

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE**

SHAMROCK MARKETING, INC.

PLAINTIFF(S)

VS.

CIVIL ACTION NO. 3:10CV-74-H

BRIDGESTONE BANDAG, LLC

DEFENDANT(S)

ORDER FROM SCHEDULING CONFERENCE

The above-styled action came before the undersigned for a scheduling conference on May 20, 2011. Participating was Mr. M. Stephen Pitt and Mr. Merrill S. Schell on behalf of the plaintiffs; and on behalf of the defendants, Mr. Phil W. Collier and Mr. Scott Barber.

The parties having submitted to the Court a Litigation Plan and Discovery Schedule Outline in compliance with Fed.R.Civ.P.26(f) and the Court having reviewed proposed plan,

IT IS HEREBY ORDERED that the attached Litigation Plan and Discovery Schedule is adopted and shall be strictly followed unless amended by further order.

IT IS FURTHER ORDERED that this matter is referred to Magistrate Judge Dave Whalin pursuant to Title 28, United States Code, Section 636(b)(1)(A) for settlement conference, if the parties so request.

IT IS FURTHER ORDERED that the parties shall advise the Court's Deputy, Ms. Andrea Kash at 502-625-3538, immediately if this action is settled.

A trial date will be scheduled by separate order of this Court.

Date: May 23, 2011

COPIES TO:
Counsel of Record

COURT TIME: 00/10

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AGREED
LITIGATION PLAN AND DISCOVERY SCHEDULE

ANTICIPATED LENGTH OF TRIAL: 2-3 weeks **JURY TRIAL REQUEST: YES**

PRE-DISCOVERY DISCLOSURES (Fed.R.Civ.P. 26(a)(1), by **July 15, 2011**)

This disclosure includes any document or item which may be an exhibit at trial, except those which are created for use at trial.

PRELIMINARY DISCOVERY:

SPECIAL INSTRUCTIONS RE: INTERROGATORIES, REQUESTS FOR ADMISSION AND DEPOSITIONS:

IDENTIFY EXPERTS AND COMPLIANCE with Fed.R.Civ.P. 26(a)(2):

from Plaintiff(s) by: **November 1, 2011**

from Defendant(s) by: **January 15, 2012**

JOINDER(S) OF ADDITIONAL PARTIES AND AMENDMENT OF PLEADINGS shall be due by: **March 15, 2012**

OTHER MISCELLANEOUS MATTERS:

ALL DISCOVERY shall be completed by: **On the Issue of Standing as discussed during the conference: October 1, 2011; remaining non-standing discovery by: September 1, 2012**

Each side shall identify on person that will be directly responsible the electronic discovery process **within 30 days of this order.**

A party tendering a discovery request, response, disclosure under F.R.Civ.P. 26(a)(1) or (2), or deposition transcript ("discovery material") not otherwise required to be filed shall accompany such tendered discovery material with a certificate from the party or counsel that such material will be used in the proceeding, or has been ordered filed by the Court; and shall further certify that a copy of such Certificate for Filing has been served upon all parties or their counsel of record.

The party responsible for service of a discovery request, response or disclosure under F.R.Civ.P. 26(a)(1) or (2), is the custodian and must retain the original document. The custodian must provide access to all parties of record during the pendency of the action.

THE PARTIES SHALL SUPPLEMENT ALL DISCLOSURES AND RESPONSES AS REQUIRED BY FED.R.CIV.P.26(E) WITHIN A REASONABLE TIME BUT NO LATER THAN: August 1, 2012

DISPOSITIVE MOTIONS: October 15, 2012

ANY DISCOVERY DISPUTES: Call the Court's Deputy, Ms. Andrea Kash at 502-625-3538, to schedule a telephonic conference; only after the parties have complied with Local Rule 37.1.