

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Rosser International , Inc.,
Plaintiff

vs

Jack Rouse Associates, Inc.,
Defendant

Case No. C-1-08- 681
(Weber, J.)
(Hogan, M.J.)

ORDER

This matter is before the Court on the Stipulation Modifying Fact Discovery and Expert Disclosure Deadlines (Doc. 58). The parties seek to modify the Court’s previous Calendar Order and extend the deadlines as follows:

1. Deadline for disclosure of expert witnesses and submission of expert reports:
 - Plaintiff’s deadline to identify experts & produce primary reports: **April 15, 2010**
 - Defendant’s deadline to identify experts & produce primary reports: **April 15, 2010**
 - Plaintiff’s deadline to produce rebuttal reports: **May 17, 2010**
 - Defendant’s deadline to produce rebuttal reports: **May 17, 2010**

2. Fact Discovery Deadline: **April 15, 2010**

Pursuant to S.D. Ohio Civ. R. 6.1(b), the parties’ Stipulation shall be construed as a Motion to Extend Fact Discovery and Expert Disclosure Deadlines and shall be GRANTED.

Additionally, in light of the Court’s Corrected Calendar Order (Doc. 57), in which the dispositive motion deadline was extended until June 18, 2010, the Court hereby recommends that Counterclaim Defendants Mr. William Griffin, Mr. Roland Vaughan and Mr. Paul Kinzie’s Motion to Dismiss (Doc. 26) be DENIED, subject to re-filing following the completion of fact discovery, or, in any event, by June 18, 2010¹.

¹ The Court previously granted the parties Joint Motion to Defer ruling on the Counter Defendants’ Motion to Dismiss until after the completion of fact discovery. In light of the additional requests for extensions, the Court considers it more prudent to dismiss the motion subject to re-filing.

IT IS THEREFORE ORDERED THAT:

1. The Motion to Extend Fact Discovery and Expert Disclosure Deadlines (Doc. 58) be GRANTED.
2. The Fact Discovery and Expert Disclosure deadlines shall be extended as set forth above.
3. All other deadlines set forth in the Corrected Calendar Order (Doc. 57) shall remain unchanged.

IT IS FURTHER RECOMMENDED THAT:

1. Counterclaim Defendants Mr. William Griffin, Mr. Roland Vaughan and Mr. Paul Kinzie's Motion to Dismiss (Doc. 26) be DENIED subject to re-filing after the completion of fact discovery or, in any event, by June 18, 2010.

Date:

3/8/10


Timothy S. Hogan
United States Magistrate Judge