



AMERICAN
ARBITRATION
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REPORT OF PRELIMINARY MANAGEMENT HEARING AND SCHEDULING ORDER

Case Number: 01-23-0003-4043

DBR Finance, Inc. f/k/a Outdoor Product Innovations, Inc.

-vs-

Tru-View, LLC

Pursuant to the Commercial Arbitration Rules of the American Arbitration Association (AAA) effective September 1, 2022, a preliminary hearing was held on September 21, 2023, before Arbitrator Adam V. Floyd.

Preliminary Hearing Attendees:

For Claimant: Timothy Parilla and Robert Palmersheim

For Respondent: Scott R. Brown and Todd Gangel

For the Association: Jason Patlan

By agreement of the Parties and Order of the Arbitrator, the following is now in effect:

- 1. Applicable Law:** The Federal Arbitration Act will apply in the Arbitration and Kansas State law will be applied substantively to the arbitration.
- 2. Parties:** All the necessary or appropriate parties are included in the arbitration with the possibility that a successor-in-interest may need to be joined by Claimant. Claimant has until October 5, 2023 to file a motion for joinder, if needed. Any response will be due by October 12, 2023.
- 3. Claim/Counterclaim:** Parties shall amend/specify claims by October 26, 2023. Any response is due by November 9, 2023.
- 4. Motion for Summary Judgment:** Claimant may file a dispositive motion by October 13, 2023, not to exceed 10 pages in length. The opposing Party may file and serve its opposition, not to exceed 10 pages in length, on or before November 3, 2023. The Arbitrator will rule on the Parties' submissions by November 17, 2023.
- 5. Motions:** Pursuant to the Commercial Rules, motions may not be filed without the permission of the Arbitrator. Application to file motions shall be filed with the AAA and the Arbitrator, by letter or email not to exceed 2 pages; describing 1) the motion the Party wishes to file, 2) the factual and legal basis for the motion, and 3) the

**RUGGED CROSS HUNTING BLINDS, LLC EX. 2026
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reasons why the motion needs to be filed and how it will expedite resolution of the case or otherwise benefit the Parties.

The submission shall contain a certification that the requesting Party has in good faith conferred with the opposing Party about the proposed motion prior to any Party requesting that a Motion be filed. The certification shall state whether the relief sought by the motion has been agreed to by the Parties or will be opposed. If no conference has occurred, the reason why must be stated. An opposing party may submit a responsive letter, not to exceed 2 pages; within 2 days of its receipt of a letter requesting a motion. Parties are advised that it is unlikely that dispositive motions which require resolution of disputed facts, without a hearing, will be granted. All other applications or requests for advice or direction from the Arbitrator may be made informally by email or joint telephone conference. Formal motion procedure is not required, although it is allowed if the parties wish.

6. Hearing: A Final Hearing in this matter will commence before the Arbitrator in Dallas, Texas (precise location to be determined) on February 7, 2024 at 10:00 am. The parties estimate that this case will require 1 day of hearing time, inclusive of arguments. This is a firm setting and will not be changed or continued absent exceptional circumstances, upon a showing of good cause.

7. Additional Pre-hearing/Status Conference: An additional pre-hearing or status conference call is scheduled for January 29, 2024, at 10:00 am before the Arbitrator. The parties shall confer regarding a proposed agenda and shall submit a proposed agenda for the call no later than January 28, 2024. If no agenda is provided, the call will be cancelled. This call may also be cancelled upon the mutual agreement of the parties.

8. Exchange of Information/Discovery:

a. Written Discovery:

i. Requests shall be exchanged by October 20, 2023. Each Party may serve no more than

10 requests for production of documents and no more than 10 interrogatories.

ii. Answers to discovery requests are due within 21 days of receipt of the requests.

b. Depositions to be completed by January 17, 2024.

i. 2 depositions per Party.

ii. No deposition shall exceed 2 hours in length.

iii. With respect to all depositions, there shall be no speaking objections, or interference with the ability of counsel to elicit testimony from a witness, subject to privilege objections and instructions.

c. Discovery cutoff is November 17, 2024.

i. Please be advised that late-filed motions to compel discovery or discovery disputes are insufficient to cause a postponement of the Final Hearing.

d. Electronic Discovery:

i. Clawback agreements shall be in place for all parties to allow for the retrieval of inadvertently disclosed attorney-client privileged documents.

ii. If the cost of collection of any of the electronically stored data presents an unreasonable cost for the producing party because the data is not readily accessible and the parties cannot reach an agreement on the handling of the cost, the arbitrator will decide if cost sharing or cost shifting is appropriate.

ii. The parties' agreement regarding electronic discovery will then be memorialized in an ESI case management order to be submitted in draft to the Arbitrator on or before November 3, 2023. If the parties cannot come to agreement regarding all salient issues concerning electronic discovery, they may raise the remaining issues to the Arbitrator by motion, to be filed within 3 days of the meet and confer. The motion will be a joint motion setting forth the parties' positions.

9. Protective Order: The parties' agreement regarding confidentiality of information will be memorialized in a protective order to be submitted in draft to the Arbitrator on or before November 3, 2023. If the parties cannot come to agreement regarding all salient issues concerning confidentiality, they may raise the remaining issues to the Arbitrator by motion, to be filed within 3 days of the meet and confer. The motion will be a joint motion setting forth the parties positions.

10. Witness Disclosures:

a. Parties shall file disclosures of all witnesses reasonably expected to be called by them at the arbitration hearing by November 10, 2023.

b. Claimant shall file witness statements by January 24, 2023.

c. Respondent shall file witness statements by January 31, 2023.

d. On or before December 12, 2023, the parties shall file and serve their initial expert witness reports.

