

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>GENTRY AND PHILLIPS, P.A., et al.,</b>	:	
<b>Plaintiffs,</b>	:	<b>Case No.: 2:08-CV-037</b>
<b>vs.</b>	:	<b>Judge Edmund A. Sargus, Jr.</b>
	:	
<b>SUNTRUST BANKS, INC., et al.,</b>	:	<b>Magistrate Judge Mark A. Abel</b>
<b>Defendants.</b>	:	
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**ORDER**


Upon motion of the parties, on March 6, 2009, the Court of Appeals for the Sixth Circuit remanded this Court's September 22, 2008 Order for the purpose of considering the parties' Joint Motion under Rule 60(b). (Doc. 33). This matter is now before the Court on the parties' joint motion for relief under Federal Rule of Civil Procedure 60(b), asking this Court to vacate its Opinion and Order dated September 22, 2008. (Doc. 30). The September 22, 2008 Order dismissed Plaintiffs' Amended Complaint on collateral estoppel grounds, based on a previous Opinion and Order entered April 5, 2007. On December 8, 2008, the Court of Appeals reversed and remanded the April 5, 2007 Opinion and Order.

On February 27, 2009, this Court indicated that, under the doctrine set out in *First National Bank of Salem, Ohio v. Hirsch*, 535 F.2d 343 (6th Cir. 1976), if the Court of Appeals remanded the September 22, 2008 Order, this Court would be inclined to grant

relief under Rule 60(b). (Doc. 31). Accordingly, the parties' Joint Motion (doc. 30) is GRANTED, and the Court hereby VACATES the Opinion and Order entered September 22, 2008. (Doc. 22).

**IT IS SO ORDERED.**

3-10-2009  
DATE

  
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EDMUND A. SARGUS, JR.  
UNITED STATES DISTRICT JUDGE