

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

DWS INTERNATIONAL, INC.,
dba Marble Dimensions Worldwide, Inc.,

Plaintiff,

:

Case No. 3:09-cv-458

-vs-

District Judge Thomas M. Rose

Magistrate Judge Michael R. Merz

:

MEIXIA ARTS AND HANDICRAFTS
CO., LTD, et al.,

Defendants.

**DECISION AND ORDER ON MOTION TO COMPEL CONTINUED DEPOSITION OF
DEFENDANT THOMAS SUDYK**

This case is before the Court on Plaintiff's Motion to Defendant Thomas Sudyk to Attend his Continued Deposition (Doc. No. 113). Defendant Sudyk opposes the Motion (Doc. no. 127). The Motion has remained pending without decision longer than is the Court's usual practice because the Motion never appeared as a pending motion on the Court's electronic motions list because it was docketed by the filing attorney as a "sealed document" rather than as a "motion."

The Motion is well taken, given the expedited nature of the original deposition. Defendant is ordered to make himself available for his continued deposition for not more than four hours at a location and time of his choice not later than December 31, 2010.

December 16, 2010.

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