

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

John Doe,

Case No. 3:07 CV 604

Plaintiff,

ORDER

-vs-

JUDGE JACK ZOUHARY

SexSearch.com, et al.,

Defendants.

The Court held a discovery dispute telephone conference on April 11, 2007.

Parties Present: Attorneys Dean Boland and Brandie Hawkins for Plaintiff; Attorneys Richard Kerger, Dana Milmeister, Michael Dortch, William Adams and James Slater for Defendants.

A Protective Order may be appropriate regarding some of the preliminary discovery previously requested by Plaintiff and ordered by the Court. The parties were encouraged to enter into a stipulated Order. However, an agreement could not be reached and Plaintiff continues to oppose the Motion for Protective Order. Further, Plaintiff indicated "There are no parts which Counsel would be willing to agree to at this juncture" (Doc. No. 106 at p. 2). The Court grants the Protective Order presented by Defendants (Doc. No. 94) and will reconsider the terms of the Protective Order at the Hearing scheduled on April 16, 2007. The Court believes it is important for Plaintiff to receive his discovery responses in advance of the hearing and that there be no further delay in that exchange.

The parties agreed, and Court will grant leave, for Cytek, Ltd. to enter an appearance as a defendant in this matter. Cytek, Ltd. has agreed to waive all service of process and personal jurisdiction issues. Further, Cytek, Ltd. is granted leave to file a Motion to Dismiss by April 13, 2007.

Plaintiff's counsel indicated he will share with defense counsel the discovery received by him from former Defendant Moniker Online Services, LLC.

The parties are ordered to exchange proposed exhibits and address issues of authenticity prior to the Preliminary Injunction Hearing. **Exhibits must be marked before the hearing** with exhibit stickers. Plaintiff shall mark exhibits with numbers and Defendants shall mark exhibits with letters. Both sides are to indicate the case number on the bottom portion of the exhibit sticker.

Finally, the Court clarified its previous Order (Doc. No. 64) regarding preliminary discovery, and the parties are to comply with discovery requests subject to the Protective Order entered by the Court. Accordingly, Defendants' Motion to Clarify (Doc. No. 94) is denied as moot. Further, regarding specific questions raised recently by Plaintiff (Doc. No. 107), the parties are to follow Federal Civil Rules 5 and 6 with respect to service of discovery on other parties, and are to share hearing exhibits, including potential impeachment or rebuttal exhibits, no later than 5:00 p.m. on April 13, 2007. Plaintiff's Motion to Clarify (Doc. No. 107) is denied as moot.

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE