

**U.S. District Court
Northern District of Ohio (Cleveland)
CIVIL DOCKET FOR CASE #: 1:10-cv-01986-DCN**

Lavin et al v. Brunner
Assigned to: Judge Donald C. Nugent
Case in other court: 6th Circuit, 11-03908
Cause: 42:1983 Civil Rights Act

Date Filed: 09/03/2010
Date Terminated: 09/11/2012
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Arthur Lavin

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Plaintiff

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Plaintiff

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Plaintiff

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V.

Defendant

Jennifer Brunner
TERMINATED: 03/02/2011

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Interested Party**Custodian of Records for Mike
DeWine for Ohio**

represented by **James A. King**
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Date Filed	#	Docket Text
09/03/2010	<u>1</u>	Complaint for Declaratory Judgment, Preliminary—and–Permanent–Injunctive Relief, and Attorneys' Fees and Costs against Jennifer Brunner. Filing fee paid \$ 350, Receipt number 0647-4274511. Filed by plaintiffs. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons) (Chandra, Subodh) (Entered: 09/03/2010)
09/04/2010	<u>2</u>	Motion for preliminary injunction filed by plaintiffs. Related document(s) <u>1</u> . (Attachments: # <u>1</u> Exhibit Lavin, Arthur Declaration, # <u>2</u> Exhibit Cordray Contribution Form, # <u>3</u> Exhibit Enacted S.B. 159, # <u>4</u> Exhibit House & Senate Journal Minutes, # <u>5</u> Exhibit Analysis of SB 159, # <u>6</u> Exhibit SB 159 as passed by Senate, # <u>7</u> Exhibit Hearing Committee Minutes Mar 8, 1978, # <u>8</u> Exhibit Sen Meshel Declaration # <u>9</u> Exhibit R.C. 3517.13 (pre 2006), # <u>10</u> Exhibit Green Party v. Garfield, # <u>11</u> Exhibit Dispatch article Mar 9, 1978, # <u>12</u> Exhibit PD article Apr 25, 1978, # <u>13</u> Exhibit PM Hearing Committee Minutes Feb 15, 1978, # <u>14</u> Exhibit AM Hearing Committee Minutes Feb 15, 1978, # <u>15</u> Exhibit Hearing Committee Minutes Jan 11, 1978, # <u>16</u> Exhibit PD article Feb 16, 1978)(Chandra, Subodh) Modified text on 9/7/2010 (B,B). (Entered: 09/04/2010)
09/07/2010		Judge Donald C. Nugent assigned to case. (C,BA) (Entered: 09/07/2010)
09/07/2010		Random Assignment of Magistrate Judge pursuant to Local Rule 3.1. In the event of a referral, case will be assigned to Magistrate Judge Perelman. (C,BA) (Entered: 09/07/2010)
09/07/2010	<u>3</u>	Original Summons and Magistrate Consent Form issued for service upon Jennifer Brunner. (Attachments: # <u>1</u> Magistrate Consent Form) (C,BA) (Entered: 09/07/2010)
09/08/2010		Service by Clerk. Summons and Complaint addressed to Jennifer Brunner placed in U.S. Mail. Type of service: certified mail. Receipt # 70092250000340998972. (C,B) (Entered: 09/08/2010)
09/14/2010	<u>4</u>	Waiver of Service Returned Executed by All Plaintiffs. Jennifer Brunner waiver sent on 9/7/2010, answer due 11/8/2010. filed on behalf of All Plaintiffs (Chandra, Subodh) (Entered: 09/14/2010)
09/16/2010	<u>5</u>	Return of Service by Clerk by certified mail executed upon Jennifer Brunner on 9/13/2010, filed on behalf of All Plaintiffs (B,R) (Entered: 09/16/2010)
09/17/2010		FILING ERROR – WRONG CASE– Partial filing fee Melvin Tucker (C,B) Modified on 9/17/2010 (C,B). (Entered: 09/17/2010)
09/17/2010		Random Assignment of Magistrate Judge pursuant to Local Rule 3.1. In the event of a referral, case will be assigned to Magistrate Judge Vecchiarelli. (C,B) (Entered: 09/17/2010)

