

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

**NATURE'S ONE, INC.,**

**Plaintiff,**

**v.**

**SPRING HILL JERSEY CHEESE, INC.,**

**Defendant.**

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**Case No. 2:15-cv-2820**

**JUDGE ALGENON L. MARBLEY**

**Magistrate Judge Deavers**

**ORDER**

This matter is before the Court on Plaintiff Nature's One, Inc.'s Motion to Strike Defendant Spring Hill Jersey Cheese Inc.'s Expert Report. (Doc. 122.) Upon review of the parties' briefs, Nature's One's Motion is **DENIED**. The Court **ORDERS** as follows:

- Nature's One will depose Spring Hill's expert witness, Jeffrey Denning, by **August 11, 2017**. If Mr. Denning is not available before August 11th, Spring Hill must file a motion with an affidavit setting forth the reasons for Mr. Denning's unavailability. If Mr. Denning persists in his unavailability, the Court will determine whether to strike his expert report.
- Nature's One must file its reply to Spring Hill's memorandum in opposition to Nature's One's motion for summary judgment by **September 11, 2017**. This reply should incorporate its rebuttal to Mr. Denning's expert report.

The Court will determine at a later date whether it will schedule oral argument on the parties' summary judgment motions.

**IT IS SO ORDERED.**

**s/Algenon L. Marbley**  
**ALGENON L. MARBLEY**  
**UNITED STATES DISTRICT JUDGE**

**Dated: July 24, 2017**