

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

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

DECISION AND ENTRY MEMORIALIZING JULY 6, 2017, CONFERENCE CALL; SUSTAINING DEFENDANT PHARMACIA'S MOTION TO COMPEL RESPONSES TO ITS CONTENTION INTERROGATORIES (DOC. #647); OVERRULING AS MOOT DEFENDANT DAYTON POWER AND LIGHT CO.'S MOTION FOR BRIEF EXTENSION OF FACT DISCOVERY AS TO PLAINTIFFS NCR CORP. AND KELSEY-HAYES CO. ONLY (DOC. #650); SUSTAINING IN PART AND OVERRULING IN PART DEFENDANT DAYTON POWER AND LIGHT CO.'S MOTION TO COMPEL DEPOSITION TESTIMONY FROM PLAINTIFFS NCR CORP. AND KELSEY-HAYES CO.'S FED. R. CIV. P. 30(b)(6) WITNESSES OR, ALTERNATIVELY, FROM THEIR COUNSEL, LARRY SILVER (DOC. #651); SUSTAINING IN PART AND OVERRULING IN PART DEFENDANT WASTE MANAGEMENT OF OHIO'S MOTION TO COMPEL DISCOVERY RESPONSES FROM PLAINTIFFS NCR CORP. AND KELSEY-HAYES CO. (DOC. #652); SUSTAINING PLAINTIFFS' MOTION TO COMPEL ANSWERS TO INTERROGATORIES AGAINST DEFENDANT PHARMACIA LLC (DOC. #654)

As discussed during the conference call held on July 6, 2017, the Court SUSTAINS Defendant Pharmacia's Motion to Compel Responses to Its Contention Interrogatories (Doc. #647), and Plaintiffs' Motion to Compel Answers to Interrogatories from Defendant Pharmacia LLC (Doc. #654). No later than July 21,

2017, counsel shall submit narrative responses to those interrogatories to the Court for an *in camera* review.

Defendant Dayton Power and Light Co.'s Motion to Compel Deposition Testimony from Plaintiffs NCR Corp. and Kelsey-Hayes Co.'s Fed. R. Civ. P. 30(b)(6) Witnesses or, alternatively, from their Counsel, Larry Silver (Doc. #651), and Defendant Waste Management of Ohio's Motion to Compel Discovery Responses from Plaintiffs NCR Corp. and Kelsey-Hayes Co. (Doc. #652) are SUSTAINED IN PART and OVERRULED IN PART.

No later than July 17, 2017, Plaintiffs shall submit, for an *in camera* review, two copies of each of the following: (1) Larry Strayer's 1988 and 1989 interview summaries; (2) memoranda written by Larry Silver and Susan Chema in 2003; (3) the "NASS memo" and supplement; and (4) deposition preparation notes of Kelsey-Hayes' 30(b)(6) witness, Mr. Bleazard. One copy shall have all information redacted that Plaintiffs contend is protected by the work product doctrine and/or the attorney-client privilege; the other copy shall be unredacted. Counsel shall also submit a cover letter setting forth the reasons for each redaction.

No later than July 17, 2017, Defendant Dayton Power and Light Co. shall serve an interrogatory on Plaintiff Kelsey-Hayes concerning the basis for Mike Turner's statement that information concerning Kelsey-Hayes' nexus to the Site was known to counsel, but not to him. No later than July 27, 2017, Plaintiff Kelsey-Hayes shall submit a response to that interrogatory to the Court for an *in camera* review.

In light of the foregoing, Defendant Dayton Power and Light Co.'s Motion for Brief Extension of Fact Discovery as to Plaintiffs NCR Corp. and Kelsey-Hayes Co. Only (Doc. #650) is OVERRULED AS MOOT.

Date: July 13, 2017



WALTER H. RICE
UNITED STATES DISTRICT JUDGE