
Referred to: Magistrate Judge Dave Whalin  
(Settlement)  
Cause: 28:1331 Fed. Question: Anti-trust

Date Filed: 02/04/2010  
Jury Demand: Plaintiff  
Nature of Suit: 410 Anti-Trust  
Jurisdiction: Federal Question

**Plaintiff**

**Shamrock Marketing, Inc.**

represented by **M. Stephen Pitt**

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V.

**Defendant**

**Bridgestone Bandag, LLC**

represented by **Michael M. Denbow**

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| <b>Date Filed</b> | <b>#</b>          | <b>Docket Text</b>   |
|-------------------|-------------------|--|
| 02/04/2010        | <a href="#">1</a> | COMPLAINT filed by Shamrock Marketing, Inc. against Bridgestone Bandag, LLC. Filing fee \$ 350, receipt number 06440000000001003367. (Attachments: # <a href="#">1</a> Cover Sheet, # <a href="#">2</a> Summons) (AEP) (Entered: 02/05/2010) |
| 02/05/2010        | <a href="#">2</a> | Case Assignment (Random Selection): Case Assigned to Judge John G. Heyburn II. Magistrate designation: Dave Whalin. (AEP) (Entered: 02/05/2010)  |

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| 02/05/2010 | <a href="#">3</a>  | SUMMONS Issued and mailed to Counsel to effect service as to Bridgestone Bandag, LLC. (AEP) (Entered: 02/08/2010)   |
| 02/12/2010 | <a href="#">4</a>  | SUMMONS Returned Executed by Shamrock Marketing, Inc.. Bridgestone Bandag, LLC served on 2/9/2010, answer due 3/2/2010. (Schell, Merrill) (Entered: 02/12/2010)   |
| 02/18/2010 | <a href="#">5</a>  | Proposed Agreed Order/Stipulation <i>Extending Time to Answer</i> by Bridgestone Bandag, LLC. (Barber, O.) (Entered: 02/18/2010)  |
| 02/19/2010 | <a href="#">6</a>  | AGREED ORDER by Judge John G. Heyburn, II on 2/19/2010; answer due 3/31/2010.cc:counsel (TLB) (Entered: 02/19/2010)   |
| 03/31/2010 | <a href="#">7</a>  | Proposed Agreed Order/Stipulation <i>for Protective Order</i> by Bridgestone Bandag, LLC, Shamrock Marketing, Inc.. (Barber, O.) (Entered: 03/31/2010)  |
| 03/31/2010 | <a href="#">8</a>  | MOTION to Seal Document <i>Memorandum in Support of Motion to Dismiss and Exhibits Thereto</i> by Defendant Bridgestone Bandag, LLC Responses due by 4/26/2010 (Attachments: # <a href="#">1</a> Exhibit Agreed Protective Order, # <a href="#">2</a> Proposed Order) (Barber, O.) (Entered: 03/31/2010)                                    |
| 03/31/2010 | <a href="#">9</a>  | MOTION to Dismiss by Defendant Bridgestone Bandag, LLC Responses due by 4/26/2010 (Attachments: # <a href="#">1</a> Proposed Order, # <a href="#">2</a> Memorandum in Support) (Barber, O.) (Entered: 03/31/2010)   |
| 04/01/2010 | <a href="#">10</a> | AGREED PROTECTIVE ORDER by Judge John G. Heyburn, II on 4/1/2010 re confidential proprietary business information. Parties to comply with Order. cc: Counsel (AEP) (Entered: 04/01/2010)  |
| 04/01/2010 | 11                 | STRICKEN DOCUMENT [Order] stricken from record pursuant to <a href="#">16</a> . (AEP) (Entered: 04/01/2010)   |
| 04/02/2010 | <a href="#">12</a> | NOTICE OF FILING UNDER SEAL by Bridgestone Bandag, LLC re <a href="#">9</a> MOTION to Dismiss (Barber, O.) (Entered: 04/02/2010)  |
| 04/02/2010 | <a href="#">13</a> | MOTION to Strike 11 Order on Motion to Seal Document, <i>and to Enter Revised Order</i> by Defendant Bridgestone Bandag, LLC Responses due by 4/26/2010 (Attachments: # <a href="#">1</a> Exhibit Revised order on Motion to Strike, # <a href="#">2</a> Proposed Order Order Granting Motion to Strike) (Barber, O.) (Entered: 04/02/2010) |
| 04/02/2010 | 14                 | Sealed Document (TLB) (Entered: 04/02/2010)   |
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| 04/07/2010 | <a href="#">15</a> | ORDER signed by Judge John G. Heyburn, II on 4/6/2010 GRANTING <a href="#">13</a> Motion to Strike. Bridgestone Bandag, LLC shall file the memorandum in support of its motion to dismiss, as well as all exhibits under seal and will provide complete copies of same to opposing counsel. cc: Counsel (AEP) (Entered: 04/07/2010)                                     |
| 04/07/2010 | <a href="#">16</a> | ORDER signed by Judge John G. Heyburn, II on 4/6/2010. For the reasons stated in Defendant's Motion to Strike, DN 11 is stricken and the Clerk shall withdraw the pdf. cc: Counsel (AEP) (Entered: 04/07/2010)  |
| 04/14/2010 | <a href="#">17</a> | Proposed Agreed Order/Stipulation <i>extending time to respond to motion to dismiss</i> by Shamrock Marketing, Inc.. (Schell, Merrill) (Entered: 04/14/2010)  |
| 04/15/2010 | <a href="#">18</a> | AGREED ORDER EXTENDING TIME TO RESPOND TO MOTION TO DISMISS signed by Judge John G. Heyburn, II on 4/15/2010. Plaintiff is granted an extension of time to and including 5/26/2010 to respond to <a href="#">9</a> MOTION to Dismiss. cc: Counsel (AEP) (Entered: 04/15/2010)   |
| 05/26/2010 | <a href="#">19</a> | RESPONSE to Motion re <a href="#">9</a> MOTION to Dismiss filed by Shamrock Marketing, Inc.. Replies due by 6/14/2010. (Attachments: # <a href="#">1</a> Proposed Order) (Pitt, M.) (Entered: 05/26/2010)   |
| 06/14/2010 | <a href="#">20</a> | REPLY to Response to Motion re <a href="#">9</a> MOTION to Dismiss filed by Bridgestone Bandag, LLC. (Barber, O.) (Entered: 06/14/2010)   |
| 01/04/2011 | <a href="#">21</a> | ORDER (EBOC) by Judge John G. Heyburn, II on 1/4/2011. A Motion Hearing is set for 1/12/2011 at 3:00 PM before Judge John G. Heyburn II re <a href="#">9</a> MOTION to Dismiss. Parties to notify the deputy clerk as to the individuals who will participate no later than THREE (3) days prior to the date of the conference. cc: Counsel (AEP) (Entered: 01/04/2011) |
| 01/07/2011 | <a href="#">22</a> | ORDER (EBOC) by Judge John G. Heyburn, II on 1/7/2011. This matter is RESET for a motion conference re <a href="#">9</a> MOTION to Dismiss for 2/7/2011 at 2:00 PM before Judge John G. Heyburn II. Counsel shall appear in person. cc: Counsel (AEP) (Entered: 01/07/2011)   |
| 02/09/2011 | <a href="#">23</a> | ORDER signed by Judge John G. Heyburn, II on 2/9/2011 re the Motion Conference held on 2/8/2011 re <a href="#">9</a> MOTION to Dismiss. This matter stands submitted before the Court and a separate opinion will be forthcoming. cc: Counsel (AEP) (Entered: 02/09/2011)   |

