

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

**RICHARD COOEY, et al.,**

**Plaintiffs,**

**v.**

**JOHN KASICH, et al.,**

**Defendants.**

**Case No. 2:04-cv-1156**

**JUDGE GREGORY L. FROST**

**Magistrate Judge Mark R. Abel**

**BRETT HARTMAN,**

**Plaintiff,**

**v.**

**JOHN KASICH, et al.,**

**Defendants.**

**Case No. 2:09-cv-242**

**JUDGE GREGORY L. FROST**

**Magistrate Judge E.A. Preston Deavers**

**ROMELL BROOM,**

**Plaintiff,**

**v.**

**JOHN KASICH, et al.,**

**Defendants.**

**Case No. 2:09-cv-823**

**JUDGE GREGORY L. FROST**

**Magistrate Judge Mark R. Abel**

**LAWRENCE REYNOLDS,**

**Plaintiff,**

**v.**

**JOHN KASICH, et al.,**

**Defendants.**

**Case No. 2:10-cv-27**

**JUDGE GREGORY L. FROST**

**Magistrate Judge Mark R. Abel**

**ORDER**

On August 22, 2011, the captioned consolidated cases came before the Court for a telephone status conference to address the effects of the State of Ohio execution protocol with the effective date of September 18, 2011. The Court notified all lead counsel via email of the conference, which counsel for Plaintiff Slagle initially requested. In accordance with discussions held with those counsel who elected to participate, the Court **ORDERS** that all parties shall adhere to the following revised schedule:

(1) Plaintiff Slagle shall file an amended complaint and an amended motion for a temporary restraining order and preliminary injunction on or before August 25, 2011.

(2) The Clerk shall terminate Slagle's July 22, 2011 motion for a temporary restraining order and preliminary injunction as moot. (ECF No. 958.)

(3) Defendants shall file an answer to Slagle's amended complaint on or before September 1, 2011.

(4) Given the impending execution date, Slagle and Defendants shall begin discovery effective immediately.

(5) The parties shall disclose any expert witness on or before August 26, 2011. The parties shall disclose the expert witness report(s) on or before August 30, 2011.

(6) The parties shall disclose any rebuttal expert witness on or before September 6, 2011. The parties shall disclose the rebuttal expert witness report(s) on or before September 9, 2011.

(7) Slagle's amended motion for a temporary restraining order and preliminary injunction shall come on for an oral hearing beginning on September 13, 2011, at 9:00 a.m.

(8) In the event of any discovery dispute, including any dispute involving the use of deposition testimony, the parties shall immediately contact the Court to arrange a telephone status conference. No party may file a motion related to a discovery dispute without leave of Court.

(9) All plaintiffs except Slagle shall file individual amended complaints on or before September 28, 2011.

(10) Defendants shall file answers to these individual amended complaints on or before October 5, 2011.

(11) In light of the new protocol and the fact that his proffered complaint targets a replaced protocol, movant Joseph Murphy shall file a new motion to intervene on or before August 29, 2011.

(12) The Clerk shall terminate Murphy's July 21, 2011 motion to intervene as moot. (ECF No. 954.)

(13) In light of Murphy's October 18, 2011 execution date, Defendants shall file a response to Murphy's revised motion to intervene by September 1, 2011. Murphy shall file a reply memorandum by September 6, 2011. The motion to intervene shall come on for a non-oral hearing on September 7, 2011.

(14) The Clerk shall terminate the pending motion for summary judgment and the related motions for incorporation of additional material and for additional discovery as moot. (ECF Nos. 917, 918, 919, 946, 951.)

(15) The Clerk shall terminate Plaintiff Hartman's motion for leave to file a second

amended complaint as moot. (ECF No. 952.)

(16) Any party wishing to file a motion for summary judgment shall do so on or before November 4, 2011.

(17) The Court schedules a December 19, 2011 non-oral hearing on all motions for summary judgment.

(18) The Court vacates the October 14, 2011 final pretrial conference and the October 31, 2011 bench trial.

(19) The Court shall schedule the final pretrial conference and the bench trial following its disposition of any motions for summary judgment.

(20) Counsel for Defendants shall consult their clients and report to counsel for Plaintiffs whether there is an agreement on the grievance issue discussed during the telephone conference.

**IT IS SO ORDERED.**

/s/ Gregory L. Frost  
GREGORY L. FROST  
UNITED STATES DISTRICT JUDGE