

SMITH HAUGHEY RICE & ROEGGE Open Litigated and On Notice

Claim Number	Claimant Name	Open/C	Member	Reserve	Reserve Balance	Paid	Collection	Incurred	Description
GL23002014007742	GRINAGE, JOSPEH	OL	Eaton County Road Commission	Expense	\$ -	\$ -	\$ -	\$ -	VEHICLE WENT THROUGH A LARGE WATE
	GRINAGE, JOSPEH	OL	Eaton County Road Commission	Indemnit	\$ -	\$ -	\$ -	\$ -	VEHICLE WENT THROUGH A LARGE WATE
	HARSTON, Ryan	OL	Eaton County Road Commission	Expense	\$ -	\$ -	\$ -	\$ -	VEHICLE WENT THROUGH A LARGE WATE
	MUSSER, ANDREW	OL	Eaton County Road Commission	Indemnit	\$ -	\$ -	\$ -	\$ -	VEHICLE WENT THROUGH A LARGE WATE
	MUSSER, Melissa	OL	Eaton County Road Commission	Expense	\$ -	\$ -	\$ -	\$ -	VEHICLE WENT THROUGH A LARGE WATE
	MUSSER, Melissa	OL	Eaton County Road Commission	Indemnit	\$ -	\$ -	\$ -	\$ -	VEHICLE WENT THROUGH A LARGE WATE
	PEARCE, BRENDAN	OL	Eaton County Road Commission	Expense	\$ 259.69	\$ 9,240.31	\$ -	\$ 9,500.00	VEHICLE WENT THROUGH A LARGE WATE
	PEARCE, BRENDAN	OL	Eaton County Road Commission	Indemnit	\$ -	\$ -	\$ -	\$ -	VEHICLE WENT THROUGH A LARGE WATE
	PEARCE, BRENDAN	OL	Eaton County Road Commission	Indemnit	\$ -	\$ -	\$ 1,000.00	\$ (1,000.00)	VEHICLE WENT THROUGH A LARGE WATE
	PEARCE, BRENDAN	OL	Eaton County Road Commission	Litigation	\$ 84,592.14	\$ 158,043.00	\$ -	\$ 242,635.14	VEHICLE WENT THROUGH A LARGE WATE
					\$ 84,851.83	\$ 167,283.31	\$ 1,000.00	\$ 251,135.14	
GL56002013007594	Brugger, Tim	OL	Midland County Road Commission	Expense	\$ 13.77	\$ 130,236.23	\$ -	\$ 130,250.00	Claimant alleges potholes and uneven payment
	Brugger, Tim	OL	Midland County Road Commission	Indemnit	\$ 250,000.00	\$ -	\$ -	\$ 250,000.00	Claimant alleges potholes and uneven payment
	Brugger, Tim	OL	Midland County Road Commission	Litigation	\$ 1,544.80	\$ 303,455.20	\$ 10,000.00	\$ 295,000.00	Claimant alleges potholes and uneven payment
					\$ 251,558.57	\$ 433,691.43	\$ 10,000.00	\$ 675,250.00	
AL70002017008340	Vandenbosch, Jim	ON	Ottawa County Road Commission	Expense	\$ -	\$ 3,430.50	\$ -	\$ 3,430.50	RCV ran red light got T-Boned by TP Semi - Fa
	Vandenbosch, Jim	ON	Ottawa County Road Commission	Litigation	\$ 3,464.50	\$ 21,535.50	\$ -	\$ 25,000.00	RCV ran red light got T-Boned by TP Semi - Fa
					\$ 3,464.50	\$ 24,966.00	\$ -	\$ 28,430.50	
GL83002014008027	Nieman, Robin	ON	Wexford County Road Commission	Expense	971.44	31,028.56	0.00	32000	Claimant vehicle drove into mud puddle/hole on
	Nieman, Robin	ON	Wexford County Road Commission	Litigation	2,935.00	177,065.00	1,000.00	179000	Claimant vehicle drove into mud puddle/hole on
					\$ 3,906.44	\$ 208,093.56	\$ 1,000.00	\$ 211,000.00	

MCRCSIP CLAIMS REPORT
GL23002014007742

Brandon Pearce
Ryan Harston
John Musser

v Eaton County Road Commission

D/A 03/08/2015 **LOCATION:** Mason Road near its intersection with Kinsel Highway

PLAINTIFF ATTORNEY: Various

DEFENSE ATTORNEY:

D. Adam Tountas/Stephanie Hoffer, SHRR

ALLEGATIONS IN COMPLAINT: Faulty roadway, defect that allowed for the unnatural accumulation of water, pothole in roadway, standing water in pothole.

