

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT
EASTERN DIVISION**

JAMES HANDWORK	:	CASE No.: 1:16 CV 00825
Plaintiff,	:	
v.	:	JUDGE SOLOMON OLIVER, JR.
THE OHIO DEPARTMENT OF REHABILITATION AND CORRECTION,	:	
<i>et al.</i>	:	
Defendants.	:	

**DEFENDANTS' UNOPPOSED MOTION TO RESCHEDULE STATUS/SETTLEMENT
CONFERENCE SET FOR SEPTEMBER 22, 2016**

Defendants respectfully request that the Court reschedule the status/settlement conference set for September 22, 2016. (Doc: # 11). Attached is a Memorandum in support of Defendants' Motion.

Respectfully submitted,

**MICHAEL DEWINE (0009181)
Ohio Attorney General**

/s/ George Horváth

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Trial Counsel for Defendants

MEMORANDUM

On July 11, 2016, the Court issued a Case Management Order setting a status/settlement conference for September 22, 2016. (Doc #: 11). On September 15, 2016, undersigned counsel contacted counsel for Plaintiff via email about rescheduling the conference. Plaintiff's counsel does not oppose a postponement.

On July 28, 2016, Defendants filed a motion for summary judgment setting forth, *inter alia*, that Plaintiff has failed to join a necessary and indispensable party under Fed. R. Civ. P. 12(b) and 19; that the Ohio Department of Rehabilitation and Correction is not a suable entity; and that Plaintiff has failed to state a claim against the Director. (Doc #: 12).

On September 19, 2016, Plaintiff filed a motion for summary judgment setting forth, *inter alia*, that Defendants, the Ohio Department of Rehabilitation and Correction (ODRC) and its Director Gary Mohr promulgate statewide policies that control all of Ohio's prisons. They maintain a policy that hearing disabled prisoners, regardless of their individual medical needs, (Doc #: 14).

In sum, the Parties are in dispute on the threshold issue of whether the Court even has jurisdiction over the Defendants. Accordingly, Defendants respectfully request that the settlement conference be postponed, at minimum, until the Parties have had the opportunity to fully brief their motions for summary judgment. A formal settlement discussion at this time is unlikely to lead to an agreement between the Parties while this fundamental issue is pending.

For the foregoing reasons, Defendants respectfully request that the status/settlement conference be postponed.

Respectfully submitted,

MICHAEL DEWINE (0009181)
Ohio Attorney General

/s/ George Horváth

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing, ***DEFENDANTS' UNOPPOSED MOTION TO MOTION TO RESCHEDULE STATUS/SETTLEMENT CONFERENCE SET FOR SEPTEMBER 22, 2016*** was electronically filed with the District Court Clerk on September 21, 2016.

The Court's electronic filing system will provide Notice of this filing all parties. Parties may access this filing through the Court's electronic filing system.

/s/ George Horváth

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