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| 03/11/2011 | <a href="#">24</a> | MEMORANDUM OPINION signed by Judge John G. Heyburn, II on 3/11/2011 re <a href="#">9</a> MOTION to Dismiss. The Court will enter an order consistent with this Memorandum Opinion. cc: Counsel (AEP) (Entered: 03/11/2011)  |
| 03/11/2011 | <a href="#">25</a> | ORDER signed by Judge John G. Heyburn, II on 3/11/2011. For the reasons set forth in the Memorandum Opinion entered this date, <a href="#">9</a> Motion to Dismiss is SUSTAINED IN PART and the Court will DISMISS WITH PREJUDICE Counts I and IV of Shamrock's complaint. <a href="#">9</a> Motion to Dismiss is DENIED IN PART and Shamrock's claims in Count II and Count III as to the market for precured tread rubber in the United States REMAIN. cc: Counsel (AEP) (Entered: 03/11/2011)  |
| 03/17/2011 | <a href="#">26</a> | ORDER FOR MEETING & REPORT (EBOC) by Judge John G. Heyburn, II on 3/17/2011. Rule 26 Meeting Report due by 5/6/2011.cc: Counsel (AEP) (Entered: 03/17/2011)   |
| 03/25/2011 | <a href="#">27</a> | ANSWER to <a href="#">1</a> Complaint by Bridgestone Bandag, LLC. (Collier, Philip) (Entered: 03/25/2011)   |
| 04/04/2011 | <a href="#">28</a> | ANSWER to <a href="#">1</a> Complaint <i>1st Amended Answer</i> by Bridgestone Bandag, LLC. (Collier, Philip) (Entered: 04/04/2011)   |
| 05/06/2011 | <a href="#">29</a> | REPORT of Rule 26(f) Planning Meeting by Bridgestone Bandag, LLC, Shamrock Marketing, Inc.. (Barber, O.) (Entered: 05/06/2011)  |
| 05/09/2011 | <a href="#">30</a> | ORDER (EBOC) by Judge John G. Heyburn, II on 5/9/2011. A Telephonic Scheduling Conference is set for 5/20/2011 at 3:00 PM before Judge John G. Heyburn II. Parties to notify the deputy clerk as to the individuals who will participate no later than THREE (3) days prior to the date of the conference. cc: Counsel (AEP) (Entered: 05/09/2011)  |
| 05/23/2011 | <a href="#">31</a> | ORDER FROM SCHEDULING CONFERENCE signed by Judge John G. Heyburn, II on 5/23/2011 re the Scheduling Conference held on 5/20/2011. This matter is referred to Magistrate Judge Dave Whalin for the purpose of conducting a settlement conference, if the parties so request. Parties to advise the Court's Deputy immediately if this action is settled. Rule 26(a)(1) Disclosure due by 7/15/2011. Expert Witness (Plaintiff) due by 11/1/2011. Expert Witness (Defendant) due by 1/15/2012. Joinder of Parties and Amended Pleadings due by 3/15/2012. Discovery on the Issue of Standing due by 10/1/2011; remaining non-standing discovery due by 9/1/2012. Each side to identify one person that will be responsible for the electronic discovery process |