INJURIES/DAMAGES: Unknown, with at least three fatalities

FACTS OF ACCIDENT: On March 8, 2015, Melissa Sue Musser, a 31-year-old female, was driving a 2002 minivan southbound on North Mason Road near its intersection with Kinsel Highway. There were 5 passengers inside the vehicle. The UD-10 status that Musser was southbound when her vehicle went through a large water puddle, lost control, and left the roadway. The minivan rolled over and eventually struck a tree, killing Musser and one of her passengers, who was 15 years old. We have received 5 Notices of Intent to Sue, and the underlying allegations are all basically the same: North Mason Road contained a defect that allowed for the unnatural accumulation of water, which caused the minivan to hydroplane.

Under Michigan law, the mere accumulation of water does not constitute a roadway defect capable of triggering highway exception. As a result, in order to prevail on any forthcoming claims, the presumptive plaintiffs will need to prove that North Mason Road contained a persistent defect (i.e., one that exists at all times and under all weather conditions) that rendered it unsafe for public travel. If they cannot do so, the Road Commission will prevail.

UPDATE (08/27/15): At the end of last month, we traveled to the site of the accident for three reasons: to interview the investigating police officer; inspect the site of the crash with our accident reconstructionist, David Sallmann; and inspect the minivan so as to download the data vent recorder. Our inspection yielded several salient facts about the underlying crash, including the following: Musser was driving the minivan more than 20 miles over the speed limit at the time of the incident; alcohol likely played a factor in the crash (a beer can was observed inside the minivan upon our inspection; the tread depth on the minivan's tires were below the recommended depth (2-32nds of an inch); and one of the tires was a spare, otherwise known as a "donut" tire.

We are scheduled to return to the site with Gilbert Baladi, a materials engineer on Tuesday, August 25, 2015, so that he can observe the roadway condition. Once that site visit is complete, there will be no more major activity before suit is filed.

UPDATE (2/18/2016): Counsel filed and Answer and Affirmative Defenses in response to plaintiff amended his complaint. We deny the existence of the alleged roadway defect, and assert comparative negligence on the part of the plaintiff for, among other things, electing to ride in a vehicle being operated by someone who was visibly intoxicated. We signed a stipulation and order allowing John Musser, to join this litigation as an additional plaintiff. Brendan Pearce, who is now deceased, has sued the Road Commission in a separate proceeding. Our desire is to consolidate that lawsuit with this one so as to conserve time and resources. Plaintiff's counsel, Mr. Collison agreed.

Plaintiffs' initial complaint improperly identified the Road Commission as a subdivision of Eaton County. The Plaintiff stipulated to the dismissal of his claims against Eaton County, only. An order was entered and we are waiting to hear back regarding the order.

UPDATE (06/29/2016): Pleadings & Dispositive Motion filed in opposition to Ryan Harston's motion to stay the underlying case on account of his incarceration. Defendant Melissa Musser filed her own opposition to Mr. Harston's motion.

Counsel received the Court's ruling on our motion to dismiss Brendon Pearce's wrongful death claim on account of his defective notice. The Court's written opinion denied the Road Commission's motion to dismiss.

Defense Counsel suggest an immediate appeal of the Court's ruling on our motion to dismiss, also this appeal will stay Pearce's lawsuit, in the interest of conserving costs. Counsel intends to withdraw the objection to Harston's motion for stay.

UPDATE (8/25/2016): Our Motion for Summary Disposition based on Plaintiff Pearce's Notice was denied. On August 8, 2016 we filed our Brief on Appeal and on September 12, 2016 Plaintiff Pearce's response is due, case is stayed until Appeal is resolved.

UPDATE (10/14/2016): Submitted a request for Court to deny Plaintiff's Motion to Affirm. Further, because Plaintiff failed to analyze the applicable rules and apply the rules to the arguments made in the Road Commission's Brief. We requested to be awarded the costs (including attorney fees) incurred in responding to the Motion. Case is stayed until Appeal is resolved.

UPDATE (11/10/2016): Our motion for Summary Disposition based on Plaintiff Pearce's Notice was denied. Case was appealed, and our appeal was denied. We are evaluating taking this decision to the Michigan Supreme Court with Streng. Stephanie is meeting with Bill Henn to discuss.

