

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

THE NORTHEAST OHIO COALITION  
FOR THE HOMELESS and SERVICE  
EMPLOYEES INTERNATIONAL  
UNION, LOCAL 1199,

Plaintiffs,

v.

JENNIFER BRUNNER, in her official  
capacity as Secretary of State of Ohio,

Defendant.

Civil Action No. C2-06-896

JUDGE ALGENON L. MARBLEY

Magistrate Judge Terrence P. Kemp

---

THE NORTHEAST OHIO COALITION  
FOR THE HOMELESS and SERVICE  
EMPLOYEES INTERNATIONAL  
UNION, LOCAL 1199,

Plaintiffs,

v.

THE STATE OF OHIO,

Intervenor-Defendant.

**PLAINTIFFS' MOTION FOR AN  
EXTENSION OF TIME TO FILE  
SUPPLEMENTAL BRIEFING ON  
PLAINTIFFS' MOTION FOR  
ATTORNEYS' FEES AND COSTS**

---

Plaintiffs The Northeast Ohio Coalition for The Homeless ("NEOCH") and Service Employees International Union, Local 1199 ("SEIU") (collectively "Plaintiffs") respectfully move this Court for an order extending the time by which Plaintiffs must file their supplemental motion on what constitutes a reasonable fee and costs award in light of the Court's Opinion and Order dated September 30, 2008 (the "Order"). In the Order, the

Court granted Plaintiffs' Motion for Attorneys' Fees and Costs, and ordered that a hearing be set within ninety (90) days from the Order on the reasonableness of fees and costs. Order at 20. The Court further ordered that the parties submit supplemental briefing on the issue of what constitutes a reasonable fee and costs award, and that Plaintiffs' opening motion was due within thirty (30) days of the date of the Order. *Id.*

Since the date of the Order, the parties have conducted a substantial amount of further litigation on subsequent issues in this matter. Specifically, on October 14, 2008, Plaintiffs filed a Motion for Leave to File *Instantly* a Supplemental Complaint, Motion for Preliminary Injunction, and Motion to Expedite Discovery. Defendants filed responses in opposition to Plaintiffs' motions. The parties conducted a number of depositions, obtained affidavits and other evidence, and engaged in extensive settlement discussions. The Court conducted a preliminary injunction hearing on October 23, 2008.

On October 24, 2008, the Court issued an Order adopting and annexing Ohio Secretary of State Directive 2008-101. On October 27, 2008, the Court issued an Order granting in part by agreement Plaintiffs' Motion for Preliminary Injunction. The Court then issued an Order on October 29, 2008, clarifying its Order granting the Preliminary Injunction.

Given the Court's most recent Orders, Plaintiffs will be filing a second motion for attorneys' fees and costs related to the work performed on these issues subsequent issues. Plaintiffs anticipate that the parties will again have the same need to brief the issue of what constitutes a reasonable fee and costs award, and the parties will need to hold another hearing on this issue, in light of whatever decision the Court hands down on Plaintiffs' second motion for attorneys fees and costs.

Accordingly, Plaintiffs respectfully suggest that it is in the interests of judicial economy and will allow for the most efficient use of all the parties' resources if the Court grants an extension of time on the issue of what constitutes a reasonable fee and costs award until after the parties have had a chance to fully brief the issue of whether Plaintiffs are entitled to a second award of attorneys' fees and costs. Granting such an extension will allow the parties to brief the issue of what constitutes a reasonable fee and costs award all at once and hold one hearing rather than two. Plaintiffs' further submit that Defendants will not be prejudiced in any way by the Court granting an extension of time for the parties to be able to brief what constitutes a reasonable fee and costs award as to both Plaintiffs' first and second motion for attorneys' fees and costs at the same time.

In conclusion, Plaintiffs respectfully request that the Court grant Plaintiffs an extension of time to file their supplement brief on what constitutes a reasonable fee and costs award until after such time as the parties have fully briefed the issue of whether Plaintiffs are entitled to recovery their attorneys' fees and costs incurred with the latest round of litigation in this matter. Plaintiffs suggest that an extension of forty-five (45) days is a reasonable and sufficient extension of time.

Respectfully submitted,

/s/ Caroline H. Gentry  
Caroline H. Gentry, Trial Attorney (0066138)  
Lindsay Sestile (0075618)  
Porter Wright Morris & Arthur, LLP  
One South Main Street, Suite 1600  
Dayton, Ohio 45402  
Tele: (937) 449-6748  
Fax: (937) 449-6820  
cgentry@porterwright.com

and

Subodh Chandra (0069233)  
The Chandra Law Firm, LLC  
1265 West 6th Street  
Cleveland, Ohio 44113-1326  
Tele: (216) 578-1700  
Fax: (216) 578-1800  
Subodh.Chandra@StanfordAlumni.org

and

H. Ritchey Hollenbaugh (0001072)  
Carlile Patchen & Murphy LLP  
366 East Broad Street  
Columbus, Ohio 43215  
Tele: (614) 228-6135  
Fax: (614) 221-0216  
hrh@cpmlaw.com

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Plaintiffs' Motion for Extension of Time to File Supplemental Briefing on Plaintiffs' Motion for Attorneys' Fees and Costs was electronically filed on October 30, 2008, with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the counsel of record in this case.

/s/ H. Ritchey Hollenbaugh

---

H. Ritchey Hollenbaugh