

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Arthur Lavin, M.D., et al.,	)	CASE NO. 1:10 CV 1986
	)	
Plaintiffs,	)	JUDGE DONALD C. NUGENT
	)	
v.	)	
	)	ORDER
	)	
Jon Husted, in his official capacity as	)	
Ohio Secretary of State,	)	
	)	
Defendant.	)	

This matter is before the Court on the Motion of Non-Parties Richard Michael DeWine, J.B. Hadden, and Custodian for Records for Mike DeWine For Ohio to Quash Subpoenas. (ECF #70). The subpoenas at issue were served on or about May 2, 2011 and ordered the recipients to appear at a summary judgment hearing scheduled in the captioned case on May 18, 2011 with a laundry list of documents. However, the limited discovery that was requested and approved in this action was to be completed by March 31, 2011. That deadline was extended at the request of both parties in a Joint Motion to extend Discovery for the limited purpose of taking Fed. R. Civ. P. 30(b)(6) depositions. Discovery is now closed.

Moreover, as both parties have moved for summary judgment, they assert that there are no genuine issues of material fact. Rule 56 does not contemplate an evidentiary hearing in support or opposition of summary judgment. Rather, parties are to support their factual positions by:

citing to particular parts of materials in the record, including depositions, documents, electronically stored information, affidavits

or declarations, stipulations (including those made for purposes of the motion only), admissions, interrogatory answers, or other materials...

Fed. R. Civ. P. 56(c)(1)(A). Accordingly, no evidence will be taken or received at the oral argument on Wednesday, May 18, 2011. Rather, counsel for each side will be limited to 30 minutes to present their arguments in support of their motions for summary judgment.

For these reasons, as well as the reasons cited by the Non-Parties in their Motion, the Motion of Non-Parties Richard Michael DeWine, J.B. Hadden, and Custodian for Records for Mike DeWine For Ohio to Quash Subpoenas (ECF #70) is granted.

IT IS SO ORDERED.

/s/Donald C. Nugent  
DONALD C. NUGENT  
UNITED STATES DISTRICT JUDGE

DATED: May 16, 2011