

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

JOHN T. VALENTE,

Plaintiff,

:

Case No. 3:08-cv-225

-vs-

:

Magistrate Judge Michael R. Merz

UNIVERSITY OF DAYTON,

Defendant.

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**REQUEST FOR STATUS REPORT**

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This case is before the Court *sua sponte* for case management purposes.

Pursuant to the Amended Scheduling Order (Doc. No. 73), all expert witnesses should have been identified and expert reports furnished by now. Discovery is to be complete by October 1, 2009, and summary judgment motions are to be filed by November 1, 2009.

The Court's recollection is that Plaintiff was suspended with permission to apply for readmission as of the Fall 2009 semester at UDSL. Although the Court is unaware of the dates for this year, last year, according to the record, the Fall Semester began in August. If that precedent was followed, the Fall 2009 semester at UDSL has begun. The Court is not advised of critical facts with respect to that starting date: Did Plaintiff apply for readmission? If so, was he readmitted? If Plaintiff has been readmitted, that might render his request for preliminary injunctive relief, currently pending before the Sixth Circuit, moot. If he applied but was not readmitted, does he intend to supplement the complaint to seek injunctive relief with respect to that decision? If Plaintiff did not reapply, what impact does this have on his "drag and drop" claim? The Court has also not been advised of the status of proceedings in the Cuyahoga County Common Pleas Court in which

Plaintiff has sought to disqualify Defendant's counsel.

The Court would appreciate receiving status reports from the parties on these and any other questions pertinent to the management of this case not later than September 18, 2009.

September 8, 2009.

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