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

BOARDS OF TRUSTEES OF OHIO : LABORERS' FRINGE BENEFIT PROGRAMS.:

:

Plaintiff,

Case No. C2-10-CV-0406

v.

:

JUDGE ALGENON L. MARBLEY

DAN-RAY CONSTRUCTION, LLC, et al.,

: Magistrate Judge King

Defendants. :

ORDER CANCELING ORAL ARGUMENT ON MOTION FOR SUMMARY JUDGMENT

Upon consideration that the only remaining disputed issue of fact to be decided in this action is the reasonableness of the attorney's fees requested, and that issue being fully briefed by the parties, the Court will decide Plaintiff's Motion for Summary Judgment on the pleadings.

The previously scheduled oral argument for **November 10, 2011**, at 9:00 a.m. is hereby

CANCELLED.

IT IS SO ORDERED.

s/Algenon L. Marbley

ALGENON L. MARBLEY United States District Court Judge

DATED: November 7, 2011