

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

CARSON RIPLEY

) CASE NO. AC 2002-12-7273E

Plaintiff,

) JUDGE JOHN R. MILLIGAN

-vs-

BABCOCK & WILCOX, et al

) ORDER

Defendants,

)

SUMMIT COUNTY
CLERK OF COURTS

2003 AUG 27 AM 9:43

DIANA ZALESKI

This matter came on for hearing upon the Defendant's Motion to Compel and Motion for Sanctions; both parties appearing by counsel.

Upon hearing the court finds and rules as follows:

1. The case management order (May 23, 2003) establishes mandatory process and discovery dates.
2. Cases are identified in roughly 50 case-blocks for management pursuant to the CMO.
3. The CMO does not proscribe the parties from reasonable discovery earlier than the mandated dates in the CMO, and parties are obliged to comply with reasonable requests pursuant to the Civil Rules.
4. Insofar as pending AC cases involving the instant law firms and Babcock & Wilcox Co., it is ordered that in addition to compliance with the CMO each may proceed with discovery by deposition in 10 cases that are not yet within the orb of the CMO per month.
5. It is anticipated that the attorneys will collegially manage this facet of discovery without the need for judicial supervision.
6. The court finds that both parties acted in good faith and that the Motion is **OVERRULED**.

Exceptions to the parties.



Judge John R. Milligan

Copy of the within ordered mailed to counsel this 26 day of August, 2003.