

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

SUMMER L. DUNCAN b/n/f Rhonda	)	
Duncan; and RHONDA DUNCAN	)	No. 3-11-1104
	)	
v.	)	
	)	
WAL-MART STORES EAST, LP <sup>1</sup>	)	

ORDER

By contemporaneously entered order, the Court has approved and entered the parties' agreed initial case management order, with modifications addressed at the initial case management conference held on January 3, 2012. Those modifications and other matters addressed on January 3, 2012, are as follows:

1. By October 15, 2012, the defendant shall serve expert disclosures in accord with Rule 26(a)(2) of the Federal Rules of Civil Procedure for any liability experts whom the defendant expects to testify at trial.
2. The depositions of the plaintiffs' liability experts shall be completed by October 31, 2012.
3. Any supplementation of expert disclosures and/or any rebuttal expert disclosures shall be served by January 7, 2013.
4. All expert discovery shall be completed by January 31, 2013.
5. Any deposition to be used as proof at trial shall be completed by July 1, 2013.
6. A further case management conference is scheduled on **Friday, September 7, 2012, at 11:00 a.m.**, in Courtroom 764, U.S. Courthouse, 801 Broadway, Nashville, TN,<sup>2</sup> to address the

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<sup>1</sup> By stipulation filed and order entered on November 22, 2011 (Docket Entry Nos. 6-7), Wal-Mart Real Estate Business Trust was dismissed as a defendant.

<sup>2</sup> At the parties' option, the conference may be conducted by telephone, with one lawyer designated to call the other and then call the Court at 736-5164.

status of the case, the potential for settlement, propriety of ADR, whether the plaintiff has had surgery and/or whether she has reached MMI, establishing a deadline for depositions of treating physicians and taking any IMEs, revisiting any scheduling deadlines in light of the plaintiff's medical circumstances as long as any revised deadlines do not affect the trial date or violate Local Rule 16.01(d)(2)(f).

7. Any dispositive motion shall be filed by April 1, 2013. Any response shall be filed within 21 days of the filing of the motion or by April 22, 2013, if the motion is filed on April 1, 2013. Any reply, if necessary, shall be filed within 14 days of the filing of the response or by May 6, 2013, if the response is filed on April 22, 2013.

No other filings in support of or in opposition to any dispositive motion shall be made except with the express permission of the Honorable Todd J. Campbell, Chief Judge.

No party shall file more than one Rule 12 motion to dismiss or more than one Rule 56 motion for summary judgment.

There shall be no stay of discovery before the July 31, 2012, deadline for completion of fact discovery or the January 31, 2013, deadline for the completion of expert discovery even if a dispositive motion is filed prior thereto.

Based on the above scheduling deadlines, it is recommended that a jury trial be scheduled no earlier than September 24, 2013.<sup>3</sup> The parties anticipate that the trial will last 2-3 days.

It is so ORDERED.

  
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JULIET GRIFFIN  
United States Magistrate Judge

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<sup>3</sup> The deadlines established in this case have taken into account that the minor plaintiff will reach her majority in July 2012, at which time she may be scheduled for back surgery once she begins treatment with an adult orthopaedic surgeon and thus may not reach MMI until some time thereafter, so it is impossible to determine at this juncture when medical depositions can be scheduled.