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|            |                    | within thirty (30) days of this order. Supplements to Disclosures and Responses due by 8/1/2012. Dispositive Motions due by 10/15/2012. Parties to contact the Court's Deputy with any discovery disputes. cc: Counsel, USMJ Whalin (AEP) (Entered: 05/23/2011)   |
| 05/23/2011 | <a href="#">32</a> | ORDER SETTING JURY TRIAL signed by Judge John G. Heyburn, II on 5/23/2011. A JURY TRIAL is set for 3/4/2013 at 9:30 AM before Judge John G. Heyburn II. A FINAL PRETRIAL CONFERENCE is set for 2/8/2013 at 2:00 PM before Judge John G. Heyburn II. Counsel shall appear in person. Witness and Exhibit List due by 2/19/2013. Objections to Exhibit List / Witness List due by 2/22/2013. Pre-marked/Pre-numbered Exhibits due by 3/1/2013. Special Damages due by 2/26/2013. Jury Instructions due by 2/26/2013. Proposed Voir Dire due by 2/26/2013. Trial Brief due by 2/26/2013. Parties to advise the Court's Deputy immediately if this action is settled. cc: Counsel, JC (AEP) (Entered: 05/23/2011) |
| 06/22/2011 | <a href="#">33</a> | NOTICE of Designation of Person Responsible for Electronic Discovery by Shamrock Marketing, Inc. re <a href="#">31</a> Scheduling Conference, Referring Case to Magistrate Judge,,,,,, (Pitt, M.) (Entered: 06/22/2011)   |
| 06/22/2011 | <a href="#">34</a> | NOTICE of Designation of Electronic Discovery Liaison by Bridgestone Bandag, LLC (Barber, O.) (Entered: 06/22/2011)   |
| 07/15/2011 | <a href="#">35</a> | RULE 26 INITIAL DISCLOSURE STATEMENT by Bridgestone Bandag, LLC. (Collier, Philip) (Entered: 07/15/2011)  |
| 07/15/2011 | <a href="#">36</a> | RULE 26 INITIAL DISCLOSURE STATEMENT by Shamrock Marketing, Inc.. (Pitt, M.) (Entered: 07/15/2011)  |
| 09/23/2011 | <a href="#">37</a> | RULE 26 INITIAL DISCLOSURE STATEMENT by Shamrock Marketing, Inc.. (Pitt, M.) (Entered: 09/23/2011)  |

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|-----------------------------|---------------|-------------------------|-------------------|
| <b>PACER Service Center</b> |               |                         |                   |
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| 12/27/2011 12:30:33         |               |                         |                   |
| <b>PACER Login:</b>         | ss5396        | <b>Client Code:</b>     | 00000-00011       |
| <b>Description:</b>         | Docket Report | <b>Search Criteria:</b> | 3:10-cv-00074-JGH |
| <b>Billable Pages:</b>      | 4             | <b>Cost:</b>            | 0.32              |