

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

HOBART CORPORATION, <i>et al.</i> ,	:	Case No. 3:13-cv-115
	:	
Plaintiffs,	:	JUDGE WALTER H. RICE
	:	
v.	:	
	:	
THE DAYTON POWER AND LIGHT	:	
COMPANY, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**ORDER REGARDING AMENDED COMPLAINT**

This matter having come before the Court on Plaintiffs’ Motion For Leave to File Amended Complaint, and any response thereto,


**IT IS HEREBY ORDERED THAT:**

1. Plaintiffs’ Motion For Leave to File Amended Complaint is GRANTED. Plaintiffs shall file their Amended Complaint, substantially in the form of Exhibit A to their Motion, within 10 days of this Order;
2. The Complaint and the Amended Complaint are identical with respect to the claims asserted against the following Defendants: The Dayton Power and Light Company, Waste Management of Ohio, Inc., Bridgestone Americas Tire Operations, LLC, Bridgestone/Firestone, Inc., Cargill, Inc., Pharmacia Corporation, Valley Asphalt Corporation, City of Dayton, Ohio, Coca-Cola Refreshments USA, Inc., Conagra Grocery Products Co., LLC, Cox Media Group Ohio, Inc., Day International, Inc., Dayton Industrial Drum, Inc., Dayton Board of Education, Flowserve Corporation, Franklin Iron & Metal Corp., Harris Corporation, Kimberly-Clark

Corporation, L.M. Berry and Company LLC, The Ohio Bell Telephone Company, P-Americas, LLC, The Peerless Transportation Company, PPG Industries, Inc., The Reynolds and Reynolds Company, The Sherwin-Williams Company, The Standard Register Company and The University of Dayton. Consequently, the Answers filed by the Defendants Reynolds and Reynolds Company (Doc. #53) and L.M. Berry and Company LLC (Doc. # 81) will stand as their Answers to the Amended Complaint; the Motions to Dismiss filed by Defendants City of Dayton, Ohio, Conagra Grocery Products Company, Cox Media Group Ohio Inc., Day International Inc., Dayton Board of Education, Dayton Industrial Drum, Inc., Franklin Iron & Metal Corp, Ohio Bell Telephone Company and Peerless Transportation Company (Doc. #99), by Defendants Bridgestone Americas Tire Operations LLC, Bridgestone Firestone Inc., Cargill, Inc., City of Dayton, Ohio, Coca-Cola Refreshments USA, Inc., Conagra Grocery Products Company, Cox Media Group Ohio Inc., Day International Inc., Dayton Board of Education, Dayton Industrial Drum, Inc., Dayton Power and Light Company, Flowserve Corporation, Franklin Iron & Metal Corp., Harris Corporation, Kimberly-Clark Corporation, Monsanto Company, Ohio Bell Telephone Company, PPG Industries, Inc., Peerless Transportation Company, Sherwin-Williams Company, Standard Register Company, University of Dayton, Valley Asphalt Corporation and Waste Management of Ohio, Inc. (Doc. #100), and by Defendant The Dayton Power and Light Company (Doc. #138), and the Motion for Joinder in Certain Defendants' Motion to Dismiss filed on June 10, 2013 by Defendants Cargill, Inc. (Doc. #101) and P-Americas LLC (Doc. #137) will stand as their Motion to Dismiss the Amended Complaint; and the Motion for Judgment on the Pleadings and Joinder in Other Defendants' Motions filed by Defendants L.M. Berry and Company, LLC (Doc. #115, 116) and Reynolds and Reynolds Company (Doc. #118) will stand as their Motions

for Judgment on the Pleadings and Joinder in Other Defendants' Motions to Dismiss to the Amended  
Complaint.

Dated:

  
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**JUDGE WALTER HERBERT RICE**  
**UNITED STATES DISTRICT JUDGE**