

11-12838  
(VLV:ll/vl)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION  
CASE NUMBER 1:11-CV-00794-SSB-KLL

TIMOTHY BAUMGARDNER,	:	CASE NO. 1:11-cv-00794-SSB-KLL
	:	
Plaintiff,	:	Judge Sandra S. Beckwith
	:	
v.	:	Magistrate Judge Karen L. Litkovitz
	:	
TENACITY MANUFACTURING	:	
COMPANY, et al.,	:	
	:	
Defendants.	:	<b><u>AGREED ENTRY</u></b>

This matter arises out of the employment and subsequent termination of Plaintiff, Timothy Baumgardner, a citizen of Ohio, from Louisiana Binding Service, Inc. (“Old LBS”). Several of the defendants have challenged any exercise of personal jurisdiction over them by this Court. The parties recognize that the issue of the Court’s personal jurisdiction over those defendants needs to be resolved as quickly as possible. See, Joint Discovery Plan (DE 14 at ¶H). To that end, Defendants Patrick R. Williams and Scott Williams filed a motion directed to that issue (See, DE 28) as did Defendants Kofile Preservation, Inc. and William D. Oates. (DE 29).

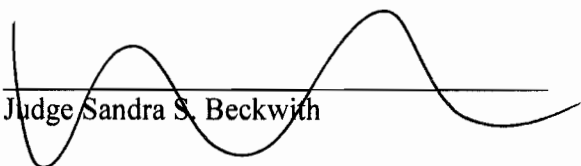
After additional discussion between counsel and the Magistrate Judge concerning the scope of discovery permitted as to the jurisdictional issues, Magistrate Judge Litkovitz issued her Order (DE 36). In her ruling, the Magistrate Judge specifically stated that Plaintiff was “permitted to ask deposition questions on matter relating to Ohio Rev. Code §2307.382(A)(6), which necessarily extends beyond purely procedural matters given the parameters of Ohio’s long arm statute as codified.”

In light of the Magistrate Judge's Order, and in the furtherance of juridical and fiscal economy, the parties have henceforth agreed to allow the written discovery and depositions of Plaintiff Timothy Baumgardner and Defendants Patrick R. Williams and Scott Williams to proceed with full and complete discovery, rather than limit initial discovery to preliminary questions relevant to the issue of personal jurisdiction over Defendants Patrick R. Williams and Scott Williams. The parties and the Court agree and acknowledge that the willingness of Patrick R. Williams and Scott Williams to so cooperate with such expanded discovery is done solely for the purposes of judicial and fiscal economics, recognizing the complicated nature of separating the specific questions into an either/or category may actually delay and frustrate the parties, and is done without waiver of their challenge to the exercise of jurisdiction over them.

The parties and the Court further agree that participation by Patrick R. Williams, Scott Williams, Kofile Preservation, Inc., William D. Oates, and their counsel, in the taking of the Plaintiff's deposition shall not be construed by the parties or by this Court to be a waiver of, or submission by them to, the personal jurisdiction of this Court.

The parties and the Court further agree that participation by Patrick R. Williams, Scott Williams, and their counsel in full and complete discovery, including, the appearance of Patrick R. Williams and Scott Williams in Ohio to attend the depositions of the parties, shall not be construed by the parties or by this Court to be a waiver of, or submission by them to, the personal jurisdiction of this Court.

  
Magistrate Judge Karen L. Litkowitz

  
Judge Sandra S. Beckwith

Have seen and agreed:

/s/ by email authority 6.08.12

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