

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

AMCO INSURANCE COMPANY,

Plaintiff,

vs.

Civil Action 2:06-CV-472
Judge Frost
Magistrate Judge King

LAUREN-SPENCER, INC., et al.,

Defendants.

PRELIMINARY PRETRIAL ORDER

A preliminary pretrial conference was held on November 15, 2006. All parties were represented.

Plaintiff seeks a declaration of its obligations under a commercial general liability policy issued by it in connection with an action also pending in this Court. *George G. Harris v. OTC, Inc., et al.*, C-2-04-884 (MHW/TPK).

Defendant Lauren-Spencer asserts a counterclaim for insurer bad faith.

Plaintiff will reply to the counterclaim by November 22, 2006.

There is a jury demand.

The Court has subject matter jurisdiction under 28 U.S.C. §1332.

The Court has personal jurisdiction over the parties, except defendant Daniel Lee. Venue is proper.

The parties agree that they will not make Rule 26(a)(1) disclosures.

No further change in the parties or pleadings is presently contemplated.

No later than November 30, 2006, counsel for defendant Lauren-Spencer will prepare a proposed set of stipulated facts/record. The

parties will produce a joint stipulation of facts/record by January 31, 2007.

Cross-motions for partial summary judgment on the principal coverage issue will be filed by February 28, 2007. Memoranda in opposition to those motions will be filed by March 31, 2007.

Proceedings on the counterclaim may be deferred pending resolution of the principal coverage issue.

A continued preliminary pretrial conference will be held if it is determined that plaintiff is obligated to provide coverage, following resolution of the anticipated motions for partial summary judgment.

The claims asserted against defendant Daniel Lee will be dismissed effective November 22, 2006, pursuant to F.R. Civ. P. 4(m), unless plaintiff shows good cause to the contrary by that date.

November 20, 2006

s/Norah McCann King
Norah M^cCann King
United States Magistrate Judge