

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

YELLOW BOOK USA, INC., et al.,

Plaintiffs,

-v-

STEVEN M. BRANDEBERRY,

Defendant.

Case No. 3:10-CV-025

Judge Thomas M. Rose

ENTRY AND ORDER

Counterclaim Plaintiff Steven M. Brandeberry (“Brandeberry”) is given until not later than July 25, 2011 to identify specific alleged defamatory statements¹ that he intends to use at trial to show defamation. Counterclaim Defendants Yellow Book USA, Inc. and Yellow Book Sales and Distribution Company, Inc. (collectively referred to herein as “Yellow Book”) are given until not later than August 1, 2011 to respond. The Court will then determine which, if any, of the alleged defamatory statements is protected by the free speech provisions in the Ohio Constitution. The Court will also, if necessary, determine those that are protected because they are legally true based upon prior ruling of this Court.

Alleged defamatory statements that are identified by Brandeberry in response to this Entry and Order and not protected may be used at trial. Other alleged defamatory statements may not be used at trial.

¹Each specific alleged defamation must be separately identified. Combinations of alleged defamations are not acceptable. For example, “con artist” and “thief” are two separate allegations.

DONE and **ORDERED** in Dayton, Ohio this Thirteenth day of July, 2011.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record