UPDATE (02/03/2017): Our Motion for Summary Disposition based on Plaintiff Pearce's Notice was denied. Court of Appeals summarily affirmed the Trial Court's decision (in Plaintiff's favor). Application to Appeal filed with the Michigan Supreme Court. Trial Court proceedings will resume unless stayed pending Application to the Supreme Court.

UPDATE (06/01/2017): Received Plaintiff's Response to Road Commissions Summary Disposition and Brief in Support.

UPDATE (08/30/2017): Adam Tountas filed a claim of appeal and jurisdictional checklist. The next step will be for them to file a docketing statement, which is intended to identify, in basic terms, the issues surrounding our appeal. In light of our appeal, all of the underlying trial court proceedings are stayed. They will remain stayed until the appeal is resolved.

UPDATE (12/06/2017): Settlement Amount Authority talk with MCRCSIP and Adam Tountas



SMITH HAUGHEY
RICE & ROEGGE

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D. Adam Tountas
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November 29, 2017

EMAIL TRANSMISSION ONLY

GCummings@MCRCSIP.org

Ms. Gayle Cummings
Administrator
Michigan County Road Commission Self-
Insurance Pool
417 Seymour Avenue, Suite 2
Lansing, MI 48933

RE: Joseph Grinage v Estate of Melissa Sue Musser, et al;
Ryan Harston v Eaton County Road Commission, et al;
Estate of Brendon Pearce v Estate of Melissa Sue Musser, at al
MCRCSIP Claim No: GL23002014007742
Sedgwick Claim No: 30154449558-0001
ACE Claim No: JY15J0626384
Our File No: 114550

Dear Ms. Cummings:

Since the time of our last status report, we've had an opportunity to discuss Joseph Grinage's settlement demand of \$50,000. As part of that conversation, we pledged to provide you with a recommendation regarding the same. Our recommendation is set forth below.

As an initial matter, please recall that Mr. Grinage's physical injuries were significant. On account of the underlying crash, he broke his back and underwent a spinal fusion surgery; fractured a femur and had hardware installed in his leg; fractured several ribs; and sustained a concussion, which resulted in post-traumatic stress disorder. Moreover, after the accident, Mr. Grinage undertook vigorous in-patient rehabilitation and, after discharge, was confined to his home for several months. In our opinion, a competent jury could, if liability against the Road Commission is established, easily value Mr. Grinage's damages at somewhere between \$400,000 and \$600,000. His settlement demand should be evaluated with that overall number in mind.

There are several analytic tools we normally use to evaluate a settlement demand. One of them is to analyze the claim's overall verdict value, and then subtract the percentage of fault that a jury is likely to assign to other parties or non-parties at trial. For the purpose of this approach, we are comfortable assigning Mr. Grinage's claim a verdict value of \$500,000, which is squarely in the middle of the range identified above. The next step, then, is to subtract from that number a dollar amount that contemplates the percentage of fault we believe the jury will assign to other defendants when

Ms. Gayle Cummings

November 29, 2017

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evaluating the underlying crash. Along those lines, if this case proceeds to trial, we will argue that Melissa Sue Musser's negligence, as opposed to the presence of the puddle, was responsible for the crash and, hence, Mr. Grinage's injuries. Our verdict form will explicitly ask the jurors to allocate a percentage of fault for the crash between, among other parties, the Road Commission and Ms. Musser. However, fault allocation is a tricky business. In our experience, absent extenuating circumstances, jurors are unwilling to overwhelmingly allocate fault to any one party when presented with multiple defendants. Rather, they often elect to "split the difference," and retroactively rationalize their reasons for doing so.

On these facts, and because alcohol was involved in the underlying crash, it is likely that the jury will ultimately find Ms. Musser, who was legally intoxicated, more than 50% responsible. It is unlikely, however, that the jury finds her more than 75% responsible. To bring our analysis full-circle, then, if the jury finds Ms. Musser 90% responsible for the crash (which would be a great day for us at trial), then, with respect to Mr. Grinage's claims, the remaining 10% allocation of fault against the Road Commission will result in a \$50,000 verdict. That potential verdict is precisely the size of Mr. Grinage's settlement demand. This particular exercise suggests, then, that Mr. Grinage's settlement demand is reasonable.

