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LORAIN COUNTY COURT OF COMMON PLEAS
LORAIN COUNTY, OHIO

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JOURNAL ENTRY
John R. Miraldi, Judge

Date 9/16/19

Case No. 17CV193761

GIBSON BROS INC

Plaintiff

JACQUELINE BOLLAS CALDWELL

Plaintiff's Attorney

(-)

VS

OBERLIN COLLEGE

Defendant

JOSH M MANDEL

Defendant's Attorney

(-)

**ENTRY AND RULING ON DEFENDANTS' MOTION TO UNSEAL EXHIBIT G OF
DEFENDANTS' COMBINED SUMMARY JUDGMENT REPLY BRIEF**

This matter comes before the Court upon the filing of the Defendants, Oberlin College and Meredith Raimondo's Motion to Unseal Exhibit G of Defendants' Combined Summary Judgment Reply Brief and the Plaintiffs, Gibson Bros., Inc., David R. Gibson, and Allyn W. Gibson's Response in Opposition. In making this ruling, the Court has reviewed the parties' briefs, their attached exhibits – including the relevant provisions of the Parties' Stipulated Protective Order, and applicable precedent.

The Defendants bring their motion under Paragraph 12 of their Stipulated Protective Order which provides:

Action by the Court. Applications to the Court for an order relating to any documents designated as Confidential Material shall be done by motion. Nothing in this Order or any action or agreement of a party under this Order limits the Court's power to make any orders that may be appropriate with respect to the use and disclosure of any documents produced or used in discovery or at trial.

Here, the Defendants are asking the Court, post-judgment, to unseal Exhibit G to their March 22, 2019 Combined Reply Brief in Support of Summary Judgment. The exhibit is comprised entirely of material from non-party Allyn D. Gibson's Facebook account that largely pre-dates the events giving rise to the above-captioned matter. As noted by the Plaintiffs, this material was the subject of one of Plaintiffs' pre-trial motions in limine.



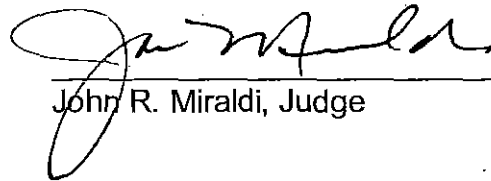


Specifically, on May 8, 2019, the Court issued a preliminary ruling excluding the presentation of Allyn D. Gibson's Facebook content as character evidence, but withheld ruling on the question of whether it could be introduced to reflect the reputation of Gibson's Bakery in the community. At trial, the Defendants made no attempt to introduce these materials as evidence of the Bakery's reputation in the community. With this procedural context and at this juncture, the Court is not persuaded by the Defendants' arguments that it should make a post-trial order regarding materials that the Defendants opted to file under seal nearly six months ago in accordance with an agreed protective order that they drafted and stipulated to.

For the foregoing reasons, the Defendants' Motion to Unseal Exhibit G of Defendants' Combined Summary Judgment Reply Brief is hereby denied.

IT IS SO ORDERED.

VOL____PAGE____



John R. Miraldi, Judge

cc: All Parties

