

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION
CIVIL ACTION NO. 3:10-CV-74-H
(Electronically Filed)

SHAMROCK MARKETING, INC.

PLAINTIFF

v.

BRIDGESTONE BANDAG, LLC

DEFENDANT

PLAINTIFF'S INITIAL DISCLOSURES

Pursuant to Rule 26(a)(1) and this Court's Agreed Litigation Plan and Discovery Schedule, Plaintiff, Shamrock Marketing, Inc., provides the following Initial Disclosures.

I. PERSONS LIKELY TO HAVE DISCOVERABLE INFORMATION WHICH PLAINTIFF MAY USE TO SUPPORT ITS CLAIMS.

Christina Cortellessa

Mark Emkes

Saul Solomom

Kurt Danielson

John McErlane

Tim Chen

Scott Damon

Clay Timmins

Mike Poirier

Scott Gately

Doug Conley, Sr.

Janice Conley

Doug Conley, Jr.

Franchisees of Bridgestone Bandag, LLC

II. DOCUMENTS, ELECTRONICALLY STORED INFORMATION AND TANGIBLE THINGS THAT PLAINTIFF POSSESSES AND MAY USE TO SUPPORT ITS CLAIMS.

Business records reflecting sales to Bandag franchisees and profit therefrom for the time periods before and after the institution of the Q-Fund.

III. COMPUTATION OF DAMAGES CLAIMED BY PLAINTIFF.

Shamrock's decline in net profit attributable to sales to Bandag dealers for the first year following institution of the Q-Fund was approximately \$176,294. The range of treble damages was estimated prior to the filing of this action as being approximately \$3.9 million to \$10.5 million. Plaintiff expects to revise and finalize its damage calculation using actual sales and profit experience since the filing of this action on or before the October 1, 2011 deadline for identifying expert witnesses.

IV. INSURANCE AGREEMENTS

Not applicable

Respectfully submitted,

/s/ M. Stephen Pitt
M. Stephen Pitt
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Counsel for Plaintiff, Shamrock Marketing,
Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this the 15th day of July, 2011, a true and correct copy of the foregoing was filed with the Western District of Kentucky CM/ECF system, which will send electronic notice of filing to:

- **O. Scott Barber , III**
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- **Philip W. Collier**
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/s/M. Stephen Pitt
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