

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

NetJets, Inc., *et al.*, :
 :
Plaintiff : Civil Action 2:14-cv-00289
 :
v. : Judge Graham
 :
Kenneth Dichter, : Magistrate Judge Abel
 :
Defendant :

Scheduling Order

On April 4, 2014, counsel for the parties submitted this stipulated scheduling order which is hereby ADOPTED by the court.

WHEREAS, on February 4, 2014, plaintiffs NetJets, Inc., NJ Executive Services, Inc., Marquis Jet Holdings, Inc., Marquis Jet Partners, Inc., and Executive Jet Management, Inc. filed a complaint under seal against defendant Kenneth Dichter in the Court of Common Pleas of Franklin County, Ohio;

WHEREAS, on March 28, 2014, defendant removed this action to the United States District Court for the Southern District of Ohio, Eastern Division, pursuant to 28 U.S.C. § 1441(b);

WHEREAS, on March 28, 2014, this Court issued an order granting defendant's motion to maintain the complaint under seal and directed plaintiffs to file a redacted version of the complaint within 14 days of that order;

WHEREAS, the deadline for responding to the complaint is April 4, 2014 pursuant to Rule 81(c)(1)(C) of the Federal Rules of Civil Procedure;

WHEREAS, based on the parties' desire to explore the resolution of their dispute outside of litigation and to avoid the unnecessary expenditure of judicial resources, the parties to this action have agreed, subject to this Court's approval, to temporarily defer prosecution - including responsive pleadings, motion practice, discovery, the filing of a redacted complaint, and the conferences and discovery plan required by Rule 26(f) - in this action until 30 days after the entry of this Order;

The parties stipulation, set out below, is accepted and ADOPTED by the court:

1. All proceedings - including responsive pleadings, motion practice, discovery, the filing of a redacted complaint, and the conferences and discovery plan required by Rule 26(f) -are hereby deferred until 30 days after the entry of this Order.

2. Defendant must respond to the complaint within 30 days of the date on which the temporary deferral of prosecution expires in accordance with paragraph 1.

3. In the event that defendant's response to the complaint takes the form of a dispositive motion under Rule 12 of the Federal Rules of Civil Procedure, plaintiffs must file any opposition to such motion within 30 days of the date on which the motion is filed.

4. In the event that defendant's response to the complaint is accompanied or followed by a dispositive motion under Rule 56 of the Federal Rules of Civil Procedure, plaintiffs will file any opposition to such motion within 30 days of the date on which defendant's Rule 56 motion is filed. If plaintiffs seek discovery under Rule 56(d) before responding to the motion, counsel are DIRECTED to "consult one another and attempt to stipulate to an agreed motion for extension of the schedule established by this Rule" and submit the proposed agreed scheduling order to the magistrate judge within 21 days after defendant's

case-dispositive motion was filed. S.D. Ohio Civ. Rule 7.2(d). " Failing agreement, counsel should call my office (614.719.3370) within 21 days after defendant's case-dispositive motion was filed to schedule a telephone conference with me to resolve the parties' dispute.

5. Defendant must file any reply to any opposition by plaintiffs within 20 days of the date on which the opposition is filed.

6. The parties will submit a redacted version of the complaint pursuant to the Court's March 28, 2014 order within 14 days of the date on which the temporary deferral of prosecution expires in accordance with paragraph 1.

7. Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, the parties will contact this Court as soon as practicable after the temporary deferral of prosecution expires in order to reschedule the preliminary pretrial conference, unless the Court otherwise sets it on its own.

8. During the period in which the prosecution of this action is deferred pursuant to the Order, the parties may jointly request that this Court extend the deferral period in order to further pursue dispute resolution outside of litigation.

WHEREFORE, it is the ORDER of the court that (a) prosecution of this action is deferred until 30 days after the entry of this Order; (b) defendant's time to answer, move, or otherwise respond to the complaint in this action is extended until 30 days after the temporary deferral of prosecution expires in accordance with paragraph 1, above; (c) briefing any dispositive motion under Rules 12 or 56 of the Federal Rules of Civil Procedures will proceed as described in paragraphs 2-5, above; (d) the parties' time to submit a

redacted version of the complaint pursuant to the Court's March 28, 2014 order is extended until 14 days after the date on which the temporary deferral of prosecution expires in accordance with paragraph 1, above; and (e) the parties' time to confer and to submit a discovery plan pursuant to Rule 26(f) of the Federal Rules of Civil Procedure is extended until further order of the court.

s/Mark R. Abel
United States Magistrate Judge