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

HOBART CORPORATION, et al.,

Plaintiffs,

v. Case No. 3:13-cv-115

THE DAYTON POWER & LIGHT JUDGE WALTER H. RICE

CO., et al.,

Defendants.

DECISION AND ENTRY SUSTAINING IN PART PLAINTIFFS' MOTION IN LIMINE OR, IN THE ALTERNATIVE, TO ALLOW A SECOND DEPOSITION OF EDWARD GRILLOT (DOC. #488)

As discussed with counsel during the conference call held on November 15, 2016, the Court SUSTAINS IN PART Plaintiffs' Motion in Limine or, in the Alternative, to Allow a Second Deposition of Edward Grillot. Doc. #488.

Pursuant to Federal Rule of Civil Procedure 30(a)(2)(A)(ii), because of Mr. Grillot's declining health, Plaintiffs are granted leave to take a second deposition, limited to four hours, and limited to testimony concerning the Dayton Daily News, Dayton Journal Herald and McCall. Defendants Cox Media Group Ohio, Inc., and ConAgra Grocery Products Company, LLC, may participate in that deposition.

The Court makes no ruling at this time on Plaintiffs' request that, in the event Mr. Grillot is unavailable to testify at trial, his 2012 deposition testimony and 2016 Declaration are admissible.

Date: December 5, 2016

WALTER H. RICE

UNITED STATES DISTRICT JUDGE