

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

RONALD D. MELL, SR., et al., : NO: 1:08-CV-00715
: :
Plaintiffs, : :
: : **OPINION AND ORDER**
v. : :
: :
ANTHEM, INC., et al., : :
: :
Defendants. :

The Court held a hearing on the Parties' cross motions for summary judgment on November 4, 2009. The Court is conducting an analysis of the substantive arguments and will address, if necessary, what it considers to be the affirmative defenses.

In order to complete its analysis, the Court finds it necessary, and in the interests of justice, to order the parties to conduct discovery, for sixty days, concerning the document, 31-36, that Plaintiff Schenck has proffered, which on its face purports to grant equity rights. At the hearing it became clear that Defendants refused to allow Plaintiffs to know the identities of the class members, pending class certification, which occurred on the same date. Although Defendants have proffered a competing document, it post-dates the Schenck document. Under such circumstances, further discovery is appropriate. Fed. R. Civ. P. 56(f)(2).

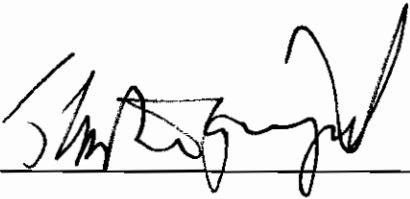
The Court believes that no stone should remain unturned. Accordingly, the Court ORDERS discovery as indicated herein, and

SETS a hearing on such issue at 2:00 P.M. on February 10, 2010.

SO ORDERED.

Dated:

12/2/09



S. Arthur Spiegel
United States Senior District Judge