

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

**THE VANDERBILT UNIVERSITY,** )  
 )  
 **Plaintiff,** )  
 )  
 **VS.** )  
 )  
 **JEAN F. SIMPSON, M.D.,** )  
 )  
 **Defendant.** )

NF  
NO. 16-316-BC

2016 AUG 23 AM 9:45  
FILED  
DAVIDSON COUNTY CHANCERY CL  
D.C. & M.

**RULE 16 ORDER OF CASE LITIGATION PLAN**

This lawsuit consists of competing breach of contract claims asserted in the Complaint and Counterclaim, and breach of loyalty and unjust enrichment claims asserted in the Complaint. These claims were dismissed as pendant, state law claims in a federal lawsuit between the parties on civil rights issues. The case has been designated by the Tennessee Supreme Court for the Business Court Pilot Project.

On August 18, 2016, a Rule 16 Conference was conducted to enter a case litigation plan. Prior to the conference, Counsel had submitted a Report with a jointly proposed plan.

From the Report and the pleadings, the Court found that the plan proposed by Counsel fits this case well and is an efficient way to proceed. In a phase one, Counsel will proceed with a short time for discovery followed by cross motions for summary judgment on the legal/liability issues. Discovery on and determination of damages is reserved for a second phase. That is because much of the discovery for the claims in this case was obtained in the

federal court lawsuit, and the parties have already engaged in mediation and settlement discussions. Moreover, some of the issues are matters of contract construction.

It is therefore ORDERED that the joint litigation plan proposed by Counsel in their Report, as modified at the Rule 16 Conference, is entered as follows.

1. By October 31, 2016, any additional discovery by either party, which shall be limited to matters not covered in the federal court, and rulings on motions related to the discovery shall be completed.

2. Discovery and proceedings on damages are reserved pending the outcome on summary judgment on legal/liability issues. The parties shall file cross-motions for summary judgment on the legal/liability issues raised by the Plaintiff's claims and the Defendant's counter-claim according to the following schedule.

a. Motions for summary judgment will be filed on or before January 20, 2017.

b. Responses will be filed on or before February 24, 2017.


c. Reply briefs will be filed on or before March 10, 2017.

3. If the Court determines that oral argument will be helpful in ruling on the summary judgment motions, oral argument will be set by the Court.

4. Following the ruling on the legal/liability issues, if the parties cannot stipulate to the damages claimed by the opposing party, within 30 days of the summary judgment ruling, they shall file a report stating there is a dispute on damages.

Following the filing of the report, there shall be additional discovery on that issue, including discovery of any expert witnesses which either party proposes to utilize in presenting its arguments to the Court. The parties will comply with Rule 26.02(4) of the Tennessee Rules of Civil Procedure regarding the disclosure of expert witnesses and discovery of any such witnesses. Disclosure of expert witnesses will be made on or before sixty (60) days following the filing of the report that damages are disputed.

Also, following the filing of the report, the Court will issue a notice scheduling a telephone conference to establish any additional deadlines for disposition of the damages portion of the case.

  
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ELLEN HOBBS KYLE  
CHANCELLOR  
TENNESSEE BUSINESS COURT  
PILOT PROJECT

cc: William N. Ozier  
Paige Mills  
Mary Leigh Pirtle  
John Callison  
Richard J. Braun  
Mary Leech

 **MAILED** *faxed*  
*8/23/16*