

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

GENERAL ELECTRIC CAPITAL CORPORATION,)	
)	
Plaintiff,)	Civil Case No. <u>2:09cv976</u>
)	
v.)	Judge <u>Sargus</u>
)	
TAYLOR'S INDUSTRIAL SERVICES, L.L.C., et al.,)	Magistrate Judge <u>Kemp</u>
)	
Defendants.)	
_____)	

**ORDER CANCELLING REPLEVIN HEARING AND GRANTING IMMEDIATE
POSSESSION (REPLEVIN)**

The Court, having read the Verified Complaint, Motion for Immediate Possession, Memorandum of Law in Support, and the Affidavit in Support filed by Plaintiff General Electric Capital Corporation ("GECC"); and no party having requested a hearing within the time prescribed by Ohio Rev. Code Section 2737.04; and it appearing to the Court that GECC owns the Leased Equipment (as defined in the Complaint), hereby **CANCELS** and **VACATES** the **REPLEVIN HEARING** scheduled for **NOVEMBER 19, 2009**, and

FINDS THAT: GECC is lawfully entitled to immediate possession of said Leased Equipment under the Lease Agreements; that said Leased Equipment is being wrongfully detained by Taylor's Industrial Services, L.L.C. ("Borrower"); that GECC has satisfied the requirements of Ohio Rev. Code chapter 2737, including presenting evidence demonstrating that there is probable cause to support the Motion for Immediate Possession; and that GECC is entitled to the remedy requested.

THEREFORE, IT IS ORDERED that GECC is granted immediate possession of the Leased Equipment (as described in Exhibit A attached hereto), and it is further ordered that the U.S. Marshal of the Southern District of Ohio, or any other district in which the collateral may be located, shall promptly take possession of the Leased Equipment (as described in Exhibit A attached hereto) from Borrower at 820 West Marion Road, Mount Gilead, Ohio 43338, or wherever else the Leased Equipment may be located, using whatever force as is reasonably necessary, including without limitation gaining entry to any locked or secured premises using any or all means reasonably necessary to effectuate this Order and deliver over the Leased Equipment to GECC. The Borrower may recover possession of the Leased Equipment if the Borrower files a counter bond with the clerk within five (5) days after the taking, properly executed by Borrower and payable to GECC in an amount not less than \$1,100,000.00. It is further ordered that said U.S. Marshal shall make due return of this Order showing how and when he executed the same.

The Clerk of this Court is kindly requested to deliver a copy of this Order to the U.S. Marshals Service for this District.

DATED: 11-17-2009



UNITED STATES DISTRICT JUDGE

Copies to:

U.S. Marshals Service, Joseph P. Kinneary U.S. Courthouse, 85 Marconi Boulevard,
Columbus, OH 43215
Jesse Cook-Dubin, Vorys, Sater, Seymour & Pease LLP, 52 East Gay St., P.O. Box 1008,
Columbus, OH 43216-1008
Tiffany Strelow Cobb, Vorys, Sater, Seymour & Pease LLP, 52 East Gay St., P.O. Box 1008,
Columbus, OH 43216-1008
William R. Bay, Megan R. Bauer, Thompson Coburn LLP, One US Bank Plaza, St. Louis,
MO 63101-1611

Exhibit A

2006 Union PC-150 Horizontal Boring Mill, Serial No. 1350027
2006 Mori Seiki Tool Spindle Unit, Serial No. MT40TSU00003601
2006 10'x10'x10' Thick Floor Plate, 5'x10' Sections
DoAll Company Tooling