

FAXED

TENNESSEE COURTS
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TO (COURT CLERK): Dennis Potter, Clerk & Master

WITH (COURT): Campbell County Chancery Court

CLERK'S FAX NUMBER: (423) 562-9732

CASE NAME: DANIEL VALLE, ET AL. v. DEERFIELD RESORT, INC., ET AL.

DOCKET NUMBER: 7CH1-2019-CV-237

TITLE OF DOCUMENT: Motion for Referral to Mediation Pursuant to Rules of the Supreme Court of Tennessee

FROM (SENDER): Preston A. Hawkins, Esq.

SENDER'S ADDRESS: LEWIS THOMASON, P.C.
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DATE: June 14, 2023 **TOTAL PAGES, INCLUDING COVER PAGE:** 5

FILING INSTRUCTIONS/COMMENTS (attach additional sheet if necessary):

Please file with the court. Thank you.

IN THE CHANCERY COURT FOR CAMPBELL COUNTY, TENNESSEE

DANIEL VALLE, <i>et al</i> ,)	
)	
Plaintiffs,)	
)	
vs.)	No. 7CH1-2019-CV-237
)	
FIELDS DEVELOPMENT COMPANY,)	
INC., <i>et al</i> ,)	
)	
Defendants.)	

**MOTION FOR REFERRAL TO MEDIATION PURSUANT TO RULE 31
OF THE RULES OF THE SUPREME COURT OF TENNESSEE**

Come now the Defendants, Paula Rae Lejeune and Raymond Scott Fields, Co-Executors of the Estate of Madeline C. Fields, Raymond Scott Fields, Paula Lejeune, Mark Lejeune, Fields Development Company, Inc., Fields Real Estate, Inc. and Deerfield Resort, Inc. (collectively “Defendants” and sometimes collectively and generally referenced as “Developer”), by and through counsel, and hereby files the within Motion for Referral to Mediation Pursuant to Rule 31 of the Rules of the Supreme Court of Tennessee, seeking an Order that this case be mediated under the provisions of Rule 31, and in support thereof states as follows:

1. This purported shareholder derivative action was filed in 2019 and has been complicated by the numerous different Complaints being filed – we are now on the Fourth Amended Complaint, which has been approved, but apparently not actually filed or verified. Additionally, defending the case has been difficult to defend due the failing health and untimely death of Madeline Fields, an original Defendant.

2. Nevertheless, the parties have engaged in protracted and expensive discovery, including legitimate discovery disputes won by both sides. However, to date no depositions have

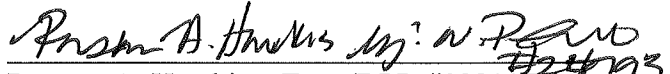
been taken, an election of the initial Board of Directors of the Deerfield Resort Homeowners Association, Inc. is likely to take place later this year, Defendants have a Motion for Interlocutory Appeal and a Motion to Postpone the Trial Date and Stay Discovery Pending that election are pending. The current trial date of September 5, 2023, appears to be impossible to maintain, due to the fact that no depositions have been taken to date. Defendants assert, as the Court recently suggested in another motion hearing, that the best use of resources at this time might not be in protracted litigation. Defendants assert that mediation could potentially result in a resolution that could be reached by the parties in good faith and ultimately approved by the Court as required by Tenn. Code Ann. § 48-46-401(d).

3. Defendants assert that none of the Parties will be prejudiced by this matter being referred to mediation. In fact, a successful mediation could save potentially hundreds of thousands of dollars in attorneys fees and could reduce the burden on the Court's time.

4. It is in the best interests of the Court to refer this matter to mediation currently, as mediation has the potential to preserve the Court's resources and avoid the need for further extensive pre-trial discovery, interlocutory appellate and post-trial appellate practice.

WHEREFORE, PREMISES CONSIDERED Defendants respectfully request that this Honorable Court grant an Order referring this matter to a Rule 31 mediator on or before July 31, 2023, and splitting the costs of mediation equally among the two sides.

Respectfully submitted this 14th day of June 2023.


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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served on the following counsel of record in the manner of service indicated below:

<input type="checkbox"/> Hand <input type="checkbox"/> Mail <input type="checkbox"/> Fax <input type="checkbox"/> FedEx <input checked="" type="checkbox"/> E-Mail	D. Scott Hurley, Esq. Ryan N. Shamblin, Esq. The Hurley Law Firm, P.C. 205 Mohican Street Knoxville, TN 37919 scott@thehurleylawfirm.com ryan@thehurleylawfirm.com
<input type="checkbox"/> Hand <input type="checkbox"/> Mail <input type="checkbox"/> Fax <input type="checkbox"/> FedEx <input checked="" type="checkbox"/> E-Mail	H. Scott Reams, Esq. Taylor, Reams, and Tilson 628 East Morris Blvd Morristown, TN 37813 hsreams@trthatty.com

This 14th day of June 2023.

Preston A. Hawkins Esq. *w/ P. E. W.*
Preston A. Hawkins, Esq. *#24793*
w/perm.

FAX TX REPORT

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