

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

JOHN DOE, et al.,

Plaintiffs,

v.

MOUNT VERNON CITY SCHOOL
DISTRICT BOARD OF EDUCATION, et al.,

Defendants.

Case No. 2:08 CV 575

Judge Frost

Magistrate Judge King

**JOINT MOTION TO EXTEND THE
DISCOVERY DEADLINE**

NOW COME the remaining parties to this action, Plaintiffs John, Jane and James Doe and Defendant John Freshwater, by and through their respective attorneys, and hereby respectfully request that this Court issue an Order extending the discovery deadline in this matter from October 15, 2009 to December 18, 2009. The requested extension will not affect any of the other dates set in the case. In accordance with S.D. Ohio Civ. R. 7.3(a), the parties have conferred and jointly request this extension. A proposed order is attached for the Court's convenience.

MEMORANDUM IN SUPPORT

In its Scheduling Order (Doc. No. 36), this Court set a date of October 15, 2009 for the parties to conclude non-expert discovery. As discovery in the matter proceeded, the parties agreed they would postpone depositions because the Plaintiffs' attorney, Jessica Philemond, was scheduled to be out on maternity leave from March until June 2009. In May of this year, Jones Day was substituted as counsel for the Plaintiffs in place of Ms. Philemond's firm and the parties again agreed to postpone most deposition discovery while they discussed settlement of the case. Plaintiffs and Defendants Mount Vernon City School Board of Education, William White and

Stephen Short did, in fact, recently settle their claims and those Settling Defendants have now been dismissed. Plaintiffs and the remaining defendant, John Freshwater, are continuing settlement discussions. These remaining parties have also either finished or scheduled party depositions to occur before the current discovery cutoff date. Rather than incur the expense of additional, remaining non-party depositions at this time, however, and in the hopes that these remaining parties can also resolve their differences, Defendant Freshwater and Plaintiffs respectfully request that the Court extend the discovery cutoff as to depositions in the case from October 15, 2009 to December 18, 2009. By way of this request the parties are not asking that any other dates in the matter be postponed. This requested extension of the discovery deadline will not impact the current dispositive motion deadline of November 16, 2009, as any discovery required for a dispositive motion will be completed in advance of that deadline. Likewise, the requested extension will not impact the trial assignment of May 24, 2010. A proposed Entry granting the parties' Joint Motion to Extend the Discovery Deadline is attached.

WHEREFORE, Defendant John Freshwater and Plaintiffs John, Jane and James Doe respectfully move this Court to issue an Order extending the discovery deadline to December 18, 2009.

Jointly submitted:

/s/ Jason R. Deschler

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*Trial Attorney for Counterclaimant John
Freshwater*

CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2009, a copy of the foregoing *Joint Motion to Extend the Discovery Deadline* was filed electronically. Notice of this filing will be sent to all registered parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Jason R. Deschler
JASON R. DESCHLER
Attorney for Defendant John Freshwater

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**ENTRY GRANTING JOINT MOTION TO
EXTEND THE DISCOVERY DEADLINE**

This matter came before the Court upon agreement of the parties to extend the discovery deadline from October 15, 2009 to December 18, 2009.

For good cause shown, the parties' Joint Motion to Extend the Discovery Deadline is hereby GRANTED. The discovery deadline of October 15, 2009 shall be extended to December 18, 2009. All other deadlines and dates previously scheduled in this case shall remain unchanged.

Dated: _____

UNITED STATES DISTRICT JUDGE