

NO. 09-CI-5292

FAYETTE CIRCUIT COURT
DIVISION 3
HONORABLE JAMES D. ISHMAEL

AMERICAN SADDLEBRED HORSE
ASSOCIATION, INC.

FEB 24 2010

PLAINTIFF

v.

PROPOSED ORDER

EDWARD R. BENNETT, CARL T.
FISCHER, JR., KRIS KNIGHT, TOM
FERREBEE, SIMON FREDRICKS,
M.D. AND LYNN W. VIA

DEFENDANTS

* * * * *

This matter came before the Court for hearing on February 2, 2010 at 8:30 a.m., on the motion of the Defendants asking the Court to enter an Order (i) compelling Plaintiff to produce Carl Holden for deposition and to provide a date for the deposition of Jennifer Wasserzug; and (ii) overruling the objections made by the Plaintiff in response to discovery requests and requiring the Plaintiff to answer the interrogatories and produce responsive documents. The Court having reviewed the briefs and having heard oral argument of counsel and being otherwise duly and sufficiently advised hereby **ORDERS** the following:

1. The following depositions shall take place, unless both parties agree otherwise, as follows: Carl Holden on March 11, Jennifer Wasserzug on March 15, Alan Balch on March 16 and Joan Jones on March 17.
2. Defendants' Motion to Compel Plaintiff to answer interrogatories and produce documents is held in abeyance;
3. On or before April 15, 2010, Plaintiff shall file its Motion for Summary Judgment on the merits of its action;

4. On or before May 14, 2010, Defendants shall file their Response to Plaintiff's Motion for Summary Judgment and their Cross Motion for Summary Judgment on the merits of their Declaratory Judgment action;

5. On or before June 1, 2010, Plaintiff shall file its Reply in Further Support of its Motion for Summary Judgment and its Response to Defendants' Motion for Summary Judgment;

6. On or before June 15, 2010, Defendants shall file their Reply in Further Support of their Motion for Summary Judgment; and

7. Counsel for the parties shall arrange a joint call with the Court to assign this matter for oral argument at the Court's earliest convenience.

ENTERED this 24th day of February, 2010.

/s/ JAMES D. ISHMAEL, JR.
A TRUE COPY
ATTEST: ~~WILMA F. LYNCH, CLERK~~
JUDGE FAYETTE CIRCUIT COURT
BY Houston DEPUTY

Tendered by:

Stephen A. Houston
Culver V. Halliday *By: S.A. Houston*
Stephen A. Houston
Stoll Keenon Ogden PLLC
2000 PNC Plaza
500 West Jefferson Street
Louisville, Kentucky 40202-2828
Phone: (502) 333-6000
Fax: (502) 333-6099
COUNSEL FOR DEFENDANTS

CLERK'S CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing has been served, by U.S. Mail, on this the 24th day of FEB., 2010, on the following:

James B. Cooper
Boehl, Stopher & Graves
444 West Second Street
Lexington, KY 40507-1009

Edward H. Stopher
Jefferson K. Streepey
Boehl, Stopher & Graves
400 West Market Street, Suite 2300
Louisville, KY 40202-3354

Culver V. Halliday
Stephen A. Houston
STOLL KEENON OGDEN PLLC
2000 PNC Plaza
500 West Jefferson Street
Louisville, KY 40202


FAYETTE CIRCUIT COURT
CLERK, FAYETTE CIRCUIT COURT