

**IN THE COURT OF COMMON PLEAS
FULTON COUNTY, OHIO**

THE FARMERS & MERCHANTS
STATE BANK,

Plaintiff,

-vs-

ARCHBOLD ELEVATOR, INC., et al.,

Defendant.

) Case No. 11CV000128

) Judge Barber

) **RECEIVER'S MOTION TO STAY
DISCOVERY, MOTION PRACTICE
AND ALL PLEADING
REQUIREMENTS**

) Gerald R. Kowalski (0022323)

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)

Now comes the Receiver and hereby moves this Court for an order staying all motion practice, discovery and pleading requirements for a period of 120 days. The Receiver has filed its First Status Report. In that report, the Receiver indicates that it has immediate plans to sell all of the assets of the Archbold Entities within the next sixty days and institute a claim process within the next fourteen days which will require all creditors to provide verification of any claim against

Archbold Entities. After receipt of the claim forms, the Receiver will report the amount, classification and priority of the claims.

Therefore, at the completion of this process, the Receiver anticipates seeking Court approval for:

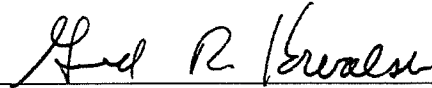
1. The sale of the Archbold Entities; and
2. Distribution of the proceeds to creditors.

In order to focus the efforts of the Receiver and parties on this process, the Receiver moves this Court for an order staying all motion practice, discovery and pleading requirements for a period of 120 days. The process that is outlined above will provide due process to all parties and creditors. In other words, all parties and creditors will have an opportunity to be heard on the recommendations of the Receiver as to the sale of the assets and the distribution of the proceeds. The Receiver believes that this process should resolve the claims of all parties, creditors and others. If claims are not resolved at the completion of this process, litigation can resume which may include additional pleadings, discovery and motion practice.

The Receiver has had discussions with The Huntington Bank concerning the bank's secured interest and mortgage on property owned by William and Lynette Fricke but Commercial Guaranties have alleged been signed by the Archbold Entities. At the present time, it is uncertain if Huntington should be a party to this lawsuit. The Receiver is not seeking an order barring the intervention or joinder of Huntington Bank.

Therefore, the Receiver moves this Court for an order issuing a stay on all pleading requirements, motion practice and discovery for a period of 120 days.

Respectfully submitted,



Gerald R. Kowalski, Receiver
Renisa A. Dorner
Counsel for Archbold Entities

CERTIFICATE OF SERVICE

This is to certify that on this 26 day of May, 2011, a copy of the foregoing **Receiver's Motion to Stay Discovery, Motion Practice and All Pleading Requirements** was served by ordinary United States mail upon:

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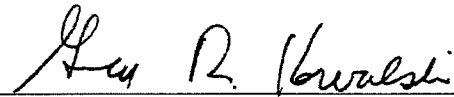
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Gerald R. Kowalski, Receiver

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) **ORDER**

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For good cause shown, the Motion of the Receiver to stay motion practice, discovery and all pleading requirements for a period of 120 days is found well taken and is hereby granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that motion practice, discovery and all pleading requirements in this case are hereby stayed until October 1, 2011. If necessary, The Huntington Bank may intervene or be joined in this lawsuit at any time.

Honorable James E. Barber