



IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

PILOT CORPORATION, a Tennessee )  
corporation, )

Plaintiff, )

v. )

C.A. No. 2023-1068-MTZ

GREG ABEL, KEVIN CLAYTON, )  
MARC HAMBURG, MARK )  
HEWETT, SCOTT THON, )  
BERKSHIRE HATHAWAY INC., a )  
Delaware corporation, NATIONAL )  
INDEMNITY COMPANY, a )  
Nebraska corporation, and PILOT )  
TRAVEL CENTERS, LLC, a )  
Delaware company, )

Defendants. )

**[PROPOSED] ORDER GOVERNING  
CASE SCHEDULE**

WHEREAS, Plaintiff filed its Verified Complaint on October 23, 2023;

IT IS HEREBY ORDERED, as follows:

1. The following schedule shall govern the proceedings in this

matter:

(a)	Parties substantially complete document production	March 14, 2024
(b)	Exchange of privilege logs	April 4, 2024
(c)	Completion of fact discovery, including fact depositions (except for any fact discovery subject to a motion to compel or motion for protective order pending on this date)	June 21, 2024

(d)	Identification of Expert Witnesses and general subject matter of expert testimony	June 28, 2024
(e)	Exchange of Opening Expert Reports and production of all materials relied upon by Experts and not produced previously by the Parties	July 10, 2024
(f)	Exchange of Rebuttal Expert Reports and production of all materials relied upon in Rebuttal Expert Reports and not produced previously by the Parties	August 10, 2024
(g)	Completion of expert discovery, including expert depositions (except for any expert discovery subject to a motion to compel or motion for a protective order pending on this date)	September 12, 2024
(h)	Identification of trial witnesses (including adverse and third-party witnesses and experts)	September 21, 2024
(i)	Filing of motions <i>in limine</i> , if any. Opposition briefs to be filed 10 days after of motion; reply briefs to be filed 5 days thereafter	October 3, 2024
(j)	Plaintiff provides initial draft of the Pre-Trial Order	October 11, 2024
(k)	Defendants provide draft of the Pre-Trial Order	October 25, 2024
(l)	Simultaneous filing of Pre-Trial Briefs	November 1, 2024
(m)	Parties' joint submission of Pre-Trial Order	November 8, 2024
(n)	Pre-trial conference	November ____, 2024
(o)	Four-day Trial	November 19-22, 2024, in Wilmington, Delaware

2. The Parties agree to meet and confer promptly regarding a confidentiality agreement, search terms, custodians, the form of production of electronically stored information and arrangements for any discovery to be taken from the parties' agents and advisors.

3. Production of documents shall commence on a rolling basis upon receipt of requests for production.

4. Prior to production, the parties shall use their best efforts to de-duplicate any electronic material collected (including identical material transmitted between or among multiple custodians.). All documents produced shall be produced in electronic form, in accordance with specifications agreed upon by the Parties.

5. Privilege logs need not include privileged documents that were created or sent after the date the litigation was filed. The parties need not log documents produced in redacted form.

6. Depositions shall be taken on reasonable notice, and the Parties shall work together in good faith on the scheduling of depositions.

7. Any party intending to file a motion for summary judgment shall file a letter no longer than five pages, double-spaced, setting forth the factual and legal bases for the motion. Within five business days after the filing of such a letter, the party against whom summary judgment would be sought may submit a response no longer than five pages, double-spaced, stating why leave to move for summary

judgment should be denied. The Court will then determine whether to grant leave to file a motion for summary judgment. If leave is granted, the Court will further determine whether the trial dates should be removed from the calendar to permit time to resolve the summary judgment motions.

8. Any witness for trial pursuant to subparagraph 1(h) who has not previously been deposed in this action shall be made promptly available for deposition. Following the identification of trial witnesses, any Party may designate additional party witnesses for trial by agreement of the Parties or for good cause shown upon motion to the Court.

9. The Parties shall work together to create a single set of trial exhibits without duplication, organized chronologically to the extent practicable, and to cite to them in their pre-trial briefs.

10. The Parties may amend the dates set forth herein by written agreement, without Court approval, except that the dates for the submission of the pretrial order, the pre-trial conference date, and the trial date may be amended only by order of the Court.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

---

The Honorable Morgan T. Zurn