

**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.

Civil Action No. C2-06-896

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

Defendant.

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
ADDITIONAL 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 granting an additional thirty (30) day extension of time by which Plaintiffs must file their supplemental motion on what constitutes a reasonable fee and costs award. On October 30, 2008, Plaintiffs filed their initial motion for an extension

of time to file the supplemental brief and requested an extension of 45 days. Defendants have not opposed Plaintiffs' initial motion for an extension and the Court has not yet ruled on that initial motion.

As the Court is well aware, since October 30, 2008, the parties have engaged in a significant amount of further litigation related to the orders the Court has issued in this case. The most significant of these issues has involved the consolidation of *Ohio Republican Party v. Brunner*, Case No. 2:08-CV-913 (the "ORP Case"), which arose when the plaintiff in the ORP Case used that case to collaterally attack the validity of one the Orders the Court issued in the instant case. The amount of time the parties the have spent litigating the issues surrounding the consolidation of the ORP Case and the implementation of this Court's orders could not have reasonably been anticipated by the Plaintiffs at the time their initial motion for an extension was filed. Had these issues already been ongoing, Plaintiffs could have reasonably requested a longer extension of time in their initial motion for an extension.

Further, the interests of judicial economy bear on granting this extension for the same reasons set forth in the Plaintiffs' initial motion for an extension. Given that Defendants have not opposed Plaintiffs' initial motion for an extension, Plaintiffs submit that Defendants will not be prejudiced by the Court granting the Plaintiff an additional thirty (30) days to file its supplemental brief on what constitutes a reasonable fee and cost award.

For the foregoing reasons, Plaintiffs respectfully request that this Court issue an order granting Plaintiffs' motion for an additional thirty-day extension of time to file its supplement brief on what constitutes a reasonable fee and costs award.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Plaintiffs' Motion for an Additional Extension of Time to File Supplemental Briefing on Plaintiffs' Motion for Attorneys' Fees and Costs was electronically filed on December 12, 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