

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

OWNER-OPERATOR INDEPENDENT	:	
DRIVERS ASSOCIATION, CARL HARP	:	
and MICHAEL WISE, as Representatives	:	
of the Class and THE CERTIFIED CLASS	:	
OF OWNER-OPERATORS, Case No.	:	
C2-97-740 United States District Court	:	
for the Southern District of Ohio,	:	
	:	
Plaintiffs,	:	
	:	Case No. 05 -CV-0056
v.	:	
	:	JUDGE ALGENON L. MARBLEY
COMERICA BANK,	:	Magistrate Judge King
	:	
Defendant.	:	

ORDER CONTINUING BENCH TRIAL DATE AND TO COMPEL

This matter came before the Court by way of an ongoing bench trial on October 5, 2011.

Pursuant to Plaintiffs' late production of responsive documents to the Court's September 20, 2011, the trial is hereby adjourned to allow for additional discovery. The Plaintiffs are hereby **ORDERED** to produce all remaining responsive documents and certain witnesses for deposition by the dates indicated in the Court's revised scheduling order, as follows:

Summary:

- October 12, 2011, 5:00 p.m. Plaintiff Owner-Operator Independent Drivers Association ("OOIDA") must produce all responsive documents to the Court's September 20, 2011, order in its possession to their counsel, including, but not limited to, attorney billing records from the preceding Arctic litigation and the present litigation against Comerica from 1997 to the present.
- October 17, 2011, 5:00 p.m. Plaintiffs' counsel must produce all responsive materials to Defendants, subject to Plaintiffs' redactions for opinion work product privileged and attorney-client privileged material consistent with the Court's prior orders. Any questionably privileged materials shall be submitted to the

Court prior to October 15, 2011, with a brief request for an *in camera* inspection.

October 31, 2011, 9:00 a.m. Bench Trial Resumes.

Plaintiffs are further **ORDERED** to make available for deposition Mr. James Johnston, President of OOIDA, and a witness or witnesses designated by OOIDA pursuant to Defendant's forthcoming Rule 30(b)(6) notice for deposition.

Consistent with the Court's bench ruling, counsel for Plaintiffs, The Cullen Law Firm and Helmer, Martins, Rice & Popham Co., LPA, are hereby **ORDERED** to reimburse Defendant for its reasonable expenses and attorneys fees associated with the taking of the depositions of Mr. Johnston and the contemplated Rule 30(b)(6) witness(es).

This order supersedes all previous orders in this case to the extent previous orders are inconsistent with this order.

The parties shall address questions about this order to the Court's Law Clerk, Robert Haferd, at 614-719-3262, by way of a telephone conference with counsel for all parties participating, or with fewer than all counsel participating with express permission of non-participating counsel.

IT IS SO ORDERED.

s/Algenon L. Marbley
ALGENON L. MARBLEY
UNITED STATES DISTRICT JUDGE

DATED: October 5, 2011