

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

JASON THOMPSON, et al.,	:	Case No. 3:16-cv-169
	:	
Plaintiffs,	:	Judge Thomas M. Rose
	:	
v.	:	
	:	
CITY OF OAKWOOD, OHIO, et al.,	:	
	:	
Defendants.	:	

**ENTRY AND ORDER GRANTING IN PART DEFENDANTS' MOTION TO
COMPEL PLAINTIFFS TO RESPOND TO DISCOVERY (DOC. 30) AND
SETTING BRIEFING SCHEDULE ON MOTION TO COMPEL PRODUCTION
OF INFORMATION RELATED TO PLAINTIFFS' CLAIM FOR FEES AND
COSTS UNDER 42 U.S.C. § 1988**

This case is before the Court on the Motion to Compel Plaintiffs to Respond to Discovery (“Motion to Compel”) (Doc. 30) filed by Defendants City of Oakwood, Ohio and Ethan Kroger (“Defendants”). After the Motion to Compel was filed, Plaintiffs produced most of the discovery at issue, with the exception of the Operating Agreement for Plaintiff, 2408 Hillview, LLC and certain information related to Plaintiffs’ claim for fees and costs under 42 U.S.C. § 1988. (Doc. 32 at 1.) Defendants assert that they need the Operating Agreement for depositions scheduled on July 25, 2016 and need the fees and costs information “so that counsel can properly advise their clients.” (*Id.* at 1-2.) In response to Defendants’ Motion to Compel, Plaintiffs did not object to production of any of the requested discovery, but stated that they had failed to produce the discovery due to a miscommunication between co-counsel. (Doc. 31 at 1.)

As Defendants need the Operating Agreement for the upcoming depositions and Plaintiffs did not object to its production, the Court **ORDERS** that the Operating Agreement be

produced immediately. Since the fees and costs information is not needed for the upcoming depositions and Plaintiffs objected to its production—in their written discovery responses—on privilege grounds, the Court **ORDERS** Plaintiffs to submit a memorandum, no longer than 5 pages and by no later than July 27, 2016, stating why the fees and costs information should not be produced. Defendants may submit a responsive memorandum, no longer than 5 pages, by no later July 29, 2016.

DONE and **ORDERED** in Dayton, Ohio, this Friday, July 22, 2016.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE