

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

Libertarian Party of Ohio, et al.,

Plaintiffs,

v.

Case No. 2:13-cv-953

**Jon A. Husted,
Ohio Secretary of State,**

Judge Michael H. Watson

Defendant.

ORDER SCHEDULING PRELIMINARY INJUNCTION HEARING

Plaintiffs bring this ballot access case under, *inter alia*, 42 U.S.C. § 1983, asserting that Defendants have violated their rights under the First and Fourteenth Amendments to the United States Constitution by hindering or preventing them from appearing as candidates in Ohio elections. On September 11, 2014, with leave of Court, the LPO Plaintiffs filed their third amended complaint to include allegations based on discovery that has taken place since the last hearing in this case.


On September 12, 2014, the Court conducted a status conference to discuss scheduling the hearing for the anticipated fourth motion for a preliminary injunction in this case. Counsel for all parties were present and participated in the conference.

After consulting with counsel, the Court **ORDERS** the following:

1. **Hearing Date.** The hearing on the LPO Plaintiffs' fourth motion for a preliminary injunction shall take place on **Monday, September 29, 2014 through Wednesday, October 1, 2014**. LPO Plaintiffs are allotted **one and one-half days** to present their evidence. Defendant and Intervening Defendants shall together have **one and one-half days** to present their evidence. After the hearing, the parties may submit a proffer of any evidence they were unable to present at the hearing. LPO Plaintiffs shall file their fourth motion for preliminary injunction **by 5:00 p.m. Monday, September 15, 2014**.
2. **Post Trial Briefs.** In light of the need for a timely decision in this matter, the Court will not consider any memoranda in opposition to Plaintiffs' fourth motion for a preliminary injunction or motions to dismiss Plaintiffs' third amended complaint prior to the hearing. Rather, each party may file a single post-hearing brief setting forth arguments supporting or opposing Plaintiffs' fourth motion for a preliminary injunction **by close of business, October 6, 2014**. Post hearing briefs shall not exceed **thirty pages** in length and shall use double spaced twelve point text throughout. As discussed during the conference, Secretary Husted may file a motion for summary judgement based on the defense of laches, but the Court will not commit to ruling on that motion prior to the hearing.

3. **Subject of the Hearing.** The hearing will address only the grounds upon which LPO Plaintiffs seek relief in their fourth motion for a preliminary injunction and defenses thereto. The Court will not hear evidence on extraneous matters that do not directly bear on those issues.
4. **Objections.** This will be a bench trial. The Court is presumed to ignore inadmissible evidence, and it will therefore not entertain speaking objections or conduct sidebar conferences. Counsel may assert contemporaneous objections but argue them, if required, only in their post-hearing briefs.
5. **Pre-Trial Disclosures.** The parties shall exchange and file witness and exhibit lists **by 5:00 p.m. on Wednesday, September 24, 2014.** The Court will not consider motions *in limine*, *Daubert* motions, or pretrial objections to evidence. The Court will allow testimony by witnesses and exhibits that are not timely disclosed only on a showing of good cause.
6. **Exhibit Notebooks.** Each parties shall provide the Court three complete sets of exhibits in three-ring notebooks **by 5:00 p.m. on Thursday, September 25, 2014.**

IT IS SO ORDERED.



MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT