

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

TICOR TITLE INSURANCE CO.,	:	
	:	
Plaintiff,	:	CASE NO. 1:09-cv-775
	:	
vs.	:	OPINION & ORDER
	:	[Resolving Doc. Nos. 132 & 133]
TITLE ASSURANCE & INDEMNITY	:	
CORP., LLC, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

In this breach of contract and fraud case, Third-Party Defendants Wells Fargo Bank, N.A. and Option One Mortgage move the Court to postpone the scheduled September 27, 2010 trial date.

Wells Fargo asks the Court to reopen discovery and allow Wells Fargo to file an amended answer, cross-claim, and counterclaims. [[Doc. 132 at 2.](#)] Wells Fargo says it needs 120 days to serve written discovery requests, analyze key documents in the case, identify witnesses for deposition, and conduct discovery. [[Doc. 132 at 5.](#)]

Option One also asks the Court to continue the trial date, reopen discovery, and grant it leave to file an amended answer, counterclaim, and cross-claim. [[Doc. 133 at 3.](#)] Option One also says it needs to add yet-to-be-named lien holders to properly foreclose on the property. [[Doc. 133 at 2.](#)]

The parties' cold-feet aside, this case is going to trial on September 27. Both Wells Fargo and Option One say they were added "at the last minute." To the contrary, Wells Fargo was served on July 8, 2010 and Option One on July 13, 2010. Discovery did not close until August 13, 2010.

Case No. 1:09-cv-775
Gwin, J.

(And the discovery deadline came-and-went without objection.) Moreover, while the Third-Party Defendants do recite which depositions they did not participate in, they fail to allege that their interests were unrepresented during the depositions. Considering the claims by and against Wells Fargo and Option One, the depositions of Anthony Viola and Jacob Showalter—the principals of Title Assurance—are the only depositions where Wells Fargo and Option One might not have had their interests adequately protected by other parties.

Finally, as a practical matter, this controversy involves a property and various mortgages worth, at most, \$125,000. The Court will not subject the parties and their pocketbooks to another 120 days of duplicate discovery and depositions.

Because Wells Fargo and Option One have not demonstrated sufficient reasons to reopen discovery, the Court **DENIES IN PART** Wells Fargo's and Option One's motions. The Court **GRANTS**, however, Wells Fargo and Option One leave to depose Anthony Viola and Jacob Showalter. These limited exams shall last no more than 1.5 hours and must be conducted no later than September 24, 2010.

IT IS SO ORDERED.

Dated: September 20, 2010

s/ *James S. Gwin*
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE