

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

ELLORA’S CAVE PUBLISHING, INC., et al)	CASE NO.: 5:14CV2331
)	
Plaintiffs,)	JUDGE JOHN R. ADAMS
)	
vs.)	
)	
DEAR AUTHOR MEDIA NETWORK, LLC et al.)	<u>MOTION TO CONTINUE</u>
)	<u>HEARING</u>
Defendants.)	
)	

Plaintiffs request this Court for an order granting a continuance of the October 29, 2014, hearing on Plaintiff’s Motion for Temporary Restraining Order filed in the State Court. Plaintiffs assert two grounds of good cause for this request for continuance.

First, Plaintiffs Motion for Remand to State Court was recently filed. The grounds for that motion concern the Defendants’ express and implicit waiver of their right of removal by agreeing to submit to the jurisdiction of the State court to hear the merits of this case. Plaintiffs, therefore, respectfully request that adjudication of the jurisdictional question of remand to the State court be answered before the injunctive relief hearing on the merits is held.

Second, undersigned counsel has a conflict with the October 29, 2014 hearing date and other previously scheduled court appearances. See “Exhibit A” attached hereto. While this matter was previously scheduled for October 27 in the State court, that hearing date had been

scheduled several weeks in advance and undersigned counsel was able to coordinate around other scheduled court appearances.

Plaintiffs respectfully submit that this motion is not submitted for the purpose of causing any undue delay. Defense counsel has not consented to the continuance. Wherefore, Plaintiff respectfully requests this Court to continue the October 29, 2014 hearing date until at least 14 days after the Plaintiffs' motion for remand is fully adjudicated.

Respectfully submitted,

NIEKAMP, WEISENSELL, MUTERSBAUGH, &
MASTRANTONIO, LLP

/s/ Steven W. Mastrantonio

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CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of October, 2014 a copy of the foregoing *Motion to Continue Hearing* was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Steven W. Mastrantonio

Steven W. Mastrantonio

Attorney for Plaintiff