09/21/2010	<u>6</u>	Order referring case to Magistrate Judge Nancy A. Vecchiarelli for Preliminary Injunction Hearing to be held on October 7, 2010 at 9:30 a.m. re <u>2</u> Judge Donald C. Nugent on 9/21/10. (R,JM) (Entered: 09/21/2010)
09/23/2010	<u>7</u>	Attorney Appearance of <i>Karl H. Schneider and Mark R. Meterko</i> by Mark R. Meterko filed by on behalf of Jennifer Brunner. (Meterko, Mark) (Entered: 09/23/2010)
09/24/2010		Notice [non-document] of Telephone Conference set for 9/29/2010 at 09:30 AM before Magistrate Judge Nancy A. Vecchiarelli. Counsel for plaintiff will host the call and join in opposing counsel and this Court. Opposing counsel are responsible for informing counsel for plaintiff of the telephone number where he/she can be contacted for the conference call. Cellular telephones or other mobile devices are not an acceptable means of conferencing with this Court. (G,W) (Entered: 09/24/2010)
09/24/2010	<u>8</u>	Notice of preliminary injunction hearing to be held on 10/7/2010 at 09:30 AM in Courtroom 10B before Magistrate Judge Nancy A. Vecchiarelli. The parties shall file briefs in support of their respective positions on or before 09/30/2010. These deadlines shall not be extended. (G,W) (Entered: 09/24/2010)
09/29/2010	<u>9</u>	Minutes of proceedings before Magistrate Judge Nancy A. Vecchiarelli. Teleconference held 9/29/10. (Court Reporter: None.) Time: 15 minutes. (C,KA) (Entered: 09/29/2010)
09/30/2010	<u>10</u>	Opposition to <u>2</u> Motion for preliminary injunction filed by Jennifer Brunner. (Meterko, Mark) (Entered: 09/30/2010)
10/04/2010	<u>11</u>	Exhibit List for <i>Hearing on Plaintiff's Motion for Preliminary Injunction</i> filed by Jennifer Brunner. (Meterko, Mark) (Entered: 10/04/2010)
10/04/2010	<u>12</u>	Notice <i>Regarding Plaintiff's Exhibits and Witnesses to be Used in Preliminary-Injunction Hearing</i> filed by All Plaintiffs. (Chandra, Subodh) (Entered: 10/04/2010)
10/08/2010	<u>13</u>	Proposed Findings of Fact and <i>Conclusions of Law</i> filed by All Plaintiffs. (Chandra, Subodh) (Entered: 10/08/2010)
10/08/2010	<u>14</u>	Proposed Findings of Fact and <i>Conclusions of Law</i> filed by Jennifer Brunner. (Meterko, Mark) (Entered: 10/08/2010)
10/08/2010	<u>15</u>	Proposed Stipulation <i>Regarding Timing of Objections and Responses</i> filed by All Parties. (Chandra, Subodh) (Entered: 10/08/2010)
10/12/2010	<u>16</u>	Minutes of proceedings before Magistrate Judge Nancy A. Vecchiarelli. Preliminary Injunction Hearing held on 10/07/2010. Neither plaintiffs nor defendants offered testimony or evidence additional to that submitted with the briefs. (Court Reporter: S. Perkins.) Time: 2 Hours 35 Minutes. Related document(s) <u>2</u> . (G,W) (Additional attachment(s) added on 10/15/2010: # <u>1</u> Attendance) (G,W). (Entered: 10/12/2010)
10/12/2010	<u>17</u>	Report and Recommendation that <u>2</u> Plaintiffs motion should be granted and a preliminary injunction against enforcement of Ohio Rev. Code § 3599.45 should issue. By <u>15</u> stipulation of the parties, objections to this Report and Recommendation must be filed within 7 days after the party objecting has been served; Responses must be filed within three 3 days thereafter. Objections to RR due by 10/19/2010; Responses due 10/22/2010. Magistrate Judge Nancy A. Vecchiarelli on 10/12/2010. (G,W) (Entered: 10/12/2010)
10/13/2010	<u>18</u>	Motion for Refund of Fees Paid Electronically filed by Nathan A. Beachy, Jason Chao, Peter A. DeGolia, Michael W. Devereaux, Patricia J. Kellner, Arthur Lavin, Jerome Liebman, Constance D. Magoulias, Eric R. Schreiber. Related document(s) <u>1</u> . (Attachments: # <u>1</u> Exhibit 1 – Statement)(Chandra, Subodh) (Entered: 10/13/2010)
10/19/2010	<u>19</u>	Objection to Report and Recommendation filed by Jennifer Brunner. Related document(s) <u>17</u> . (Meterko, Mark) (Entered: 10/19/2010)

