

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

HOBART CORPORATION, et al.,	:	
Plaintiffs,	:	
vs.	:	Case No. 3:13cv115
THE DAYTON POWER AND LIGHT COMPANY, et al.,	:	JUDGE WALTER H. RICE
	:	
Defendants.		

ENTRY JOURNALIZING RESULTS OF INITIAL TELEPHONE
CONFERENCE OF JULY 11, 2013; PROCEDURES SET FORTH

On July 11, 2013, this Court spoke, by conference call telephone communication, with approximately thirty-nine lawyers representing parties to this litigation, the only exceptions being counsel for Defendants Dayton Industrial Drum, Inc. (counsel Shannon L. Costello), and the Peerless Transportation Company (counsel W. Roger Fry).

During the aforementioned conference, the following matters were discussed and agreed upon, to wit: The court will resolve all motions to dismiss, whether under Fed. R. Civ. P. 12(b)(1) or (6), before proceeding with any non-critical depositions (a term which will be defined, *infra*), and setting a trial date and other dates leading to the resolution of this litigation. All such motions to dismiss, for whatever reason and under whatever section of the Federal Rules of Civil Procedure or otherwise, must be filed not later than the close of business on Thursday, July 25, 2013. Said motions should be briefed according to the Rules of Court. Any

reply memoranda deemed necessary must be filed within ten days thereafter. The Court will attempt to rule upon all said motions within thirty days. In its omnibus ruling on the motions to dismiss, the Court will set a further telephone conference call, with those Defendants who remain in this litigation, in order to discuss matters and to set dates leading to the resolution of this litigation.

The only exceptions to this Court's stay of discovery would be that the Court will allow the depositions, with proper notice to all counsel and a summary of the areas to be covered, of any proposed witness, representative of a party, etc., who is deemed by counsel seeking the deposition to be sufficiently elderly and/or in a state of precarious health such as to make waiting until on or about mid-October to commence their deposition a significant risk. Not later than the close of business on Tuesday, August 6, 2013, any party wishing to take such a deposition, must serve notice of that deposition, together with all the areas expected to be covered at said deposition, upon all parties to this litigation, so that a given party or parties can make a judgment as to whether to incur the cost to attend same. If the parties cannot agree on the need to depose a given individual, the Court should be so advised and an immediate telephone call will be established with the relevant parties.

July 26, 2013



WALTER H. RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of record