

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

OHIO STATE CONFERENCE OF THE
NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE,
LEAGUE OF WOMEN VOTERS OF OHIO,
BETHEL AFRICAN METHODIST
EPISCOPAL CHURCH,
OMEGA BAPTIST CHURCH,
COLLEGE HILL COMMUNITY CHURCH
PRESBYTERIAN, U.S.A.,
A. PHILIP RANDOLPH INSTITUTE, and
DARRYL FAIRCHILD,

Plaintiffs,

v.

JON HUSTED, in his official capacity as Ohio
Secretary of State,
MIKE DEWINE, in his official capacity as
Ohio Attorney General,

Defendants.

Case No. 2:14-cv-404

Judge Peter Economus

Magistrate Judge Norah McCann King

RULE 26(f) REPORT OF PARTIES

(to be filed no fewer than seven (7)
days prior to the Rule 16 Conference)

1. Pursuant to F.R. Civ.P. 26(f), a meeting was held on 6/10/14 and was attended by:

Freda J. Levenson, Drew S. Dennis, Naila Awan, Dale E. Ho, Sean J. Young, and Paul Moke,
counsel for Plaintiffs; and

Bridget E. Coontz, Kristopher Armstrong, and Halli Watson, counsel for Defendants.

2. Consent to Magistrate Judge. The parties do not unanimously consent to the jurisdiction of
the United States Magistrate Judge pursuant to 28 U.S.C. 636 (c).

3. Initial Disclosures. The parties will exchange the initial disclosures required by Rule
26(a)(1) by June 30, 2014.

4. Jurisdiction and Venue

**a. Describe any contested issues relating to: (1) subject matter jurisdiction, (2)
personal jurisdiction and/or (3) venue:**

Defendants do not believe that Mike DeWine is a proper party in this case.

- b. **Describe the discovery, if any, that will be necessary to the resolution of issues relating to jurisdiction and venue:**

None

- c. **Recommended date for filing motions addressing jurisdiction and/or venue:**

Defendants expect to address this issue in their opposition brief to the Plaintiffs' motion for a preliminary injunction.

5. Amendments to Pleading and/or Joinder of Parties

- a. **Recommended date for filing motion/stipulation to amend the pleadings or to add additional parties:**

Plaintiffs believe that motions to amend the pleadings or add additional parties should be subject to Rule 15 of the Federal Rules of Civil Procedure. Defendants believe the deadline for filing motions to amend the pleadings or add additional parties should be September 1, 2014.

- b. **If class action, recommended date for filing motion to certify the class:**

N/A

6. Recommended Discovery Plan

- a. Describe the **subjects** on which discovery is to be sought and the nature and extent of discovery that each party will need:

Plaintiffs will generally seek discovery on issues related to Defendants' defenses, and the Arlington Heights factors as applied to SB 238 and Directive 2014-06. There may be additional subjects depending on what is uncovered during discovery. Defendants will seek discovery as necessary to defend Plaintiffs' claims.

What **changes** should be made, if any, in the limitations on discovery imposed by the Federal Rules of Civil Procedure or the local rules of this Court?

The parties are continuing to discuss the possibility of expedited discovery focused on the preliminary injunction motion.

- b. The case presents the following issues relating to disclosure or discovery of **electronically stored information**, including the form or forms in which it should be produced:

The parties do not see any issues at this time.

- c. This case presents the following issues relating to claims of **privilege or of protection as trial preparation materials**:

The parties do not see any issues at this time.

- i. Have the parties agreed on a procedure to assert such claims **AFTER** production?

No

- d. Identify the discovery, if any, that can be **deferred** pending settlement discussion and/or resolution of potentially dispositive motions:

None

- e. The parties recommend that discovery should proceed in **phases**, as follows:

N/A

- f. Describe the areas in which **expert testimony** is expected and indicate whether each expert will be specially retained within the meaning of F.R.Civ.P.26(a)(2):

Plaintiffs expect to use expert testimony to show the challenged cutbacks' disproportionate impact on minority voters and to establish the Senate Factors for the Voting Rights Act claim. Defendants anticipate using rebuttal experts.

- i. Recommended date for making **primary expert designations**:

2/20/15

- ii. Recommended date for making **rebuttal expert designations**:

3/20/15

- g. Recommended discovery **completion date**:

5/15/15

7. Dispositive Motion(s)

- a. Recommended date for filing dispositive motions: 6/12/15

8. Settlement Discussions

- a. Has a settlement demand been made? No A response? N/A
- b. Date by which a settlement demand can be made: N/A
- c. Date by which a response can be made: Two weeks after receipt of demand.

9. Settlement Week Referral

The earliest Settlement Week referral reasonably likely to be productive is the:

September 2014 Settlement Week

10. Other matters for the attention of the Court: None

Signatures:

Attorney(s) for Plaintiff(s):

s/ Sean J. Young
Sean J. Young
Admitted pro hac vice
ACLU Foundation Voting Rights Project

Attorney for Plaintiffs

Attorney(s) for Defendant(s):

s/ Kristopher Armstrong
Kristopher Armstrong
(0077799)
Ohio Attorney General's Office

Attorney for Defendants