10/19/2010	<u>20</u>	Objection to Magistrate Judge's Report and Recommendation filed by All Plaintiffs. Related document(s) <u>17</u> . (Attachments: # <u>1</u> Exhibit 1 – ODJFS Annual Report, # <u>2</u> Exhibit 2 – Medicaid Provider Rept, # <u>3</u> Exhibit 3 – Provider Directory – CVS search, # <u>4</u> Exhibit 4 – CVS 10K, # <u>5</u> Exhibit 5 – Provider Directory – Pharmacy, # <u>6</u> Exhibit 6 – U.S. v. CVS, # <u>7</u> Exhibit 7 – Press Release, # <u>8</u> Exhibit 8 – Ohio MCEC – Contact Us, # <u>9</u> Exhibit 10 – Molina Healthcare – Members, # <u>10</u> Exhibit 11 – Wellcare Annual Report) (Chandra, Subodh) (Entered: 10/19/2010)
10/20/2010	<u>21</u>	Exhibit(s) <i>Ex. 9 to Plaintiffs' Objections to Magistrate's Report and Recommendation</i> filed by All Plaintiffs. Related document(s) <u>20</u> . (Chandra, Subodh) (Entered: 10/20/2010)
10/22/2010	<u>22</u>	Response to <i>Plaintiffs' Objections to the Magistrate Judge's Report and Recommendation</i> filed by Jennifer Brunner. Related document(s) <u>17</u> , <u>20</u> . (Meterko, Mark) Modified to create an additional link on 10/25/2010 (B,B). (Entered: 10/22/2010)
10/22/2010	<u>23</u>	Response To <i>Defendants Objections To The Magistrate Judges Report And Recommendation</i> filed by All Plaintiffs. Related document(s) <u>17</u> , <u>19</u> . (Attachments: # <u>1</u> Proposed Order) (Chandra, Subodh) Modified to create an additional link on 10/25/2010 (B,B). (Entered: 10/22/2010)
10/27/2010	<u>24</u>	Memorandum Opinion and Order not adopting <u>17</u> Report and Recommendation and denying <u>2</u> plaintiff's motion for preliminary injunction. Judge Donald C. Nugent (C,KA) (Entered: 10/27/2010)
10/27/2010	<u>25</u>	Motion for case management conference filed by Nathan A. Beachy, Jason Chao, Peter A. DeGolia, Michael W. Devereaux, Patricia J. Kellner, Arthur Lavin, Jerome Liebman, Constance D. Magoulias, Eric R. Schreiber. Related document(s) <u>1</u> . (Chandra, Subodh) Modified text on 10/28/2010 (B,B). (Entered: 10/27/2010)
10/29/2010		Order [non–document]granting Plaintiff's Motion for case management conference (Related Doc # <u>25</u>)to be held on 12/2/2010 at 9:30 AM at Chambers 15A before Judge Donald C. Nugent.(R,JM) (Entered: 10/29/2010)
11/08/2010	<u>26</u>	Answer to <u>1</u> Complaint , filed by Jennifer Brunner. (Meterko, Mark) Modified text on 11/9/2010 (B,B). (Entered: 11/08/2010)
11/19/2010	<u>27</u>	Joint Motion to excuse appearance <i>at the December 2, 2010 Case Management Conference</i> filed by All Parties. (Meterko, Mark) Modified text on 11/19/2010 (B,B). (Entered: 11/19/2010)
11/29/2010		Order [non–document]granting Joint Motion to excuse appearance of Plaintiffs Arthur Lavin, et al and Defendant Jennifer Brunner at case management conference.(Related Doc # <u>27</u>) Judge Donald C. Nugent on 11/29/10.(R,JM) (Entered: 11/29/2010)
11/29/2010	<u>28</u>	Report of Parties' Planning Meeting , parties do not consent to this case being assigned to the magistrate judge, filed by Jennifer Brunner. (Meterko, Mark) Modified text on 11/30/2010 (B,B). (Entered: 11/29/2010)
12/03/2010	<u>29</u>	Minutes of proceedings of Status Conference held on 12/02/10. Case is assigned to the Standard track. Discovery limited, discovery cut off date is 1/31/11. Any dispositive motion to be filed by 2/14/11; response due 3/14/11; reply, if any due 3/21/11. A hearing to be held on 3/30/2011 at 8:30 AM in Courtroom 15A before Judge Donald C. Nugent. Time: 20. (R,JM) (Entered: 12/03/2010)
12/03/2010		Set Deadlines and Hearings Discovery due by 1/31/2011. Dispositive Motions due by 2/14/2011. (B,B) (Entered: 12/03/2010)
12/07/2010	<u>30</u>	Unopposed Motion for extension of all dates consistent with those proposed in Rule 26(f) parties' planning report filed by Nathan A. Beachy, Jason Chao, Peter A. DeGolia, Michael W. Devereaux, Patricia J. Kellner, Arthur Lavin, Jerome Liebman, Constance D. Magoulias, Eric R. Schreiber. Related document(s) <u>17</u> , <u>29</u> , <u>28</u> . (Chandra, Subodh) Modified text on 12/8/2010 (B,B). (Entered: 12/07/2010)

