

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’ REQUEST FOR
Defendants.)	CLARIFICATION

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

Defendants have requested a clarification regarding the discovery cut-off date of July 15, 2015. In their request, they state that “**the parties** require clarification that discovery is still open after the July 15, 2015 preliminary date.” (Emphasis added.) “Doc#43 p.2. To clarify any unintentional confusion caused by Defendants’ use of the phrase “the parties”, Plaintiffs are not joining in Defendants’ request for clarification. The Plaintiffs are not seeking clarification of the Court’s order as the order is sufficiently clear. Nor are the Plaintiffs seeking to reopen discovery for the purposes of allowing the identification and deposition of new witnesses. The appropriate time for that type of discovery was prior to July 15, 2015, prior to the filing and preparation of summary judgment motions. Defendants had the same opportunity as Plaintiffs to depose witnesses for trial or to support their dispositive motion, but having failed to make use of that

opportunity in a timely fashion, now seek an extension of discovery. Accordingly, Plaintiffs do not join in asking the Court to allow discovery through January 15, 2016.

Respectfully submitted,

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MUTERSBAUGH & MASTRANTONIO, LLP**

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CERTIFICATE OF SERVICE

I hereby certify that, on this 3rd 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