

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

TENNESSEE FOOTBALL, INC.,	)	
	)	
Plaintiff	)	
	)	
v.	)	Case 3:10-0727
	)	Judge Nixon/Brown
LANE MONTE KIFFIN, individually	)	<b>Jury Demand</b>
and in his capacity as agent	)	
for UNIVERSITY OF SOUTHERN	)	
CALIFORNIA; and UNIVERSITY	)	
OF SOUTHERN CALIFORNIA,	)	
	)	
Defendants	)	

**CASE MANAGEMENT ORDER**

Pursuant to Local Rule 16.01, 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 inducted 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 Rule 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.** The parties shall serve their initial disclosures on or before **September 28, 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. Plaintiff 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 Plaintiff on August 20, 2010, and Plaintiff 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.** All fact depositions shall be completed no later than **March 15, 2011**.

(d) **Expert Witness Disclosures.** The party having the burden on an issue will make their expert witness disclosures under Fed. R. Civ. P. 26(a)(2) no later than **February 1, 2011**. Opposing side shall provide their Fed. R. Civ. P. 26(a)(2) expert witness disclosures no later than **February 22, 2011**. Expert witness depositions shall be completed no later than **March 15, 2011**.

Prior to filing any discovery-related motion, the parties shall schedule and conduct a telephone conference with Magistrate Judge 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:** Dispositive motions shall be filed no later than **April 5, 2011**. Responses shall be filed within

**21 days.** Replies shall be filed no later than **seven days** after the response. 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.

The parties may request oral argument on any dispositive motion once they are filed.

**9. Consent to Trial by the Magistrate Judge:** The parties do not consent to trial before the Magistrate Judge.

**10. Trial Date:** Plaintiff has demanded a jury trial, the estimated length of which will be approximately three to four days, depending on what issues remain for trial. After consulting with Judge Nixon's courtroom deputy, this matter is set for trial on **August 2, 2011, at 9:00 a.m.** Judge Nixon will conduct the final pretrial conference on **July 22, 2011, at 10:00 a.m.** Judge Nixon will issue a separate order covering his requirements for the final pretrial conference and the trial.

**11. Subsequent Case Management Conference:** A telephone conference with Magistrate Judge Brown to discuss case progress is set for **Tuesday, January 18, 2011, at 1:30 p.m.** To participate in the conference call, parties shall call 615-695-2851 at 1:30 p.m.

**12. Electronic Discovery:** The parties have reached an agreement on how to conduct electronic discovery. Thus, the

default standard contained in Administrative Order 174 need not apply in this case.

It is so **ORDERED**.

/s/ Joe B. Brown  
JOE B. BROWN  
United States Magistrate Judge