12/13/2010	<u>31</u>	Marginal Entry Order denying Plaintiffs' Unopposed Motion to Change Deadlines. Signed by Judge Donald C. Nugent on 12/13/2010.(Related doc <u>30</u>)(B,B) (Entered: 12/13/2010)
12/23/2010	<u>32</u>	Notice of <i>Subpoenas</i> filed by Nathan A. Beachy, Jason Chao, Peter A. DeGolia, Michael W. Devereaux, Patricia J. Kellner, Arthur Lavin, Jerome Liebman, Constance D. Magoulias, Eric R. Schreiber. (Attachments: # <u>1</u> Exhibit 1 – Supboena to ODJFS, # <u>2</u> Exhibit 2 – Subpoena to Ohio Attorney General, # <u>3</u> Exhibit 3 – Subpoena to CVS Caremark Corp.)(Chandra, Subodh) (Entered: 12/23/2010)
01/03/2011	<u>33</u>	Subpoena Returned Executed; served upon Custodian of Records for Ohio Attorney General Richard Cordray by US Certified Mail Return Receipt Requested on 12/31/2010 filed on behalf of Nathan A. Beachy, Jason Chao, Peter A. DeGolia, Michael W. Devereaux, Patricia J. Kellner, Arthur Lavin, Jerome Liebman, Constance D. Magoulias, Eric R. Schreiber Related document(s) <u>32</u> . (Chandra, Subodh) (Entered: 01/03/2011)
01/03/2011	<u>34</u>	Subpoena Returned Executed; served upon Custodian of Records for Ohio Dept of Job and Family Services by US Certified Mail Return Receipt Requested on 12/28/2010 filed on behalf of Nathan A. Beachy, Jason Chao, Peter A. DeGolia, Michael W. Devereaux, Patricia J. Kellner, Arthur Lavin, Jerome Liebman, Constance D. Magoulias, Eric R. Schreiber Related document(s) <u>32</u> . (Chandra, Subodh) (Entered: 01/03/2011)
01/12/2011	<u>35</u>	Subpoena Returned Executed; served upon Custodian of Records for CVS Caremark Corporation by Certified U.S. Mail return receipt requested on 1/1/2011 filed on behalf of Nathan A. Beachy, Jason Chao, Peter A. DeGolia, Michael W. Devereaux, Patricia J. Kellner, Arthur Lavin, Jerome Liebman, Constance D. Magoulias, Eric R. Schreiber Related document(s) <u>32</u> . (Screen, Donald) (Entered: 01/12/2011)
01/28/2011	<u>36</u>	Unopposed Motion for extension of Discovery And All Other Deadlines until 3/3/2011 filed by Nathan A. Beachy, Jason Chao, Peter A. DeGolia, Michael W. Devereaux, Patricia J. Kellner, Arthur Lavin, Jerome Liebman, Constance D. Magoulias, Eric R. Schreiber. Related document(s) <u>29</u> . (Attachments: # <u>1</u> Exhibit 1 – 1.26.11 email Chanda to Tassie, # <u>2</u> Exhibit 2– 1.28.11 email Chandra to Griffith)(Chandra, Subodh) (Entered: 01/28/2011)
01/31/2011	<u>37</u>	Subpoena Returned Executed; served upon CVS Caremark Corporation by Commercial Courier Service on 1/26/2011 filed on behalf of Nathan A. Beachy, Jason Chao, Peter A. DeGolia, Michael W. Devereaux, Patricia J. Kellner, Arthur Lavin, Jerome Liebman, Constance D. Magoulias, Eric R. Schreiber (Gupta, Sandhya) (Entered: 01/31/2011)
01/31/2011	<u>38</u>	Subpoena Returned Executed; served upon Target Corporation by Commercial Courier Service on 1/26/2011 filed on behalf of Nathan A. Beachy, Jason Chao, Peter A. DeGolia, Michael W. Devereaux, Patricia J. Kellner, Arthur Lavin, Jerome Liebman, Constance D. Magoulias, Eric R. Schreiber (Gupta, Sandhya) (Entered: 01/31/2011)
01/31/2011	<u>39</u>	Subpoena Returned Executed; served upon Walgreen Company by Commercial Courier Service on 1/26/2011 filed on behalf of Nathan A. Beachy, Jason Chao, Peter A. DeGolia, Michael W. Devereaux, Patricia J. Kellner, Arthur Lavin, Jerome Liebman, Constance D. Magoulias, Eric R. Schreiber (Gupta, Sandhya) (Entered: 01/31/2011)
01/31/2011	<u>40</u>	Subpoena Returned Executed; served upon Wal-Mart Stores, Inc. by Commercial Courier Service on 1/26/2011 filed on behalf of Nathan A. Beachy, Jason Chao, Peter A. DeGolia, Michael W. Devereaux, Patricia J. Kellner, Arthur Lavin, Jerome Liebman, Constance D. Magoulias, Eric R. Schreiber (Gupta, Sandhya) (Entered: 01/31/2011)
02/04/2011		Order [non-document]granting <u>36</u> Plaintiffs Unopposed Motion to Extend Deadlines until 3/3/2011. Judge Donald C. Nugent (R,JM) (Entered: 02/04/2011)
02/04/2011		Set Deadlines and Hearings Discovery due by 3/3/2011. (B,B) (Entered: 02/07/2011)

