

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

JOEL B. MONTGOMERY, et al.,

Plaintiffs,

:

Case No. 3:07-cv-470

-vs-

Magistrate Judge Michael R. Merz

:

MARY L. SANDERS, et al.,

Defendants.

DECISION AND ORDER

This case is before the Court on Plaintiffs' Third Motion to Compel (Doc. No. 93). The Government opposed the Motion (Doc. No. 95) and Plaintiffs filed a Reply in support (Doc. No. 96). Plaintiff also filed a Motion to Extend the discovery cut-off and dispositive motion deadline (Doc. No. 102). Both matters came on for oral hearing by telephone conference call on May 20, 2011.

As a result of that conference call, the United States agreed to produce a *Vaughn* index of withheld documents which shall be filed not later than June 20, 2011. The parties were attempting to negotiate a protective order, but none has yet been submitted to the Court. A motion for protective order, either agreed upon or competing versions, shall likewise be filed with the Court not later than June 20, 2011. The parties were to have agreed on depositions by the end of May, 2011, or Plaintiffs' counsel was to have submitted a list of people he wanted to depose by May 31, 2011; since no list has been submitted the Court assumes agreement was reached on people to be deposed.

The discovery cut-off in this case is amended to November 30, 2011. The dispositive motion deadline in the case is extended to January 20, 2012. The trial of this case will be re-set after decision on any dispositive motions or after the dispositive motion deadline if no such motions are

filed. No further extensions of discovery will be granted on the basis of any discovery dispute which has not been framed for court decision.

June 6, 2011.

s/ **Michael R. Merz**
United States Magistrate Judge