

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO

Ann H. Womer Benjamin, Superintendent,
Ohio Department of Insurance, in her capacity
as Rehabilitator of Builders & Contractors
Employee Benefit Association Trust,

Plaintiff,

Case No. 03 CVH 09-10020

v.

Judge Schneider

A Day In The Country, et al.,

Defendants.

FILED
COMMON PLEAS COURT
FRANKLIN CO., OHIO
2004 JUL 19 AM 11:15
CLERK OF COURTS

JUDGMENT ENTRY

This matter came on for the Court's consideration when it became aware that the Clerk of Courts had scheduled a final pretrial for August 20, 2004. That pretrial is hereby cancelled.

The Court is aware that the plaintiff intends to file a Motion for Partial Summary Judgment with regard to plaintiff's contractual and/or statutory authority to assess the defendants. The plaintiff is ordered to file that Motion for Partial Summary Judgment no later than August 16, 2004. All defendants will have until September 15, 2004 to respond to that Motion. Plaintiff will have until September 29, 2004 to file any reply briefs.

In the event any defendants wish to file a Motion for Partial or Complete Summary Judgment, those motions shall be filed no later than August 16, 2004. For any Motions for Summary Judgment currently filed or otherwise filed by defendants by August 16, 2004, the plaintiff shall have until September 15, 2004 to respond. Defendants' reply brief will be due September 29, 2004.

The Court is aware that the plaintiff intends to file a Motion for Default Judgment for those defendants who have not moved or plead in response to the Amended Complaint. The plaintiff is ordered to file that Motion for Default Judgment no later than July 30, 2004. Pleadings related to that motion may also be filed in accordance with this Court's local rules.

As of the date of this Order, all discovery, other motions, responses to other motions and other pleadings are hereby stayed. The stay will be automatically lifted 30 days after the Court's ruling on the Motions for Summary Judgment.

The Court is well aware of the significant number of defendants in this case. Inquiries directly to the Court by the parties have caused a significant strain on the Court's staff. Inquiries to the Court are to be made through the website (ohinsliq.com) which has been established by the Ohio Liquidator's Office, as follows: Log into the BCEBAT Discovery System using the User ID and password previously provided by Plaintiff's counsel. Select "Court Inquiries" tab and submit your request as instructed therein. Note also that Plaintiff has added a "Notice/Motion" tab to advise parties of Plaintiff's intention to file the motions referenced above and to provide users with instant access to such motions as they are filed. Any questions about accessing the BCEBAT Discovery System should be directed to the plaintiff's counsel, Carlile Patchen & Murphy, LLP, Attn: Necol Russell-Washington at (614) 228-6135 or email her at NRW@CPMLAW.com.

Finally, the Court will hold a status conference for all parties approximately 30 days after the Court has ruled on all pending Motions for Summary Judgment. The time, place and location of that status conference will be announced by the Court at a later date.

IT IS SO ORDERED.

Dated: _____

Judge Schneider