

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

TENNESSEE FOOTBALL, INC.,
Plaintiff,
v.
LANE MONTE KIFFIN, INDIVIDUALLY
AND IN HIS CAPACITY AS AGENT FOR
UNIVERSITY OF SOUTHERN
CALIFORNIA; and UNIVERSITY OF
SOUTHERN CALIFORNIA
Defendants.
Case No. 3:10cv00727
U.S. District Judge Nixon
Magistrate Judge Brown
JURY DEMAND

[PROPOSED] INITIAL CASE MANAGEMENT ORDER

Pursuant to Local Rule 16.01(d)(2), the following Initial Case Management Plan is adopted:

1. Jurisdiction:

Jurisdiction and venue are not disputed. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. § 1332.

2. Plaintiff's Theory of the Case:

Plaintiff Tennessee Football, Inc., ("Tennessee Football"), entered into an enforceable written contract of employment with Kennedy Pola, a football coach, in which Mr. Pola agreed to be employed by it until February 14, 2011. Mr. Kiffin, in his individual capacity and as agent of USC, in accordance with a pattern and

practice, and with full knowledge of Mr. Pola's contract, maliciously induced Mr. Pola to breach it one week before the start of Tennessee Football's season training camp so that he could become employed by USC as its football program's offensive coordinator. Mr. Kiffin's actions were with the full knowledge and approval of USC's athletics department, and violate both Tennessee's statutory and common law prohibition against inducement of breach of contract. Tennessee Football is entitled to compensatory, statutory and/or punitive damages as a result of Defendants' actions.

**3. Defendants' Theory of the Case:**

As set forth in their Answer, Defendants deny Tennessee Football's allegations and claims and deny that Tennessee Football has a legally cognizable claim or is entitled to any damages. Defendants submit that the Court should dismiss the case and award Defendants all appropriate relief.

**4. Identification of the Issues:**

No issues have been resolved, other than jurisdiction and venue.

**5. Need for Other Claims or Special Issues Under Rules 13-15, 17-21, and Rule 23 of the Federal Rules of Civil Procedure:**

At this time the parties do not anticipate any other claims or special issues arising under these rules.

**6. Witnesses:**

The parties shall disclose the identities of persons with discoverable information in their initial disclosures in accordance with Fed. R. Civ. P. 26(a)(1).

**7. Initial Disclosures and Staging of Discovery:**

(a) Initial disclosures.

i. Plaintiff's proposal: Defendants and Tennessee Football shall serve their Initial Disclosures on or before September 28, 2010.

ii. Defendants' proposal: Defendants and Tennessee Football shall serve their Initial Disclosures on or before September 15, 2010.

(b) Written discovery. In accordance with this Court's lifting the stay of discovery on August 17, 2010, both parties served written discovery in this case. Tennessee Football served written discovery on Defendants on August 13, 2010, and Defendants responded to such written discovery on September 13, 2010. Defendants served written discovery on Tennessee Football on August 20, 2010, and Tennessee Football shall respond to such written discovery no later than September 20, 2010. Both parties have served Subpoenas for the production of documents on third parties. Interrogatories to each party shall be limited to 35, including subparts.

(c) Fact depositions.

i. Plaintiff's proposal: Fact depositions shall be completed no later than May 31, 2011.

ii. Defendants' proposal: On August 20, 2010, Defendants requested Tennessee Football to provide agreeable dates for the depositions of six persons and a Rule 30(b)(6) deposition. Fact depositions shall be completed no later than December 17, 2010.

(d) Expert witness disclosures.

i. Plaintiff's proposal: Plaintiff shall provide Defendants with its expert witness disclosures under Fed. R. Civ. P. 26(a)(2) no later than June 30, 2011. Defendants shall provide their Fed. R. Civ. P. 26(a)(2) expert witness disclosures no later than July 15, 2011. Expert witness depositions shall be completed no later than August 15, 2011.

ii. Defendants' proposal: Plaintiff shall provide Defendants with its expert witness disclosures under Fed. R. Civ. P. 26(a)(2) no later than October 29, 2010. Defendants shall provide their Fed. R. Civ. P. 26(a)(2) expert witness disclosures no later than November 30, 2010. Any expert witness depositions shall be completed no later than December 17, 2010.

Prior to filing any discovery related motion, the parties shall schedule and conduct a telephone conference with Magistrate Brown. The counsel requesting the conference shall check with opposing counsel as to their availability before setting a time certain with the Court.

**8. Dispositive Motions:**

A. Plaintiff's proposal: Dispositive motions shall be filed no later than September 30, 2011. Responses shall be filed by October 21, 2011. Replies shall be filed no later than November 4, 2011. If dispositive motions are filed early, the response and reply dates shall be moved up accordingly. The motion and response are limited to 25 pages and the reply is limited to five pages, absent Court permission for longer pleading.

B. Defendants' proposal: Dispositive motions shall be filed no later than December 31, 2010. Responses shall be filed by January 31, 2011. Replies shall be filed no later than February 14, 2011. If dispositive motions are filed earlier, the response and reply dates shall be advanced up accordingly in accordance with Federal Rules of Civil Procedure. The motion and response are limited to 25 pages and the reply is limited to 10 pages, absent Court permission for additional pages.

**9. Alternate Dispute Resolution:**

A. Plaintiff's proposal: At this stage, the parties have not determined whether and in what manner alternative dispute resolution is appropriate, however, the parties will submit a joint report on the use of ADR by April 1, 2011

B. Defendants' proposal: At this stage, the parties have not determined whether and in what manner alternative dispute resolution is appropriate, however, the parties will submit a joint report on the use of ADR by November 15, 2010.

**10. Consent to Trial by the Magistrate Judge:**

The parties do not consent to trial before the Magistrate Judge.

**11. Target Trial Date:**

Tennessee Football has demanded a jury trial, the estimated length of which will be approximately 3-4 days. The parties request a trial date in \_\_\_\_\_, 2011.

**12. Subsequent Case Management Conference:**

A subsequent case management conference shall be held on \_\_\_\_\_ at [  
a.m/p.m.] The conference shall be conducted via telephone and shall be initiated by  
counsel for Tennessee Football.

**13. Electronic Discovery:**

The parties have reached an agreement on how to conduct electronic  
discovery. Thus, the default standard contained in Administrative Order No. 174  
need not apply in this case.

It is so ORDERED.

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JOE B. BROWN  
United States Magistrate Judge

PREPARED FOR ENTRY:

/s/ Robert E. Boston

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