

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

**RISK SOLUTIONS CAPTIVE, INC., )  
and HEALTH COST SOLUTIONS, )  
 )  
Plaintiffs, )  
 )  
VS. )  
 )  
**EVERS CONSTRUCTION COMPANY )  
INC., )  
 )  
Defendant. )****

NY  
NO. 16-583-BC

2016 SEP 20 AM 11:00  
DAVIDSON CO CHANCERY COURT  
D.C. & M.

**RULE 16 ORDER**

On September 14, 2016, a Tennessee Civil Procedure Rule 16 Conference was conducted to plan the litigation of this case. After analyzing the pleadings and conferring, two prominent aspects of the case were identified. (1) Because of the unique terminology and schematic of the relevant agreements and transactions in this case, initial narratives/briefing (“Educational Narratives”) by Counsel would result in reduction of time spent on the case and would assure the Court has basic and key knowledge. (2) Each side has predominant issues which, they believe, can be disposed of by summary judgment to resolve all their claims and defenses or significantly narrow them.

To implement the foregoing, the following order is entered.


1. Establish Some or All of the Documentary Record by Agreement—By October 7, 2016, Counsel shall file a stipulation with attached documents they can agree are the relevant documents, and are authentic and admissible.

2. Preparing Summary Judgment Record—By October 14, 2016, the Plaintiff shall have furnished to Defendant accountings and numbers the Plaintiff is voluntarily willing to produce with respect to Defendant's claims and defenses, such as, but not limited to, whether claims came in greater than the anticipated amount, the particular amount of the claims made, and any other documents pertinent to the amounts claimed. If Defendant determines it needs additional information, it shall serve written discovery, targeted to summary judgment, without prejudice to serve additional discovery if any issues remain after the summary judgment rulings.

3. Interim Telephone Conference—On November 21, 2016, at 11:00 a.m. the Court shall conduct a telephone conference on the status of the voluntary exchange of information and discovery, and from that will set deadlines for filing the Educational Narratives by each side, and deadlines for filing summary judgment motions and briefing, and setting oral argument.

4. To the extent the Educational Narratives provide information and/or facts subsequently determined not to appear of record, that information and/or facts will not be considered by the Court and cannot be cited to or relied upon in deciding the case. It is anticipated that, for example, the definitions portions of the stipulated documents, the

pleadings, and subsequent Rule 56 Statements of Undisputed Material Facts will be the sources for the Educational Narratives.

  
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ELLEN HOBBS LYLE  
CHANCELLOR  
TENNESSEE BUSINESS COURT  
PILOT PROJECT

cc: William B. Hubbard  
Robyn E. Smith  
Daniel H. Puryear  
Thomas T. Pennington