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2008 MAR 28 PM 3:51

FERRI A. MAZUR, CLERK
COMMON PLEAS COURT
GREENE COUNTY, OHIO

IN THE COMMON PLEAS COURT OF GREENE COUNTY, OHIO
GENERAL DIVISION (CIVIL)

PETER TOWNSEND, et al.,

CASE NO. 2008 CV 0300

Plaintiff,

JUDGE WOLAVER

v.

MAGISTRATE REYNOLDS

ANTIOCH UNIVERSITY,

ENTRY AND ORDER

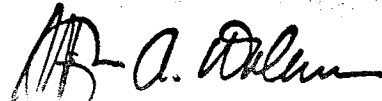
Defendant.

This matter is before the Court on Plaintiff's Notice of Withdrawal of Application for a Preliminary Injunction filed on March 28, 2008.

The Court finds that Plaintiffs' withdrawal of Application for Preliminary Injunction is intended to withdraw the request for Preliminary Injunction set forth in the Complaint for Specific Performance and Preliminary and Permanent Injunctive Relief filed on March 10, 2008. Accordingly, the Court ORDERS Plaintiff within 14 days of this Order to file an Amended Complaint consistent with Plaintiffs' withdrawal of their Application for Preliminary Injunction. Defendant is GRANTED 14 days from service of the Amended Complaint to file an Answer or other response to the allegations of the Amended Complaint.

Defendant's Motion to Dismiss filed on March 14, 2008 sought the dismissal of the Complaint filed on March 10, 2008. Accordingly, the Motion to Dismiss filed on March 14, 2008 and the Memorandum in Opposition filed on March 28, 2008 will not be decided by the Court since they are directed to a Complaint that will be superseded by an Amended Complaint. The Evidentiary Hearing on the Application for Preliminary Injunction set for April 1, 2008 is hereby CANCELLED.

IT IS SO ORDERED.



JUDGE STEPHEN A. WOLAVER

CERTIFICATE OF SERVICE: A copy hereof was served upon:

W. Evan Price II, Esq., 10 West Broad Street, 21st Floor, Columbus, OH 43215-3422
(Fax: 614-221-0479)

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9330)


Assignment Commissioner

GREENE COUNTY, OHIO
FILE

2008 MR 27 PM 2:56

FERRI A. MAZUR, CLERK
COMMON PLEAS COURT
GREENE COUNTY, OHIO

IN THE COMMON PLEAS COURT OF GREENE COUNTY, OHIO
GENERAL DIVISION (CIVIL)

PETER TOWNSEND, ET AL.
PLAINTIFFS

CASE NO. 2008 CV 0300

-vs-

JUDGE WOLAVER
MAGISTRATE REYNOLDS

ANTIOCH UNIVERSITY
DEFENDANT

JUDGMENT ENTRY ORDERING
HEARING ON MOTION OF NON-
PARTY ANTIOCH COLLEGE
CONTINUATION CORPORATION
TO QUASH SUBPOENAS ISSUED
BY PLAINTIFFS AND STAYING
THE EFFECT OF THE
SUBPOENAS PENDING THE
HEARING AND FURTHER
ORDER OF THE COURT

This Case came before the Court on the Motion of Non-Party Antioch College Continuation Corporation ("ACCC") to Quash Subpoenas Issued by Plaintiffs. ACCC filed its Motion on March 27, 2008.

The Court has reviewed the Motion and all other filings in this Case. The Court finds that the two Subpoenas served by Plaintiffs on ACCC's statutory agent on March 25, 2008, place an undue burden on the subpoenaed entity to produce documents with only 3 days' notice, and to appear with only 3 days' notice for deposition on March 28, 2008, and to appear, apparently from the State of New York, with little notice for hearing on April 1, 2008 on Plaintiffs' Application for Preliminary Injunction.

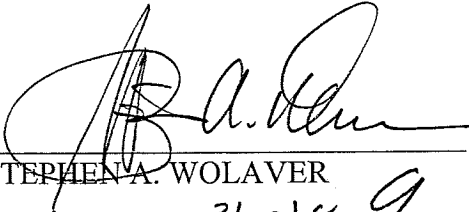
The Court finds that the subpoenaed discovery and deposition do not appear reasonably calculated to lead to the discovery of information relevant to the Motion for Preliminary Injunction. The Court does not see how that discovery and that witness are necessary to prove the issues and tests applicable to the requested preliminary injunction, in light of the allegations of the Complaint.

The hearing on the Application for Preliminary Injunction is ORDERED to proceed before the Magistrate in **COURTROOM NO. 2**, on April 1, 2008 at 8:30 a.m., as scheduled, without the subpoenaed ACCC discovery or ACCC witness. At the conclusion of the hearing on April 1, 2008, Plaintiffs will be permitted to argue how the discovery and appearance of the ACCC witness at the Preliminary Injunction hearing are relevant to issues and the tests applicable to the grant or denial of the requested Preliminary Injunction. If appropriate, the Magistrate will ORDER the hearing on the Application for Preliminary Injunction to be resumed on a date subsequent to accommodate the testimony of the ACCC witness, perhaps following related discovery.

Concerning the Motion to Quash, the Court ORDERS the Motion to be heard by the Magistrate on a mutually convenient date and at a time to be coordinated following the hearing on April 1, 2008. The Court ORDERS the hearing on the Motion to Quash to be held in Courtroom No. 16, Second Floor, Greene County Courthouse, 45 N. Detroit Street, Xenia, OH 45385. Pursuant to Civ.R. 53, the Court REFERS the Motion to Quash to the Magistrate for hearing and decision.

Pending the Court's further ORDER on the Motion to Quash, the Court STAYS the effect of the Plaintiffs' two subpoenas to ACCC and referenced by the Motion to Quash, pending the Court's further Order.

IT IS SO ORDERED.



JUDGE STEPHEN A. WOLAVER
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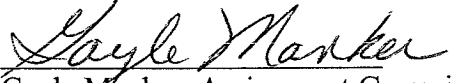
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Roger L. Schantz, Esq., 41 South High Street, Suite 2600, Columbus, OH 43215
by mail and by FAX on the date of the file stamp.


Gayle Manker, Assignment Commissioner