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

:

PARAGON MOLDING, LTD.,

Plaintiff,

Case No. 3:05-cv-422

٧.

JUDGE WALTER H. RICE

SAFECO INSURANCE CO.,

Defendant. :

DECISION AND ENTRY DIRECTING COUNSEL TO SUBMIT A JOINT STATUS REPORT WITHIN TEN DAYS INDICATING WHICH MOTIONS, PREVIOUSLY OVERRULED WITHOUT PREJUDICE TO REFILING AFTER MEDIATION, REMAIN VIABLE AND, FOR THOSE DEEMED VIABLE, WHETHER ANY FURTHER BRIEFING IS DEEMED NECESSARY

On August 23, 2011, the Court overruled the following pending motions without prejudice to refiling if mediation efforts were unsuccessful:

- Plaintiff's Motion for Release of Funds (Doc. #187);
- Roy and Jimmie Rhodes' Motion for Disbursement of Funds (Doc. #189);
- Defendant's Motion for Partial Summary Judgment (Doc. #192);
- Defendant's Motion for Reconsideration of Order on Motion for Summary Judgment (Doc. #196);
- Plaintiff's Motion to Strike Affidavit of Michael Mills (Doc. #206);
- Defendant's Motion to Strike Affidavit of Don A. Little (Doc. #207); and
- Defendant's Motion to Strike Affidavits of Vicki Miller and Michael Werner (Doc. #219).

August 23, 2011, Decision and Entry (Doc. #242).

Although the parties later stipulated to the distribution of funds on deposit

with the Clerk of Court, Doc. #256, and to the dismissal of all claims asserted by

Roy Rhodes and Jimmie Rhodes, Doc. #257, the parties were unable to settle the

remaining claims.

During a conference call held on January 9, 2013, the parties discussed

Defendant's previously-filed Motion for Partial Summary Judgment and agreed to a

supplemental briefing schedule with respect to that motion. The parties, however,

did not discuss the status of the other motions that the Court had previously

overruled without prejudice.

Accordingly, in order to ensure that the record is clear, counsel shall, within

ten days of this Decision and Entry, submit a Joint Status Report indicating: (1)

which of the previously-dismissed motions remain viable; and (2) for those that

remain viable, whether any supplemental briefing is deemed necessary.

Date: February 25, 2013

UNITED STATES DISTRICT JUDGE

2