

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

GARRETT DAY, LLC, <i>et al.</i> ,	:	
Plaintiffs,		
v.	:	Case No. 3:15-cv-36
INTERNATIONAL PAPER CO., <i>et</i>	:	JUDGE WALTER H. RICE
<i>al.</i> ,		
Defendants.	:	

ORDER VACATING SHOW CAUSE ORDER (DOC. #260);
OVERRULING MOTION FOR SUMMARY JUDGMENT OF
DEFENDANTS HPP, INC., HPM INVESTORS, INC., AND HARRISON
HOLDINGS LIMITED PARTNERSHIP IN ITS ENTIRETY (DOC. #206)

On March 25, 2019, the Court issued a Decision and Entry ruling on several motions for summary judgment, and directing Plaintiffs to show cause why the Court should not sustain the HPP Defendants' Motion for Summary Judgment on the Ohio Voluntary Action Program ("VAP") claim as time-barred by Ohio Revised Code § 1701.88(B). Doc. #260.

In response, Plaintiffs correctly points out that, in issuing the Show Cause Order, the Court overlooked the fact that this very issue was addressed by Magistrate Judge Ovington in her November 15, 2017, Report and Recommendations, Doc. #189, which was adopted without objection on December 1, 2017, Doc. #191. It is, therefore, the law of the case. The Court regrets this error.

Accordingly, the Court VACATES the March 25, 2019, Show Cause Order, and overrules the HPP Defendants' Motion for Summary Judgment, Doc. #206, with respect to both the CERCLA claim and the VAP claim.

Date: April 9, 2019



WALTER H. RICE
UNITED STATES DISTRICT JUDGE