

**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 RESETTING BENCH TRIAL DATE
AND FINAL PRETRIAL CONFERENCE**

This matter is before the Court on Defendant Comerica Bank's Motion for Continuance (Doc. 85). The Court granted Comerica's request for additional discovery, which has led to timing issues and provided Comerica with a limited amount of time to depose Plaintiff's representatives and prepare for trial. Additionally, Defendant's Trial Attorney will be out of the country during the current trial date. After due consideration and for good cause shown, Defendant's Motion is **GRANTED**. The bench trial date is reset for **Monday, October 3, 2011 at 9:00 a.m.** In preparation for trial the Court has set the following schedule to which the parties are to adhere.

Summary:

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|--------------------|---|
| September 12, 2011 | Motions in limine, pretrial motions, designation of deposition portions, witness statements, stipulations, and exhibit lists. |
| September 19, 2011 | Memoranda contra pretrial motions or motions in limine, objections to deposition designations, and final pretrial order. |

September 26, 2011 Final pretrial conference **at 10:30 a.m.** in chambers, 85 Marconi Boulevard, Room 319, Columbus, Ohio, submission of trial briefs.

October 3, 2011 Bench Trial - opening statements and presentation of evidence.

There is one additional issue this Court must address. Plaintiffs contend that there is an additional discovery dispute and that they do not have to respond to Defendant's document requests.¹ The Court addressed this issue in its August 19, 2011, Order (Doc. 84). Defendant's document requests fall within the scope of that Order, and thus Plaintiffs shall comply with the requests. No additional briefing on this issue is required.

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, Annika Goldman, 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: August 30, 2011

¹The Court stated on the record that it would grant no further continuances, but also conditioned this statement on the absence of discovery disputes after the order that the Parties' asked the Court to issue regarding supplemental discovery and damages. After the Court's order went out, the Plaintiffs failed to comply with the Court's discovery order or to notify the Court that they disputed the scope of the Defendant's discovery requests. This contributed to the timing issues already noted and further warrants granting the continuance.