Expert reports shall set forth each expert's opinions and the basis for them. The substance of each expert's direct testimony must fairly and reasonably be addressed in the expert's report. Rebuttal expert reports are due by January 3, 2024.

11. Exhibits: The parties shall exchange copies of all exhibits to be offered and all schedules, summaries, diagrams, and charts to be used at hearing not later than February 1, 2024.

- a. The Association does not require a copy of the exhibits for our file.
- b. Each party shall bring sufficient copies to the hearing for opposing parties, the Arbitrator, and the witness.
- c. Each proposed exhibit shall be pre-marked for identification using the following designations:

Party	Exhibit #	To Exhibit #
Claimant	C1	C____
Respondent	R1	R____

d. The parties shall attempt to agree upon and submit a jointly prepared consolidated and comprehensive set of joint exhibits.

- i. Joint Exhibits shall be numbered sequentially with the prefix J (J-1, J-2, J-3, etc.).

12. Arbitration Hold: Counsel for the Parties are directed to inform their clients that the Arbitrator has ordered an arbitration hold which applies to describe scope of hold, and that the clients should take steps to prevent the destruction of all documents, both paper and electronic. If any party has an automatic document deletion/destruction program in place that system should be overridden until the case is completed.

13. Stipulation of Uncontested Facts: The parties shall file a stipulation of uncontested facts by February 1, 2024.

14. Pre-Hearing Briefs: On or before February 1, 2024, each party may serve and file a pre-hearing brief on all significant disputed issues, setting forth briefly the party's position and the supporting arguments and authorities.

- a. Briefs may be in summary form, including the use of bullet points rather than extensive text.
- b. The Arbitrator(s) requests that briefs not exceed 3 double-spaced pages, excluding copies of any authorities that the parties may submit at the same time. The parties are invited to highlight any authorities as they deem appropriate.

15. Stenographic Record: If both parties desire a stenographic record of the hearing, the parties will arrange between themselves of the presence of a court reporter. The cost of the court report will be divided evenly between the Parties. Pursuant to Rules, if the parties are not in agreement, the requesting party or parties shall pay

the cost of the court reporter and record.

16. Award:

a. Form of Award:

i. Reasoned

ii. Pursuant to the Rules, the award shall be made by the Arbitrator no later than 30 days from the date of closing the hearing.

17. Mediation/Judicial Settlement Conference Services:

a. Mediation and Judicial Settlement Conference Services are available from the AAA. There is no additional filing fee to initiate either service.

b. The parties shall mediate their dispute by January 12, 2024, pursuant to AAA's Commercial Arbitration Rules, or as otherwise agreed upon by the parties, in accordance with the Rules.

18. Communication:

The parties agree to participate in Direct Exchange. Provided there is no ex parte communication with the Arbitrator, the parties may communicate directly with the Arbitrator by submitting documents to the Arbitrator and also sending copies to the other party and originals to the AAA (except for hearing exhibits and discovery documents). Email submission of documents and email requests for action by the Arbitrator are allowed, provided that the AAA and all parties also receive copies of all of these. There shall be no direct oral or written communication between the parties and the Arbitrator except as contemplated by this Order. Any communication to the Arbitrator shall be copied to the AAA. The email addresses on record to be used.

19. Disclosures of the Arbitrator: Each counsel and Party has a continuing obligation to protect the integrity of the arbitration proceeding by promptly providing the Arbitrator the information necessary to allow him/her to comply with his/her ongoing duties of disclosure pursuant to the Code of Ethics for Arbitrators in Commercial Disputes and the American Arbitration Association. Counsel, for themselves and for each of their clients, acknowledge the continuing obligation to supplement the identification of potential fact and expert witnesses, consulting experts, counsel participation and representation in any capacity, and any other individual or entity interested in the outcome of the arbitration. Any issues concerning disqualification of the Arbitrator shall be raised promptly with the AAA.

20. File Destruction: The Arbitrator will destroy their files related to this matter 90 days after the filing of the Award unless otherwise notified by the parties.

21. Deadline Enforcement: All deadlines stated herein will be strictly enforced and adhered to in order to avoid unnecessary delay and to ensure an expedient and fair resolution of this matter. This order shall continue in effect unless and until amended by subsequent order of the Arbitrator.

Dated: September 21, 2023



Adam V. Floyd

Table of Deadlines

Para.	Action	Deadline
2	Motion for joinder (if needed)	10/5/23
2	Opposition to joinder (if needed)	10/12/23
4	Motion for summary judgment (MSJ)	10/13/23
8a	Initial request for written discovery. Responses due in 21 days.	10/20/23
3	Amend claims	10/26/23
4	Response to MSJ	11/3/23
8d, 9	Joint proposed ESI and protective orders	11/3/23
3	Response to amended claims (optional)	11/9/23
10a	Disclosure of potential witnesses	11/10/23
4	Ruling on MSJ	11/17/23
10d	Initial expert reports	12/12/23
10d	Rebuttal expert reports	1/3/24
17	Deadline to mediate	1/12/24
8c	Completion of all discovery	1/17/24
10b	Claimant's witness statements	1/24/24
7	Joint agenda for pre-hearing conference	1/28/24
7	Pre-hearing status conference (telephonic)	1/29/24
10c	Respondent's witness statement	1/31/24
11	Parties' exchange of proposed exhibits	2/1/24
13, 14	Filing of pre-hearing briefs, any stipulations, and core exhibits	2/1/24
6	Arbitration Hearing	2/7/24
16	Estimated deadline for issuance of final award	3/9/24