

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. :

Case No. 2:06-cv-0896

J. Kenneth Blackwell, in his :
official capacity as Secretary: :
of State of Ohio, :

JUDGE MARBLEY

Defendants. :

MEMORANDUM OF
FIRST PRETRIAL CONFERENCE

This matter came before the Court on December 13, 2006 at 2:30 p.m. at the First Pretrial Conference pursuant to notice and in accordance with Rule 16 of the Federal Rules of Civil Procedure. Counsel appeared as follows:

For the Plaintiffs:

Caroline H. Gentry
H. Ritchey Hollenbaugh
Jessica K. Kling

For the Defendants:

Christina L. Corl and Richard N. Coglianesse -
Defendant J. Kenneth Blackwell
Sharon A. Jennings - Intervenor State of Ohio

The following matters were considered:

A. VENUE

There is no objection to venue in this District.

B. JURISDICTION

Defendants contest plaintiffs' standing to bring this action.

C. PARTIES AND PLEADINGS

Any motion to amend the pleadings or to join parties shall be filed by June 15, 2007.

D. ISSUES

The issues in this voters' rights case are more fully described in the Court's order of October 26, 2006 granting a TRO, and the Court of Appeals' subsequent November 3, 2006 decision granting in part a motion to vacate the TRO.

This is a non-jury case.

E. DISCOVERY PROCEDURES

All discovery shall be completed by January 31, 2008. For purposes of complying with this order, all parties shall schedule their discovery in such a way as to require all responses to discovery to be served prior to the cut-off date, and shall file any motions relating to discovery within the discovery period unless it is impossible or impractical to do so.

Any motions for summary judgment shall be filed by February 28, 2008.

F. EXPERT TESTIMONY

If plaintiffs seek to establish a matter affirmatively through the use of expert testimony, they shall identify such expert by

September 30, 2007. The manner of identification shall be by way of the disclosures required by Fed. R. Civ. P. 26(a)(2), which reads in full:

"Except as otherwise stipulated or directed by the court, this disclosure shall, with respect to a witness who is retained or specially employed to provide expert testimony in the case or whose duties as an employee of the party regularly involve giving expert testimony, be accompanied by a written report prepared and signed by the witness. The report shall contain a complete statement of all opinions to be expressed and the basis and reasons therefor; the data or other information considered by the witness in forming the opinions; any exhibits to be used as a summary of or support for the opinions; the qualifications of the witness, including a list of all publications authored by the witness within the preceding ten years; the compensation to be paid for the study and testimony; and a listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding four years.

If defendants desire to use expert testimony directed to that subject matter, they shall identify, in the same manner, such expert by November 30, 2007. Pursuant to Fed. R. Civ. P. 26(b)(4)(A), leave of court is not required in order to depose a testifying expert.

G. OTHER MATTERS

The change in the Secretary of State's office may have an impact on this case. The parties may request a further status conference should that occur.

The State of Ohio is granted leave to intervene. The State's answer is due by January 22, 2007.

If the foregoing does not accurately record the matters considered and the agreements reached at the conference, counsel will please immediately make their objection in writing. If any date set in this order falls on a Saturday, Sunday or legal holiday, the date is automatically deemed to be the next regular business day.

/s/ Terence P. Kemp
United States Magistrate Judge