Another tool that can be used to evaluate Mr. Grinage's demand is the size of the same versus the costs and fees we anticipate expending in the defense of his claims. Our defense efforts will certainly involve taking Mr. Grinage's deposition, and reviewing all medical records generated after the underlying crash. It is also very likely that we will need to depose several of Mr. Grinage's treating physicians, particularly those who diagnosed him with a concussion and PTSD. An independent medical examination may also be necessary, depending upon Mr. Grinage's alleged limitations and prognosis for recovery. When all of these considerations are taken into account, it is easy to see how the costs and attorneys fees associated with the defense of Mr. Grinage's claims could easily approach (if not exceed) the size of his settlement demand. The same considerations, then, also suggest that his demand is reasonable.

The final analytic tool we can use to evaluate Mr. Grinage's demand involves ascertaining the likelihood of a case evaluation award of an equal (or smaller) size. In our experience, there is no such thing as a zero-dollar case evaluation award, even when the panel believes that the case is one where the plaintiff will have a difficult time establishing liability. In those instances, and even in conservative jurisdictions, most panels are loathe to return a case evaluation award less than \$25,000 to \$35,000. That is particularly the case where, as here, the plaintiff's damages are undeniable and significant. Here, a case evaluation award in the range of \$50,000 to \$75,000, especially considering Mr. Grinage's PTSD diagnosis, would be a successful result. In fact, with respect to Mr. Grinage's claims, we would likely counsel the Road Commission to accept an award within that range. So, this particular analysis also supports the conclusion that Mr. Grinage's settlement demand is reasonable.

In conclusion, then, each of the tools we use to normally evaluate a settlement demand suggests that Mr. Grinage's demand is reasonable. However, we are not asking you for authority in that amount to settle his claims. This is because we believe, based upon our conversation with Mr. Grinage's

Ms. Gayle Cummings
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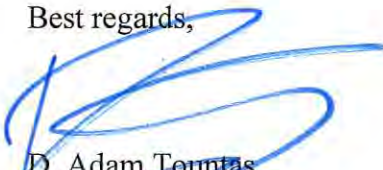
counsel, that he will take less to resolve this lawsuit. In fact, we believe that we can settle Mr. Grinage's lawsuit for something in the vicinity of \$35,000 to \$40,000.

Furthermore, any settlement we make with Mr. Grinage can likely be used as leverage to resolve the claims of Ryan Harston, another one of the plaintiffs. We do not have an exhaustive understanding of Mr. Harston's injuries. However, we know they include at least the following: a traumatic brain injury; fractured right femur; fractured collar bone; fractured finger; and the loss of several teeth. We also know that, as part of Mr. Harston's treatment regimen, he underwent several surgeries and spent a significant period of time confined to his home. His injuries, then, are of a similar nature to Mr. Grinage's injuries.

In light of the above, we hereby formally request \$75,000 in overall settlement authority. We propose to use the money to resolve both Mr. Grinage's and Mr. Harston's lawsuits against the Road Commission. In no event, however, will we spend more than \$40,000 towards the resolution of any particular case. We believe that resolving both lawsuits on this basis would be in the Road Commission's best interest, and help clarify (and narrow) the remaining claims and issues to be resolved at trial.

Once you've had an opportunity to consider our request, please let me know whether you find the same to be amenable. Until then, we will continue to keep you advised of any new developments.

Best regards,



D. Adam Tountas
DAT:rmb

Cc: MCRCSIP – (claims@mcresip.org)
Cathy Greer – (CGreer@shrr.com)
Charles J. Pike – (CPike@shrr.com)

MCRCSIP CLAIMS REPORT
GL56002013007594

Tim Brugger
D/A: 04/27/13

v Midland County Road Commission
LOCATION: N. Geneva Road

PLAINTIFF ATTORNEY: Donald N. Sowle, Sowle Law

DEFENSE ATTORNEY: D. Adam Tountas, SHRR

ALLEGATIONS IN COMPLAINT: Failure to maintain subject roadway; not reasonably safe and convenient for public travel as a result of "large potholes in the travel (sic) portion of the roadway.

INJURIES/DAMAGES: Traumatic brain injury (TBI), subarachnoid and intracerebral hemorrhage, lacerated spleen, R wrist fx, L femur fx requiring open reduction and internal fixation, phalanx (finger) fx, displaced spinal fx's at T-3 through T-7, basilar occipital skull fx's, other less significant injuries. Injuries resulted in disfigurement, impaired cognitive functions and loss of hearing.

FACTS OF ACCIDENT: Single motorcycle accident. Plaintiff, age 31 on D/A, was driving a 2011 Harley Davidson (no helmet) SB on N Geneva Road at a "high rate of speed," lost control on the "poor road surface" and overturned, falling off the motorcycle. Motorcycle skidded into the ditch impacting the embankment. Brugger was assigned a hazardous action of "speed too fast" (03) but not issued any citations. Alcohol was a factor in this crash (.07% BAC-hospital records).

