JUDICIAL PANEL

Views from the Bench on Common Issues in Franchise Cases
Meet Our Esteemed Judges

Hon. Waverly D. Crenshaw, Jr.
- Chief Judge, United States District Court, Middle District of Tennessee

Hon. Ellen Hobbs Lyle
- Chancellor, Davidson County, Tennessee Chancery Court, Part III

Hon. Christopher H. Steger
- Magistrate Judge, United States District Court, Eastern District of Tennessee
Introduction

Goals for Our Discussion Today

Topics for Discussion

Your Questions

Candid Answers about What Our Panelists Believe Works and Does Not Work
General Observations

- Local Rules and Individual Practices
- Local Counsel
- Presentation of Arguments in Motions, Briefs, and Orally
- Preparation
- Taking Cues from Court, Jury, and Witnesses
TROs and Preliminary Injunction Motions

- General Practice
- Impact of What a Party Is Seeking to Enjoin
- Proof of Irreparable Harm, Self-Inflicted Harm and Harm to Third Parties
- Evidentiary Hearings vs. Oral Argument
Discovery Disputes and ESI

• 2015 FRCP Amendments and Proportionality in Practice

• E-Discovery and ESI
  o Discovery Planning by the Parties
  o Privilege and Inadvertent Production
  o Motion Practice Related to ESI
  o Spoliation Determinations
  o Use of Consultants and Artificial Intelligence as Surrogates
Dispositive Motions

• Motions to Dismiss
  o Practice and Practical Impacts of Such Motions
  o Federal versus State Standards

• Motions for Summary Judgment
  o Practice and Practical Impacts of Such Motions
  o Partial Motions for Summary Judgment
  o Cross-Motions for Summary Judgment

• Decisions on Dispositive Motions as Triggers for Settlement
Other Issues of Interest

- Top 10 Ways to Lose a Trial, or to Annoy the Judge or Jury
- Franchise Cases: a Separate Genre with Their Own Quirks or just General Commercial Disputes?
- Support that the Bar can Provide Given Limited Judicial Budgets
- Views on Mandatory Initial Discovery Programs (such as being tested in AZ & IL)
- Adequacy of Security in Courthouses in an Increasingly Polarized Society