

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

INGRID MARINO,	:	CASE NO. C2 06 85
Plaintiff,	:	JUDGE MARBLEY MAGISTRATE JUDGE KEMP
BOARD OF TRUSTEES OF THE COLUMBUS METROPOLITAN LIBRARY	:	<u>DEFENDANT'S MEMORANDUM IN OPPOSITION TO PLAINTIFF'S MOTION FOR JUDGMENT ON THE PLEADINGS FILED MARCH 9, 2006</u>
Defendant.	:	

Defendant Board of Trustees of the Columbus Metropolitan Library files this brief in opposition to plaintiff's Motion for Judgment on the Pleadings filed March 9, 2006. Plaintiff's Motion was made a part of Plaintiff's Reply to Defendant's Reply in Support of its Motion for a More Definitive Statement; Motion for Judgment for Plaintiff on the Pleadings.

Plaintiff's Complaint was served on Defendant in this case on February 8, 2006. Defendant Board of Trustees of the Columbus Metropolitan Library timely responded to plaintiff's complaint in this matter by filing a Motion for More Definite Statement under Federal Rule of Civil Procedure 12(e) on February 23, 2006.

Rule 12(a)(4) states as follows:

Rule 12. Defenses and Objections--When and How Presented--By Pleading or Motion--Motion for Judgment on the Pleadings

(a) When Presented.

* * *

(4) Unless a different time is fixed by court order, the service of a motion permitted under this rule alters the periods of time as follows:

(A) if the court denies the motion or postpones its disposition until the trial on the merits, the responsive pleading shall be served within 10 days after notice of the court's action; or

(B) if the court grants a motion for a more definite statement, the responsive pleading shall be served within 10 days after the service of the more definite statement.

Because defendant served its Motion for More Definite Statement within the 20 day period for moving or pleading to plaintiff's complaint, defendant timely complied with the Federal Rules of Civil Procedure. Accordingly, plaintiff's Motion for Judgment on the pleadings is without merit, and must be overruled.

Respectfully submitted,




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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing has been served on the following via electronic mail and/or ordinary U.S. Mail on this 9th day of March, 2006:

Ingrid Marino
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Plaintiff Pro Se



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