

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

OHIO A. PHILIP RANDOLPH INSTITUTE, <i>et al.</i>	:	
	:	
Plaintiffs,	:	Case No. 2:16-cv-00303
	:	
v.	:	JUDGE GEORGE C. SMITH
	:	
SECRETARY OF STATE, JON HUSTED	:	Magistrate Judge Deavers
	:	
Defendant.	:	

**MOTION OF DEFENDANT SECRETARY OF STATE JON HUSTED
TO STRIKE PLAINTIFFS' REPLY IN SUPPORT OF MOTION
FOR TEMPORARY RESTRAINING ORDER (DOC. 82)**

On October 14, 2016, this Court issued a scheduling Order (Doc. 76) with respect to the Secretary's Motion to Implement Remedy (Doc. 72) and Plaintiffs' Second Motion for a Temporary Restraining Order and Order to Show Cause (Doc. 74). The Court stated in its Order that "If the parties wish to file responses in opposition to the aforementioned motions, such responses must be filed with the Court no later than 1:00 p.m. on Monday, October 17, 2016." (Doc. 76). The Court's Order *did not* provide for Reply briefs.

Contrary to the Court's Order, Plaintiffs filed a Reply in Support of their Motion for a Temporary Restraining Order. (Doc. 82). The Secretary complied with this Court's Order and did not file a Reply. Plaintiffs' Reply (Doc. 82) should be stricken and not considered because it is prejudicial and contrary to the Order of the Court. In the alternative, if Plaintiffs' Reply is considered, the Secretary respectfully requests that the Secretary be granted a reasonable period of time to file a Reply as well.

Respectfully submitted,

MICHAEL DEWINE (0009181)
Ohio Attorney General

/s/ Steven T. Voigt

STEVEN T. VOIGT (0092879)
Principal Assistant Attorney General
JORDAN S. BERMAN (0093075)
HEATHER L. BUCHANAN (0083032)
(pro hac vice)
Assistant Attorneys General
Constitutional Offices Section
30 East Broad Street, 16th Floor
Columbus, Ohio 43215
Tel: (614) 466-2872 | Fax: (614) 728-7592
steven.voigt@ohioattorneygeneral.gov
jordan.berman@ohioattorneygeneral.gov
heather.buchanan@ohioattorneygeneral.gov

Counsel for Defendant
Secretary of State Jon Husted

CERTIFICATE OF SERVICE

I hereby certify that on October 17, 2016, the foregoing was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. I further certify that a copy of the foregoing has been served by e-mail or facsimile upon all parties for whom counsel has not yet entered an appearance and upon all counsel who have not entered their appearance via the electronic system.

/s/ Steven T. Voigt

STEVEN T. VOIGT (0092879)
Principal Assistant Attorney General