


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

CHURCHILL DOWNS INCORPORATED, ET AL.,	:	
	:	Case No. 3:12-CV-045
	:	
Plaintiffs,	:	
	:	Judge Timothy S. Black
v.	:	
	:	
EMILY DAWSON, ET AL.,	:	<u>AGREED ORDER</u>
	:	
Defendants.	:	

Counsel have engaged in a series of communications to set the deposition of defendant Jon Mieding, as requested by plaintiffs and defendant Emily Dawson. Legal counsel for defendant Mieding have indicated that as a result of the pending criminal investigation, Mr. Mieding will invoke the Fifth Amendment and decline to answer all case substantive questions put to him regarding this case.

Given the stated intention of Jon Mieding to invoke his Fifth Amendment rights in response to deposition questioning in this case, there is no need to formally convene a deposition that will require that the witness and counsel for multiple parties engage in travel for the sole purpose of placing such Fifth Amendment invocation on the record. This Order will memorialize Jon Mieding's stated intention, communicated by his legal counsel, of invoking the Fifth Amendment concerning all questioning relevant to the facts, allegations and claims in this lawsuit, and the effect of this Order shall be the same as if the deposition had convened and Jon Mieding invoked the Fifth Amendment under oath in response to the deposition questions posed by the parties.

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

STIPULATED AND AGREED:

/s/ Robert G. Cohen

Robert G. Cohen (0041707)

S. Michael Miller (0022837)

rcohen@keglerbrown.com

Kegler, Brown, Hill & Ritter Co., L.P.A.

65 E. State Street, Suite 1800

Columbus, Ohio 43215

Phone: (614) 462-5400

Fax: (614) 464-2634

Attorneys for Plaintiffs Churchill Downs Incorporated and
Churchill Downs Technology Initiatives Company

/s/ David H. Brown

David H. Brown, Esq. (0075515)

The Gehring Building

1956 West 25th Street, Suite 302

Cleveland, OH 44113

/s/ Nicholas A. Panagopoulos

Nicholas A. Panagopoulos II, Esq. (0071406)

Nicholas A. Panagopoulos II, LLC

The Gehring Building

1956 West 25th Street, Suite 302

Cleveland, OH 44113

Attorneys for Jon Mieding