

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

CONNIE MCGIRR, et al.,

Plaintiffs,

v.

Case No. 16-464

THOMAS F. REHME, et al.,

Defendants.

ORDER DIRECTING DEFENDANTS TO FILE A RESPONSE

On April 21, 2017, the court granted Plaintiffs' Motion for a Preliminary Injunction and ordered Defendants to refrain from assigning, distributing, disbursing, transferring, or taking any action on any assets beyond basic expenses. (Dkt. # 113.) Defendants appealed this order arguing that the court's order amounts to an improper exercise of jurisdiction over the assignee currently managing many of the Defendants' assets pursuant to a proceeding in Ohio Probate Court. This appeal is currently pending in the Sixth Circuit. In the meantime, the Ohio Probate proceeding, an assignment for the benefit of creditors (ABC), was stayed through a peremptory writ issued by the Ohio Supreme Court and was subsequently dismissed.

There are six pending motions on the court's docket: (1) Plaintiffs' Motion for Partial Summary Judgment (Dkt. # 99), (2) Plaintiffs' Motion for Appointment of a Receiver (Dkt # 116), (3) Plaintiffs' Motion to Compel Production of Documents (Dkt. # 126), (4) Plaintiffs' Motion for a Scheduling Order (Dkt. # 151), (5) Trustees' Motions for Admission *Pro Hac Vice* (Dkt. # 154, 155), (6) Assignee Eric Goering's Motion to

Intervene and for the Appointment of a Receiver (Dkt. # 162). Additionally, the proposed intervener and Plaintiffs filed a Notice of Agreed Order Appointing Receiver (Dkt. # 165). The time allotted for a response pursuant to the Eastern District of Michigan's Local Rules as well as the Federal Rules of Civil Procedure has lapsed and Defendants have not responded to the Assignee's Motion to Intervene and for Appointment of Receiver (Dkt. # 162). Nor have Defendants filed a response to the Notice of Agreed Order Appointing a Receiver. (Dkt. # 165). Defendants' positions may be similar the positions articulated in their responses to Plaintiffs' Motion to Appoint a Receiver (Dkt. #120, 121) or to their supplemental briefing pending appeal (Dkt. #158, 159), but given the changing landscape of the case, the court will not presume so without indication from Defendants. Instead, the court will direct Defendants to respond.

IT IS ORDERED that Defendants are DIRECTED to respond to Assignee Eric Goering's Motion to Intervene and for the Appointment of a Receiver (Dkt. # 162) and to the Notice of Agreed Order Appointing Receiver (Dkt. # 165) by **January 10, 2018**.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: December 26, 2017

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, December 26, 2017, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(810) 292-6522