

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

REED ELSEVIER, INC., through its
LEXISNEXIS DIVISION,

Plaintiff,

vs.

CRAIG M. CROCKETT, et al.,

Defendants.

:

:

Case No. 3:10cv0248

:

JUDGE WALTER HERBERT RICE

:

DECISION AND ENTRY OVERRULING DEFENDANT'S MOTION TO
CERTIFY THIS COURT'S MARCH 31, 2011, DECISION AND FEBRUARY
24, 2012, EXPANDED OPINION FOR AN INTERLOCUTORY APPEAL
AND FOR STAY OF PROCEEDINGS PENDING APPEAL (DOC. #44);
REASONS SET FORTH

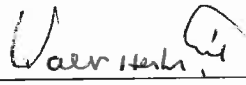
The Defendant's Motion, seeking an order of the Court certifying its March 31, 2011, decision and February 24, 2012, expanded opinion for an interlocutory appeal and for stay of proceedings pending appeal (Doc. #44), is overruled.

Defendant's Motion is based upon 28 U.S.C. Section 1292(a) and (b). With regard to 1292(b), a cursory reading of the statute reveals that the application for an interlocutory appeal must be made within ten days from the filing of the order sought to be appealed. The Court's expanded opinion was filed on February 24, 2012; the Defendants' motion to certify was filed March 21, 2012, substantially in excess of ten days from the Court's filing of its expanded opinion.

With regard to 28 U.S.C. Section 1292(a), Defendants are more than welcome to file a timely appeal from this Court's expanded opinion, if they choose to do so. Assuming, arguendo, that the Court's expanded opinion has the functional equivalent of an injunction, Defendants are free to appeal, without seeking the Court's permission to do so.

WHEREFORE, Defendant's Motion to Certify, etc., (Doc. #44) is deemed by this Court to be not well taken and, according, same is OVERRULED in its entirety.

March 29, 2012



WALTER HERBERT RICE, JUDGE
UNITED STATES DISTRICT COURT

Copies to:

Counsel of record