

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**WILMINGTON TRUST COMPANY, et al.,** :  
 :  
 : Plaintiffs, : Case No. 2:13-cv-01213  
 :  
 : vs. : Judge Sargus  
 :  
 : **AEP GENERATING COMPANY, et al.,** : Magistrate Judge Vascura  
 :  
 : Defendants. :

**UNOPPOSED MOTION TO STAY PROCEEDINGS**

Plaintiffs respectfully move this court to stay these proceedings for 84 days to January 3, 2018, with any motion to extend the stay to be filed on or before December 11, 2017. Plaintiffs have conferred with Defendants about this motion, and Defendants do not oppose this motion. A Memorandum in Support follows, and a proposed Order is submitted herewith.

Respectfully submitted,

/s/ Stephen E. Chappellear

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in its capacity as Owner Trustee of each of  
AEGCO Trust 1, AEGCO Trust 2, AEGCO Trust  
5, I&M Trust 1, I&M Trust 2, and I&M Trust 5*

October 11, 2017

**MEMORANDUM IN SUPPORT OF PLAINTIFFS’  
MOTION TO STAY PROCEEDINGS**

Defendants AEP Generating Company, et al. (“AEP”) are party to a Consent Decree, on whose terms AEP agreed with governmental and private plaintiffs in separate actions in this Court (the “Environmental Actions”). Plaintiffs in this action (the “Owners”) assert that this Consent Decree breached the Owners’ contracts with AEP.

On July 21, 2017, AEP filed a motion to modify the Consent Decree. That motion is now pending in the Environmental Actions. The parties to this case have differing views about the implications of this motion for the Owners’ breach-of-contract action. *See* No. 2:99-cv-01182, ECF No. 569 (Owners’ amicus brief in the Environmental Actions); *id.*, ECF No. 575 (AEP’s response). But the outcome of AEP’s effort to obtain modification of the Consent Decree may impact the litigation going forward.

Accordingly, in the interests of judicial efficiency and conserving the parties’ and the Court’s resources, the Owners respectfully request that the Court implement a stay for 84 days until January 3, 2018, to afford time for resolution of AEP’s motion, with leave for the parties to move to lift the stay if (a) this Court resolves the pending motion for a modification of the Consent Decree or (b) the Consent Decree is otherwise modified by agreement of the parties to the Environmental Actions, and with leave to move on or before December 11, 2017 to continue the stay. AEP does not oppose these requests.

Date: October 11, 2017

Respectfully submitted,

/s/ Stephen E. Chappellear

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	:	
<b>AEP GENERATING COMPANY, <i>et al.</i>,</b>	:	Magistrate Judge Vascura
	:	
Defendants.	:	

**[PROPOSED] ORDER GRANTING PLAINTIFFS'  
MOTION TO STAY PROCEEDINGS**

This action came on for consideration of Plaintiffs' Unopposed Motion to Stay Proceedings entered on October 11, 2017. The Court, having reviewed said Motion, finds the Motion to be well taken.

It is therefore ORDERED that:

1. Plaintiffs' Unopposed Motion to Stay Proceedings is hereby GRANTED.
2. The Court shall stay the action until January 3, 2018, with leave for the parties to move to lift the stay if (a) this Court resolves the pending motion for a modification of the Consent Decree or (b) the Consent Decree is otherwise modified by agreement of the parties to the Environmental Actions, and with leave to move on or before December 11, 2017 to continue the stay.

\_\_\_\_\_, 2017

\_\_\_\_\_  
Magistrate Judge Chelsey M. Vascura

**CERTIFICATE OF SERVICE**

I hereby certify that on October 11, 2017 a copy of the foregoing was filed electronically using the Court's Case Management/Electronic Case Filing system (CM/ECF). Notice of and access to this filing will be provided through CM/ECF.

/s/ Stephen E. Chappellear  
Stephen E. Chappellear