

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE

IN RE:)	
)	
1POINT SOLUTIONS, LLC,)	CASE NO. 06-05400-KL3-11
BARRY R. STOKES,)	06-05898-KL3-11
)	ADMINISTRATIVELY CONSOLIDATED
)	UNDER CASE NO. 06-05400-KL3-11
)	
Debtor,)	
)	
JOHN C. MCLEMORE, TRUSTEE,)	
)	
Plaintiff,)	
)	
VS.)	ADV. NO. 307-0283A
)	
REGIONS BANK, AS SUCCESSOR IN)	
INTEREST BY MERGER TO)	
AMSOUTH BANK,)	
and MID-ATLANTIC CAPITAL)	
CORPORATION,)	
)	
Defendant.)	

PRETRIAL ORDER

At the pretrial conference held in Nashville, Tennessee on *November 19, 2007*,

the following were present:

Robert M. Garfinkle and Edwin M. Walker, Attorneys for Plaintiff.

Craig V. Gabbert, Jr., Barbara D. Holmes, David L. McClenahan,

and Matthew J. Fader, Attorneys for Defendant, Mid-Atlantic Capital

Corporation.

John R. Wingo and John F. Teitenberg, Attorneys for Defendant,
Regions Bank, as Successor in Interest by Merger to Amsouth Bank.

FINAL DISPOSITION

The deadline to file Motions to Withdraw the Reference or to consolidate or similar motions in District Court with respect to civil actions pending in District Court that involve some of the same parties and some of the same causes of action as this Adversary Proceeding is *January 2, 2008*.

In the absence of a timely motion to withdraw the reference, there will be consent by all parties to final disposition by the Bankruptcy Court, effective *January 2, 2008*.

DISCOVERY

The parties will manage discovery by agreement.

WITNESSES

The names of witnesses, their addresses and a brief summary of the area of testimony of each witness shall be furnished to opposing counsel immediately upon discovery, but in no event later than *thirty (30) days* prior to trial date.

Inability to require the attendance of a witness at trial shall not be the basis for a motion for continuance of the trial unless a written subpoena has been issued at least *seven (7) days* prior to the trial date.

EXHIBITS

By close of business on October 22, 2008, the parties shall:

1. pre-mark all exhibits, with the plaintiff using numbers and the defendant using letters;

2. exchange copies of pre-marked exhibits and make available for inspection, upon request, the originals;
3. file and exchange exhibit lists; and
4. *deliver a copy of the exhibits and exhibit list to Mary Beth Rowlett, Courtroom Deputy.*

STIPULATIONS

The parties will confer and file with the court *by close of business on October 22, 2008*, detailed stipulations of fact and stipulations concerning the authenticity and admissibility of documents and exhibits. *An extra copy shall be delivered to Mary Beth Rowlett, Courtroom Deputy, at the time of the filing.*

MOTIONS TO DISMISS

Any amended or additional motion to dismiss will be filed no later than *February 1, 2008*. Response to the pending defendants' motions to dismiss or to any amended or additional motion to dismiss will be filed on or before *March 1, 2008*. When a response is filed, the motion(s) to dismiss will be set for hearing by the Bankruptcy Court.

ALTERNATIVE DISPUTE RESOLUTION

Mediation by an ADR neutral will be scheduled upon request by any party.

PROPOSED FINDINGS AND CONCLUSIONS

Proposed Findings of Fact and Conclusions of Law shall be filed *by close of business on October 22, 2008*. *An extra copy shall be delivered to Mary Beth Rowlett, Courtroom Deputy, at the time of the filing.*

TRIAL DATE

Trial will commence on *October 27, 2008*, at *9:00 a.m.* in *Courtroom Two*, Customs House, 701 Broadway, Nashville, Tennessee 37203.

This action shall proceed to trial pursuant to the stipulations of the parties and this order and no amendments shall be made to this order except upon written motion and for good cause shown. *Failure to comply with requirements of this order may result in dismissal of the action, default, assessment of costs including attorney's fees, or other penalties.*

IT IS SO ORDERED.

This order was signed and entered electronically as indicated at the top of the first page.