UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Patricia Surbella, *et al.*,

Plaintiffs,

v. Case No. 2:05cv758

Mark Foley, *et al.*, Judge Michael H. Watson

OPINION AND ORDER

Before the Court are the following:

1. The June 14, 2007 Motion of Defendants Mark Foley (hereinafter "Foley") and Novatec Software Engineering LLC (hereinafter "Novatec II") (hereinafter collectively "Defendants") *In Limine* (Doc. 150).
2. The June 21, 2007 Fourth Motion of Plaintiffs Patricia Surbella (hereinafter "Surbella") and Arete/NEOLITH Inc (hereinafter "Arete") (hereinafter collectively "Plaintiffs") *In Limine* (Doc. 152).
3. The June 21, 2007 Fifth Motion of Plaintiffs *in Limine* (Doc. 153).
4. The June 29, 2007 Motion of Defendants to Strike the Fourth and Fifth Motions of Plaintiffs *in Limine* (Doc. 157).

On February 21, 2007, the Court conducted a Final Pretrial Conference on this matter. At that time the Court informed the parties that the deadline for filing any additional motions *in limine* in an omnibus motion was March 2, 2007. This deadline was memorialized in a written Order dated February 23, 2007 (Doc. 129). Upon a request for additional time by Defendants, the Court granted Defendants until March 9, 2007 in which to file any additional motions *in limine*, again in an omnibus motion (Doc.

132).

Both parties have failed to abide by this deadline established by the Court. Plaintiffs filed Fourth and Fifth Motions *in Limine* on June 21, 2007. Moreover, Defendant filed a Motion *in Limine* on June 14, 2007. The parties filed these motions without either seeking leave of Court or indicating good cause for flagrant disregard of the Court's February 23, 2007 Order. Moreover, an examination of the motions filed by the parties do not reveal that these are issues which could not have been addressed by the Court's March 2, 2007 deadline, or in any event within a reasonable time thereafter with leave of Court. The Court sees nothing in the motions which justifies waiting until approximately one month before trial.

Accordingly, the June 14, 2007 Motion of Defendants *In Limine* (Doc. 150) is hereby **DENIED**; the June 21, 2007 Fourth Motion of Plaintiffs *In Limine* (Doc. 152) is hereby **DENIED**; the June 21, 2007 Fifth Motion of Plaintiffs *in Limine* (Doc. 153) is hereby **DENIED**; and the June 29, 2007 Motion of Defendants to Strike the Fourth and Fifth Motions of Plaintiffs *in Limine* (Doc. 157) is hereby deemed **MOOT.**

IT IS SO ORDERED.

Michael H. Watson, Judge
United States District Court