UPDATE (05/20/15): No pertinent dates; no pre-trial schedule received from Court.

UPDATE (06/23/15): Investigation and discovery continue. Motorcycle found and to be examined in July 2015.

UPDATE (08/27/15): Accident reconstruction/motorcycle inspection concluded by expert. PI utilizing low beam at the time of crash. Low beam, as opposed to high beam, at nighttime on an unlit roadway believed to have significantly impacted PI's ability to observe his surroundings. Additionally, based upon the roadway features, expert skeptical that pothole identified by law enforcement played any role in the crash. Investigation and discovery continue.

UPDATE (11/12/15): Plaintiff's deposition adjourned to force a more comprehensive narrative account of the crash.

UPDATE (2/18/16): Motion to compel that narrative, by way of a supplemental written Interrogatory response. Discovery to be extended 90 days. If Plaintiff cannot provide narrative of how crash occurred by way of expert accident Reconstructionist, a Motion to have case dismissed will be filed.

UPDATE (06/29/16): Counsel has concluded the Discovery phase of the lawsuit. Counsel defended the depositions of several Road Commission representatives successfully which supports the position that the Plaintiff knew that operating a motorcycle while legally intoxicated was risky while driving on North Geneva road that was deemed "rough" by family members and friends. Over the next 45 days, Counsel will depose the Plaintiff's treating physicians to obtain a clear picture of the Plaintiff's injuries, prognosis for recovery and to prepare the rebuttal analysis.

UPDATE (08/25/2016): Discovery to remain open until December 31, 2016. Defendant Road Commission's Dispositive Motion (in light of Streng opinion) to be filed mid-fall (Judge and Plaintiff's counsel aware of our intent). Our Neuropsychological Expert passed away unexpectedly last week. We are currently wrapping up our Expert Depositions.

UPDATE (09/28/2016): Finishing with expert deposition practice by the end of next month. At that point, we intend to move for summary disposition based upon the Plaintiff's pre-suit notice. If we win, the case is over, and the Plaintiff will likely appeal. If we lose, the Road Commission is entitled to an immediate appeal. Either way, the trial proceedings will be stayed for roughly one year. In light of the above, the Court, which is aware of our impending motion, elected not to set a trial date.

UPDATE (11/20/2016): Discovery closes December 31, 2016. We are preparing to file a Motion Summary of Disposition-in light of the Streng opinion-on notice deficits.

UPDATE (02/03/2017): Before the end of last year, we filed a Motion for Disposition (in light of Streng Opinion). Hearing on Motion for Summary Disposition is scheduled for February 10, 2017 at 3:00PM.

UPDATE (06/01/2017): Motion of Summary Disposition was denied. Once the order is entered, it will constitute a "final order" under the Michigan Court Rules and, as such, become immediately appealable. We recommend that you appeal the trial court's ruling.

UPDATE (06/23/2017): A claim of appeal was filed with the Michigan Court of Appeals. We subsequently filed a docketing statement, setting forth, in basic terms, the issues to be resolved by our appeal. Our appeal has been at something of a standstill because the trial court reporter has yet to file a copy of the transcript from the dispositive motion hearing. That transcript is significant not only because it is a necessary part of our appellate record, but also because it triggers our briefing deadlines. Given the untimeliness in this regard, we recently filed a motion that seeks an order to show cause as to why she should not be held in contempt of court. We anticipate that the court reporter will quickly generate and file a copy of the transcript, then we will have 56 days to file our appeal brief.

UPDATE (08/30/2017): As expected, and in response to our Motion to Show Cause, the Court clerk filed a copy of the dispositive motion hearing transcript. Therefore, our appeal brief is due within 56 days of that date, in other words, by August 14, 2017. Adam is preparing our appeal brief, and will file in a timely fashion. Once the brief is finished, he will send us a copy.

Update (12/06/2017): Earlier this month the Plaintiff filed their appellate brief. The Plaintiff argues that Streng did not confirm the applicable statutory notice requirement, but instead resurrected a notice provision that had been deemed unconstitutional ignored for many years. They asked that the trial court's ruling be affirmed, and that the matter proceed in that venue.

Under the Court rules we are allowed a reply brief, that is due on or before December 4, 2017, which is currently being evaluated if a reply brief would be helpful.

