



BOEHL STOPHER & GRAVES LLP

AEGON CENTER · SUITE 2300
400 WEST MARKET STREET · LOUISVILLE, KENTUCKY 40202-3354

TELEPHONE: 502-589-5980
FACSIMILE: 502-561-9400

EDWARD H. STOPHER
EXTENSION 238
ESTOPHER@BSG-LAW.COM

February 18, 2010

Honorable James D. Ishmael, Jr.
Fayette Circuit Court
Division Three
551 Robert F. Stephens Courthouse
120 North Limestone
Lexington, Kentucky 40507

Re: American Saddlebred Horse Association, Inc. v. Edward R. Bennett, et al.
Fayette Circuit Court, Division Three, C.A. 09-CI-5292

Dear Judge Ishmael:

Enclosed, please find the proposed Order you requested counsel prepare at the conclusion of the February 2, 2010 hearing on the motion of the Defendants to compel production of documents pursuant to CR 34.01 *et seq.* I circulated a copy of a proposed Order to Defendants' counsel, Stephen A. Houston, by email on February 3, 2010, requesting he review same and advise me of any changes. Mr. Houston returned a revised version that I believe is argumentative and includes items not addressed in the oral ruling your Honor rendered from the Bench at the February 2 hearing. Accordingly, with notice to opposing counsel, I tender the enclosed Proposed Order for your review and signature.

The enclosed Order reflects slight changes in deposition scheduling since tendering an initial draft of the Order to Mr. Houston. We will notice Jennifer Wasserzug for a deposition to be taken on March 18, 2010. The parties cancelled Ms. Blanton's deposition on February 10, 2010 due to inclement weather. We will reissue a subpoena for her deposition for a date in late March or early April.

444 WEST SECOND STREET
LEXINGTON, KENTUCKY 40507-1040
TELEPHONE: 859-252-6721
FACSIMILE: 859-257-6445

410 BROADWAY
PADUCAH, KENTUCKY 42001
TELEPHONE: 270-442-4369
FACSIMILE: 270-442-4689

137 MAIN STREET, SUITE 200
PIKEVILLE, KENTUCKY 41502
TELEPHONE: 606-432-9570
FACSIMILE: 606-432-9680


ELSBY EAST · SUITE 204, 400 PEARL STREET
NEW ALBANY INDIANA 47150
TELEPHONE: 812-948-5083
FACSIMILE: 812-948-9233

BOEHL STOPHER & GRAVES LLP

Honorable James D. Ishmael, Jr.
February 18, 2010
Page 2

Please feel free to contact me if you have any questions.

Yours very truly,

A handwritten signature in black ink, appearing to read "E. Stopher", written in a cursive style.

Edward H. Stopher

EHS:sab
Enclosure

cc: Stephen A. Houston (w/enclosure)

NO. 09-CI-5292

FAYETTE CIRCUIT COURT
DIVISION 3
HONORABLE JAMES D. ISHMAELAMERICAN SADDLEBRED HORSE
ASSOCIATION, INC.

PLAINTIFF

v.

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

DEFENDANTS

* * * * *

This matter came on before the Court for hearing on February 2, 2010 at 8:30 a.m., on the motion of the Defendants to compel production of documents pursuant to CR 34.01 *et seq.* 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. Defendants' Motion to Compel Discovery be and the same is hereby Ordered to be held in abeyance pending further rulings of the Court;
2. The following depositions shall take place, unless the parties agree otherwise, as follows: Carl Holden on March 11, Alan Balch on March 16, Joan Jones on March 17, and Jennifer Wasserzug on March 18. The deposition of Beth Blanton will be rescheduled due to inclement weather at a time and date agreed upon by the parties;
3. On or before April 15, 2010, Plaintiff shall file its Motion for Summary Judgment on the merits of the Declaratory Judgment action;
4. On or before May 15, 2010, Defendants shall file their Response to Plaintiff's Motion for Summary Judgment;

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

6. Counsel for the parties shall arrange a joint call with the Court to assign this matter for oral argument in June, 2010.

ENTERED this _____ day of _____, 2010.

JUDGE

282414.1