

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

Scott Hutchison,

Case No. 3:12-cv-320

Plaintiff

v.

MEMORANDUM OPINION
AND ORDER

John R. Parent, et al.,

Defendants

This matter is before me on the Proposed Intervenor, First Federal Bank of the Midwest's motion for an indicative ruling on its motion to intervene. First Federal Bank seeks intervention for the purpose of asserting its Creditor's Bill reflective of a January 2009 judgment rendered by the Court of Common Pleas of Defiance County. There is no opposition to this motion.

Fed. R. Civ. P. 62.1 addresses an indicative ruling as follows:

- (a) Relief Pending Appeal.** If a timely motion is made for relief that the court lacks authority to grant, because of an appeal that has been docketed and is pending, the court may:
- (1) defer considering the motion;
 - (2) deny the motion; or
 - (3) state either that it would grant the motion if the court of appeals remands for that purpose or that the motion raises a substantial issue.

In this matter, this Court has recently issued a ruling on the Defendant's motion for judgment as a matter of law on the issue of punitive damages. (Doc. Nos. 328 and 329). As that matter is back with the Sixth Circuit Court of Appeals and the instant motion does not fall into the

category listed in Fed. R. App. P. (a)(4)(A) (i-vi), this Court is without jurisdiction to issue a ruling at this juncture.

There is no opposition to the movant's motion. In considering the circumstances of this litigation, I grant the movant's motion for an indicative ruling. (Doc. No. 316). Assuming the Court of Appeals for the Sixth Circuit were to remand on this issue, that the Proposed Intervenor's motion to intervene would be well taken.

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge