

CASE-MANAGER-GRIFFIN, CASE-REFERRED, PROTECTIVE-ORDER

**U.S. District Court
Middle District of Tennessee (Nashville)
CIVIL DOCKET FOR CASE #: 3:10-cv-00743**

National Union Fire Ins. Co. of Pittsburgh, PA v. Small Smiles Holding Co., LLC
Assigned to: Chief Judge Todd J. Campbell
Referred to: Magistrate Judge Juliet E. Griffin
Demand: \$75,000
Cause: 28:1332 Diversity-Insurance Contract

Date Filed: 08/05/2010
Jury Demand: Plaintiff
Nature of Suit: 110 Insurance
Jurisdiction: Diversity

Plaintiff**National Union Fire Ins. Co. of Pittsburgh, PA**

represented by **Gilbert L. Lee**
Sedgwick, Detert, Moran & Arnold, LLP
125 Broad Street
39th Floor
New York, NY 10004-2400
(212) 422-0202
Fax: (212) 422-0925
Email: gilbert.lee@sdma.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Jessika J. Moon
Sedgwick, Detert, Moran & Arnold, LLP
125 Broad Street
39th Floor
New York, NY 10004-2400
(212) 898-5516
Fax: (212) 422-0925
Email: jessika.moon@sdma.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

John C. Speer
Bass, Berry & Sims
100 Peabody Place
Suite 900
Memphis, TN 38103-3672
(901) 543-5900
Email: jspeer@bassberry.com
ATTORNEY TO BE NOTICED

Lawrence J. Klein
Sedgwick, Detert, Moran & Arnold, LLP
125 Broad Street
39th Floor
New York, NY 10004-2400
(212) 898-4039
Fax: (212) 422-0925
Email: lawrence.klein@sdma.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Michael J. Hale
Bass, Berry & Sims
150 Third Avenue South
Suite 2800
Nashville, TN 37201
(615) 742-6573
Fax: (615) 248-8800
Email: jhale@bassberry.com
ATTORNEY TO BE NOTICED

Scott D. Greenspan
Sedgwick, Detert, Moran & Arnold, LLP
125 Broad Street
39th Floor
New York, NY 10004-2400
(212) 898-4054
Fax: (212) 422-0925
Email: scott.greenspan@sdma.com
PRO HAC VICE

ATTORNEY TO BE NOTICED

W. Brantley Phillips , Jr.
Bass, Berry & Sims
150 Third Avenue South
Suite 2800
Nashville, TN 37201
(615) 742-6200
Email: bphillips@bassberry.com
ATTORNEY TO BE NOTICED

V.

Defendant

Small Smiles Holding Co., LLC

represented by **Emily B. Warth**
Walker, Tipps & Malone
2300 One Nashville Place
150 Fourth Avenue, N
Nashville, TN 37219-2415
(615) 313-6048
Fax: (615) 313-6001
Email: ewarth@walkertipps.com
ATTORNEY TO BE NOTICED

John M. Tipps
Walker, Tipps & Malone
2300 One Nashville Place
150 Fourth Avenue, N
Nashville, TN 37219-2415
(615) 313-6000
Email: mtipps@walkertipps.com
ATTORNEY TO BE NOTICED

Robert Jackson Walker
Walker, Tipps & Malone
2300 One Nashville Place
150 Fourth Avenue, N
Nashville, TN 37219-2415
(615) 313-6000
Email: bwalker@walkertipps.com
ATTORNEY TO BE NOTICED

