

**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 SETTING SCHEDULING CONFERENCE
AND ORDERING SUBMISSION OF RULE 26(f) REPORT**

This matter is before the Court on Plaintiffs' Motion for Scheduling Conference, filed November 29, 2016. (Dkt. #87). Defendants have not filed any brief in opposition to Plaintiffs' motion. Plaintiffs request that the court issue a Notice of Scheduling Conference under Federal Rules 16 and 26(f) so that they may begin exchanging formal discovery, as the complaint was filed in April, 2016.

The Local Rules of the Southern District of Ohio indicate that normally scheduling orders would be implemented within ninety days after filing an action, a deadline which has long since passed. S.D. Ohio LR 16.2. However, the instant case likely falls into enumerated exceptions for certain proceedings, such as those ancillary to a proceeding in another court. *See id.* Read together, these provisions indicate that the court in this case may issue a scheduling order if it deems it to be appropriate.

Good cause for delay existed while the court addressed the initial filings requesting injunctive relief. Now several months on, and with filings pending in various courts, including, among other things, an assignment for the satisfaction of creditors in

Ohio state probate court and a petition for a writ of mandamus filed with the Sixth Circuit by the assignee of Defendant Waite, Schnieder, Bayless & Chesley Co., L.P.A., the risk of endless delays has outweighed the benefits of avoiding excessive discovery. As such, the court will order the parties to conduct a Rule 26(f) conference and submit a joint 26(f) report outlining proposed deadlines and highlighting any areas of dispute. Thereafter, the court will hold a scheduling conference where all natural party Defendants will be required to appear as will all corporate party representatives with fully dispositive settlement authority. Accordingly,

IT IS ORDERED that pursuant to Fed. R. Civ. P. 16 and 26(f):

1. The parties shall meet, confer, and prepare a joint plan for the conduct of the litigation, which Plaintiffs shall file on or before **January 6, 2017**.
2. Counsel shall prepare to appear for a **Telephonic Scheduling Conference on Tuesday, January 17, 2017 at 10:30 am. (Subject to cancellation upon review of the 26(f) plan). THE COURT WILL INITIATE THE CALL.**

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

Dated: December 13, 2016

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, December 13, 2016, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522