MCRCSIP CLAIMS REPORT
AL70002017008340

Vandenbosch, Jim
D/A: 8/10/2017

vs. Ottawa County Road Commission

PLAINTIFF ATTORNEY:

DEFENSE ATTORNEY: Charles Pike, Smith Haughey Rice & Roegge

ALLEGATIONS IN COMPLAINT: Road commission vehicle and third party vehicle collided resulting in the death of the road commission employee operator.

INJURIES/DAMAGES:

FACTS OF ACCIDENT: The road commission vehicle operated by Mr. Vandenbosch went thru the intersection of 64th and Pierce in Zeeland Township and collided with a grain hauling vehicle. The accident resulted in the death of Mr. Vandenbosch the road commission employee, and his wife is requesting benefit as the surviving spouse.

Update (12/06/2017): On October 12, 2017 Charles Pike sent a letter to Dawn Vandenbosch requesting proof of loss of any support resulting in the death of her husband, Mr. Vandenbosch, including any benefits received as a result of the same. On October 18, 2017, Mr. Pike was sent the information requested by Mrs. Vandenbosch and that is in the process of being reviewed.

MCRCSIP CLAIMS REPORT
GL83002014008027

Nieman, Robin
D/A: 6/23/2014

vs. Wexford County Road Commission
LOCATION: N 15 Road/Haring Twp

PLAINTIFF ATTORNEY: Warba Law Offices, P.C

DEFENSE ATTORNEY: Smith, Haughey, Rice & Roegge, PC

ALLEGATIONS IN COMPLAINT: Vehicle hit a Pothole on a County road then rolled off the road into a 6ft deep crevice.

INJURIES/DAMAGES: Plaintiff sustained injury to her neck and head

FACTS OF ACCIDENT: Plaintiff was a rear passenger in a car. The driver hit a pothole then rolled off the road into a 6ft deep crevice. All four occupants were transported to the hospital.

UPDATE (12/13/16): December 12, 2016 Adam Tountas attended the pretrial scheduling conference. Plaintiff asked for another scheduling conference for, February 2017, so that she could seek a Lawyer. It was indicated that if she did not have a Lawyer at that time she would be forced to proceed *In Pro Per*. Court instructed plaintiff to sign our medical release forms so we can obtain a full complement of Plaintiff's medical records. Once her lawyer appears we will file a motion for summary disposition arguing that, in accordance with Streng, the Plaintiff's pre-suit notice of intent is defective.

UPDATE (02/03/2017): Complaint served on Wexford County Road Commission. Responsive pleadings and initial discovery were sent. Plaintiff has retained new counsel. A Scheduling Conference has been set for February 3, 2017.

After Scheduling Conference, it was order that:

- Plaintiff shall file names of expert witnesses no later than 04/03/2014 and file not later than 05/01/2017
- A list of exhibits shall be exchanged among all counsel by 05/01/2017
- Discovery shall be completed by 07/10/2017
- All motions must be filed and heard on or before 09/11/2017
- Matter will be evaluated in December, 2017
- Pretrial/settlement conference will be scheduled for 01/26/2018

UPDATE (03/27/2017): Litigation Budget was updated to \$203,175.

ON NOTICE

UPDATE (08/30/2017): Adam Tountas has received and summarized all of the Plaintiff's medical records, stating that her medical history is significant. The Plaintiff alleges five discrete injuries as a result of the underlying crash, and it was found that the majority of her symptoms and injuries pre-date the accident. Under Michigan Law, a defendant is liable for exacerbating a plaintiff's pre-existing injuries. Therefore, the testimony of our medical experts, as well as the Plaintiff's treating physicians, will be of paramount importance to our defense. If that testimony suggests the Plaintiff's current symptoms are identical to her previous complaints, without any observable physiological changes, then we will be in a much stronger position to argue that the underlying crash is not related to her current health problems.

Depositions have been ongoing since May 9, 2017, Cathy Greer will be preparing a summary and sending to us soon. At the end of May 2017, the Court entered a Second Amended Scheduling Order. It did so because the parties requested an extension of discovery in order to complete the work remaining to be done. The new deadlines are as follows:

- The Plaintiff shall name all of her expert witnesses no later than August 3, 2017.
- The Road Commission must identify its expert witnesses by August 31, 2017.
- All other lay witnesses and exhibits shall be identified by August 31, 2017.
- Discovery shall be completed by November 10, 2017.
- This matter will be submitted to case evaluation sometime during March 2018.
- An in-chambers pre-trial settlement conference will take place on May 4, 2018 at 3:00PM.

Update (12/06/2017): Nothing new to report.