Counter Plaintiff

Small Smiles Holding Co., LLC

represented by **Emily B. Warth**
(See above for address)
ATTORNEY TO BE NOTICED

John M. Tipps
(See above for address)
ATTORNEY TO BE NOTICED

Robert Jackson Walker
(See above for address)
ATTORNEY TO BE NOTICED

Counter Defendant

National Union Fire Ins. Co. of Pittsburgh, PA

represented by **Gilbert L. Lee**
(See above for address)
ATTORNEY TO BE NOTICED

Jessika J. Moon
(See above for address)
ATTORNEY TO BE NOTICED

John C. Speer
(See above for address)
ATTORNEY TO BE NOTICED

Lawrence J. Klein
(See above for address)
ATTORNEY TO BE NOTICED

Scott D. Greenspan
(See above for address)
ATTORNEY TO BE NOTICED

W. Brantley Phillips, Jr.
 (See above for address)
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/05/2010	1	COMPLAINT against Small Smiles Holding Co., LLC, filed by National Union Fire Ins. Co. of Pittsburgh, PA. Filing Fee paid, \$350.00. Summons issued. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Attachment Civil Cover Sheet)(afs) (Additional attachment(s) added on 8/6/2010: # 6 Attachment Summons) (afs). Modified on 8/6/2010 (afs). (Additional attachment(s) added on 8/6/2010: # 7 Attachment Summons) (afs). (Entered: 08/05/2010)
08/05/2010	2	CORPORATE DISCLOSURE STATEMENT filed by National Union Fire Ins. Co. of Pittsburgh, PA. (afs) Modified on 8/6/2010 (afs). (Entered: 08/06/2010)
08/06/2010	3	NOTICE of Initial Case Management Conference set for 9/27/2010 at 11:00 AM in Courtroom 783 before Magistrate Judge Joe Brown. (afs) (Entered: 08/06/2010)
08/06/2010		Attorney Status for attorney(s) John C. Speer and W. Brantley Phillips, Jr. of Tennessee verified as active (afs) Modified on 8/6/2010 (afs). (Entered: 08/06/2010)
08/06/2010	4	ORDER: This case is REFERRED to the Magistrate Judge for customized case management. Discovery is not stayed absent order of the District Judge. This case shall be set for trial upon completion of the initial case management conference by order of the District Judge. Signed by Chief Judge Todd J. Campbell on 8/6/10. (dt) (Entered: 08/06/2010)
08/09/2010	5	SUMMONS returned executed by National Union Fire Ins. Co. of Pittsburgh, PA. Small Smiles Holding Co., LLC, Attn: Legal Department, Nashville, TN, served on 8/6/2010. (Phillips, W.) Modified Text on 8/11/2010 (dt). (Entered: 08/09/2010)
08/09/2010	6	SUMMONS returned executed by National Union Fire Ins. Co. of Pittsburgh, PA. Small Smiles Holding Co., LLC, c/o National Registered Agents, Inc., Nashville, TN, served on 8/9/2010. (Phillips, W.) Modified Text on 8/11/2010 (dt). (Entered: 08/09/2010)
08/09/2010	7	SUMMONS returned executed by National Union Fire Ins. Co. of Pittsburgh, PA. Small Smiles Holding Co., LLC, c/o Corporation Trust Company, Wilmington, DE, served on 8/9/2010. (Phillips, W.) Modified Text on 8/11/2010 (dt). (Entered: 08/09/2010)
08/10/2010	8	ORDER OF RECUSAL. Magistrate Judge Joe Brown recused. Case reassigned to Magistrate Judge Juliet E. Griffin for all further proceedings. Initial Case Management Conference scheduled for 9/27/10 at 11:00 a.m. is Canceled. Signed by Magistrate Judge Joe Brown on 8/10/10. (dt) (Entered: 08/10/2010)
