

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ELLORA’S CAVE PUBLISHING, INC., et al)	CASE NO.: 5:14-CV-02331
)	
Plaintiffs,)	JUDGE JOHN R. ADAMS
)	
vs.)	
)	
DEAR AUTHOR MEDIA NETWORK, LLC et al.)	PLAINTIFFS’ RESPONSE TO
)	DEFENDANTS’ REPLY
Defendants.)	REGARDING REQUEST FOR
)	CLARIFICATION

NOW COME Plaintiffs Ellora’s Cave Publishing, Inc. and Jasmine Jade Enterprises, LLC (hereinafter collectively “Plaintiffs”) and file their response to Defendants’ Reply to Plaintiffs’ Response to Request for Clarification.

Defendant is correct that there were conversations between the parties concerning discovery prior to the case management conference. But those ideas were never adopted by the Court or made part of the Court’s Case Management Plan. Doc # 29. Indeed, after the Court issued the Plan the undersigned wrote to opposing counsel revisiting the ideas previously discussed, stating that “We told the court we were going to proceed with Plaintiff’s discovery first, you would file a motion for summary judgment on the matter, and then, if necessary, you would then conduct defendants’ discovery.” Mastrantonio email attached hereto as Exhibit A. In response, Defendants’ counsel clarified for the undersigned that the discovery “plan did not provide for the idea I had. I recall the judge being hostile to it.” Exhibit A, Randazza response. It is disingenuous to suggest that Plaintiff’s counsel is “feigning ignorance” and “misleading” the

court when it was clear to Defendants' that the court never adopted the ideas discussed between the parties. Indeed, as indicated in the email, the Defendants understood that certain time limitations were included in the Case Management Plan and were interested in pushing forward with the depositions of Plaintiffs as far back as March 2015. See also Randazza email dated February 26, 2015 attached hereto as Exhibit B.

Respectfully submitted,

**NIEKAMP, WEISENSELL,
MUTERSBAUGH & MASTRANTONIO, LLP**

/s/ Steven W. Mastrantonio
Steven W. Mastrantonio (0062575)
23 South Main Street, Third Floor
Akron, OH 44308
330-434-1000 Tele
330-434-1001 Fax
mastrantonio@nwm-law.com
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that, on this 11th day of September, 2015 the foregoing was served upon all parties not in default and/or their counsel via filing with the Court's CM/ECF system.

/s/ Steven W. Mastrantonio
Steven W. Mastrantonio