

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

STEPHEN MICHAEL WEST,)
)
 Plaintiff,)
)
 v.)
)
 GAYLE RAY, in her official capacity)
 as Tennessee Commissioner of)
 Corrections, et al.,)
)
 Defendants.)

No. 10-1675-I

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SCHEDULING ORDER

The Tennessee Supreme Court remanded this case for an evidentiary hearing and reset the execution of the Plaintiff Mr. West to November 30, 2010. The Court conducted a scheduling conference by telephone with the lawyers in the case. The lawyers and the Court agreed that this schedule is workable with the possible exception that the State may be unable to meet its November 12, 2010 expert witness obligation:

1. The trial of the case will take place in the Part I Chancery courtroom on November 18 and 19, 2010 at 9:00 a.m.
2. Trial briefs are due at the end of business on November 16, 2010 if possible, but at the latest on November 17 at 8:30 a.m. Neither brief will be in response to the other, because of time pressures.
3. The Plaintiff named his expert physician witness. His expert's affidavit, intended to meet the requirements of Rule 26.02(4) of the Tennessee Rules of Civil Procedure, has been filed as an attachment to the amended complaint. The State informed the Court that it does not have an expert witness at this time but that the State will call an expert. The State agreed that if it cannot provide its expert witness report, meeting the requirements of Rule 26.02(4) of the Tennessee Rules of Civil Procedure, by the close of business on November 12,

the State, the Court and the Plaintiff will seek an extension of time from the Tennessee Supreme Court, to conduct the evidentiary hearing.

4. The parties will discuss stipulations.



CLAUDIA C. BONNYMAN, CHANCELLOR
CHANCERY COURT, PART I

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