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United States District Court, S.D. Ohio, Eastern
Division.

Marc E. BACON, et al., Plaintiffs,
v.

HONDA OF AMERICA MFG., INC., Defendant.

No. C-2-00-803. | March 2, 2001.

Opinion

ORDER

GRAHAM, J.

*1 The plaintiffs have filed a motion for a continuance of the trial date and for an order establishing a discovery schedule on the merits of the plaintiffs' claims. The court has reviewed the scheduling orders entered in this case. These orders never indicated that the parties should not be

proceeding with merits discovery as well as the class certification discovery, with the exception of the magistrate judge's discovery order of October 20, 2000, which states that the parties should not "be conducting discovery that is unrelated to the motion to certify during November and up to December 18." See Docket No. 99. Plaintiffs have not indicated why they failed to complete discovery before the cut-off date of January 18, 2001.

The only discovery which the plaintiffs have specifically identified as discovery they wish to complete is to obtain a deposition of Manager Rick Gardner in order to further examine him concerning an affidavit which he submitted concerning Honda's promotion rules. The court will permit the plaintiffs to depose Mr. Gardner, and to supplement their response to the plaintiffs' motion for summary judgment with information obtained from that deposition. Such deposition should be scheduled forthwith.

In all other respects, the plaintiffs' motion to establish a discovery schedule and to continue the trial, which is currently scheduled on April 16, 2001, is denied.