08/11/2010	9	ORDER: Initial Case Management Conference set for 9/16/2010 at 01:00 PM before Magistrate Judge Juliet E. Griffin. Stay of discovery is Lifted. Prior to the initial case management conference, counsel for the parties shall confer and shall prepare a proposed, joint initial case management order. Counsel shall e-file the proposed order prior to the initial case management conference. The Clerk is directed to mail a copy of this order to the defendant, c/o Corporation Trust Company, 1209 Orange Street, Wilmington, Delaware 19801, by regular, first class mail (only). In addition, the plaintiff shall serve a copy of this order upon the defendant or its counsel. Signed by Magistrate Judge Juliet E. Griffin on 8/11/10. (dt) (Entered: 08/11/2010)
08/13/2010	10	Letter from John D. Kitch, Agent of National Registered Agents, Inc., to W. Brantley Phillips, Jr., re NRAI can find no record of the entity being listed with the State Authority. (dt) (Entered: 08/13/2010)
08/13/2010	11	Letter from John D. Kitch, Agent for National Registered Agents, Inc., to Attorney for Bass Berry and Sims, re: NRAI can find no record of the entity being listed with the State Authority.. (dt) (Entered: 08/16/2010)
08/17/2010	12	MOTION To Reschedule Initial Case Management Conference by National Union Fire Ins. Co. of Pittsburgh, PA. (Phillips, W.) (Entered: 08/17/2010)
08/17/2010	13	ORDER: Plaintiff's Motion to Reschedule Initial Case Management Conference 12 is Granted. Initial Case Management Conference is reschedule to 9/14/2010 at 1:00 p.m. Prior to the initial case management conference, counsel for the parties shall prepare a proposed, joint initial case management order. Counsel shall e-file the proposed order prior to the initial case management conference. The Clerk is directed to mail a copy of this order to the defendant, Attn: Legal Department, and c/o Corporation Trust Company both by regular, first class mail (only). In addition, the plaintiff shall serve a copy of this order upon the defendant or its counsel. Signed by Magistrate Judge Juliet E. Griffin on 8/17/10. (xc: deft by regular mail)(dt) (Entered: 08/17/2010)
08/19/2010	14	NOTICE of Appearance by Robert J. Walker, J. Mark Tipps, and Emily B. Warth on behalf of Small Smiles Holding Co., LLC (Warth, Emily) Modified Text on 8/23/2010 (dt). (Entered: 08/19/2010)
08/24/2010	15	Joint MOTION for Extension of Time to File Answer by National Union Fire Ins. Co. of Pittsburgh, PA, Small Smiles Holding Co., LLC. (Phillips, W.) (Entered: 08/24/2010)
08/25/2010	16	ORDER: The parties' joint motion to extend deadline 15 is GRANTED. The time for the defendant Small Smiles Holding Co., LLC to file a response to the complaint is extended to 9/10/10. Signed by Magistrate Judge Juliet E. Griffin on 8/25/2010. (hb) (Entered: 08/25/2010)
09/03/2010	17	MOTION for attorney(s) Lawrence Klein, Scott Greenspan, Jessika Moon, Gilbert Lee to Appear Pro Hac Vice (paid \$300 PHV fee; receipt number 0650-936533) by National Union Fire Ins. Co. of Pittsburgh, PA. (Attachments: # 1 Exhibit 1)(Phillips, W.) (Entered: 09/03/2010)
09/07/2010		Bar status for Attys. Lawrence J. Klein, Scott D. Greenspan, Jessika J. Moon, and Gilbert L. Lee of NY verified as active on this date. (hb) (Entered: 09/07/2010)
09/07/2010	18	ORDER granting 17 Motion for Lawrence J. Klein, Scott D. Greenspan, Jessika J. Moon, and Gilbert L. Lee to Appear Pro Hac Vice. Signed by Magistrate Judge Juliet E. Griffin on 9/7/10. (hb) (Entered: 09/07/2010)
09/07/2010		Email notification to attorneys Lawrence J. Klein, Scott D. Greenspan, Jessika J. Moon, and Gilbert L. Lee re mandatory registration for a CM/ECF account. (hb) (Entered: 09/07/2010)
09/10/2010	19	ANSWER to 1 Complaint, by Small Smiles Holding Co., LLC.(Warth, Emily) (Entered: 09/10/2010)

09/10/2010	20	CORPORATE DISCLOSURE STATEMENT filed by Small Smiles Holding Co., LLC. (Warth, Emily) (Entered: 09/10/2010)
09/10/2010	21	PROPOSED CASE MANAGEMENT ORDER filed by All Parties. (Phillips, W.) (Entered: 09/10/2010)
09/14/2010		Minute Entry for proceedings held before Magistrate Judge Juliet E. Griffin: Initial Case Management Conference held on 9/14/2010; ORDER to enter. (Tape #G2010-079.) (jwc) (Entered: 09/14/2010)
09/15/2010		Bar status for Attys. Robert J. Walker, J. Mark Tipps, and Emily B. Warth of TN verified as active on this date. (hb) (Entered: 09/15/2010)
09/16/2010	22	JOINT CASE MANAGEMENT ORDER: Initial disclosures shall be made by 10/15/10. All fact discovery shall be completed by 3/18/11. Discovery related motions shall be filed by 2/18/11. Expert depositions shall be completed by 6/30/11. Any dispositive motions shall be filed by 7/29/11. Motions to amend pleadings shall be filed by 1/31/11. Signed by Magistrate Judge Juliet E. Griffin on 9/16/10. (rd) (Entered: 09/16/2010)
09/16/2010	23	ORDER: Any dispositive motion shall be filed by 7/29/11; responses thereto by 9/12/11 and replies by 10/11/11. A case management conference is set for 11:00 a.m. on 10/28/2010 in Courtroom 764 before Magistrate Judge Juliet E. Griffin. Signed by Magistrate Judge Juliet E. Griffin on 9/16/10. (rd) (Entered: 09/16/2010)
09/28/2010	24	ORDER: Jury Trial set for 1/31/2012 09:00 AM before Chief Judge Todd J. Campbell. Final Pretrial Conference set for 1/23/2012 09:00 AM before Chief Judge Todd J. Campbell. Counsel shall submit a Joint Proposed Pretrial Order to the Court by 1/26/2012. Signed by Chief Judge Todd J. Campbell on 9/28/2010. (hb) (Entered: 09/28/2010)
10/22/2010	25	Joint MOTION for Protective Order by National Union Fire Ins. Co. of Pittsburgh, PA. (Attachments: # 1 Proposed Protective Order) (Phillips, W.) (Entered: 10/22/2010)
10/25/2010	26	ORDER granting 25 Motion for Protective Order. Signed by Magistrate Judge Juliet E. Griffin on 10/25/2010. (hb) (Entered: 10/25/2010)
10/25/2010	27	PROTECTIVE ORDER signed by Magistrate Judge Juliet E. Griffin on 10/25/2010. (hb) (Entered: 10/25/2010)
10/28/2010	28	COUNTERCLAIM against National Union Fire Ins. Co. of Pittsburgh, PA, filed by Small Smiles Holding Co., LLC.(Warth, Emily) (Entered: 10/28/2010)
10/29/2010	29	NOTICE of Appearance by Michael J. Hale on behalf of National Union Fire Ins. Co. of Pittsburgh, PA (Hale, Michael) (Entered: 10/29/2010)
11/01/2010		Bar status for Michael J. Hale of TN verified as active on this date. (hb) (Entered: 11/01/2010)
11/01/2010		Minute Entry for proceedings held before Magistrate Judge Juliet E. Griffin: TELEPHONE CONFERENCE: Case Management Conference held on 11/1/2010; ORDER to enter. (jwc) (Entered: 11/03/2010)
11/04/2010	30	ORDER: A case management conference is scheduled on Friday, January 7, 2011, at 9:00 a.m., in Courtroom 764, U.S. Courthouse, 801 Broadway, Nashville, TN. At the parties' option, if there are few, if any, issues to be addressed, counsel shall convene a telephone conference call with the Court, to be initiated by plaintiff's counsel, to address the status of the case and to schedule a further case management conference. The order entered September 16, 2010 22 is amended to the following extent: a. The defendant shall have until January 31, 2011, to file any motion to file any third-party complaint. b. The parties shall have until January 31, 2011, to file any motion to join additional parties in accord with Rules 19 or 20 of the Federal Rules of Civil Procedure. c. The parties shall have until January 31, 2011, to file any motion to amend the pleadings. Signed by Magistrate Judge Juliet E. Griffin on 11/4/2010. (hb) (Entered: 11/04/2010)
12/02/2010	31	MOTION to Dismiss <i>Defendant's Counterclaim</i> by National Union Fire Ins. Co. of Pittsburgh, PA. (Phillips, W.) (Entered: 12/02/2010)
12/02/2010	32	MEMORANDUM in Support of 31 MOTION to Dismiss <i>Defendant's Counterclaim</i> filed by National Union Fire Ins. Co. of Pittsburgh, PA. (Attachments: # 1 Attachment Appendix)(Phillips, W.) (Entered: 12/02/2010)
12/02/2010	33	DECLARATION of Scott D. Greenspan filed by National Union Fire Ins. Co. of Pittsburgh, PA re: 32 Memorandum in Support. (Attachments: # 1 Exhibit A-1, # 2 Exhibit A-2, # 3 Exhibit A-3, # 4 Exhibit A-4, # 5 Exhibit A-5, # 6 Exhibit B, # 7 Exhibit C, # 8 Exhibit D-1, # 9 Exhibit D-2, # 10 Exhibit E-1, # 11 Exhibit E-2, # 12 Exhibit F, # 13 Exhibit G, # 14 Exhibit H, # 15 Exhibit I)(Phillips, W.) (Entered: 12/02/2010)
12/03/2010		Note to filer W. Phillips re DEs 32 and 33 : Pursuant to Court Policy and Procedure and Local Rule 5.01, Certificates of Service must include the names and full addresses for all persons served (whether served electronically or by other means), what was served, method of service, and date of service. THE CERTIFICATE OF SERVICE SHALL BE RE-FILED. (hb) (Entered: 12/03/2010)
12/03/2010	34	CERTIFICATE OF SERVICE by National Union Fire Ins. Co. of Pittsburgh, PA re 33 Declaration, 32 Memorandum in Support (Phillips, W.) (Entered: 12/03/2010)
12/07/2010	35	ORDER: The Clerk is directed to forward the file in this case to the Honorable Todd J. Campbell, Chief Judge, for his consideration of the pending motion to dismiss the counterclaim and accompanying filings 31 , 32 , and 33 , any response to be filed no later than January 10, 2011, and any reply, if necessary, to be filed no later than January 31, 2011. Signed by Magistrate Judge Juliet E. Griffin on 12/7/2010. (hb) (Entered: 12/07/2010)

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