02/11/2011	<u>41</u>	Notice. The hearing currently scheduled for March 30, 2011, (Related document <u>29</u>) is rescheduled to 5/2/2011 at 09:15 AM in Courtroom 15A. Signed by Judge Donald C. Nugent on 2/11/2011. (K,K) (Entered: 02/11/2011)
02/18/2011	<u>42</u>	(FILING ERROR) Subpoena Returned Executed; served upon Rite Aid Headquarters Corp. by commercial courier service on 1/31/2011 filed on behalf of Nathan A. Beachy, Jason Chao, Peter A. DeGolia, Michael W. Devereaux, Patricia J. Kellner, Arthur Lavin, Jerome Liebman, Constance D. Magoulias, Eric R. Schreiber (Gupta, Sandhya) Modified to add filing error per held desk call on 2/22/2011. Attorney filed the wrong document and will refile (H,KR). (Entered: 02/18/2011)
02/18/2011	<u>43</u>	Subpoena Returned Executed; served upon Rite Aid of Ohio, Inc. by commercial courier service on 1/31/2011 filed on behalf of Nathan A. Beachy, Jason Chao, Peter A. DeGolia, Michael W. Devereaux, Patricia J. Kellner, Arthur Lavin, Jerome Liebman, Constance D. Magoulias, Eric R. Schreiber (Gupta, Sandhya) (Entered: 02/18/2011)
02/18/2011	<u>44</u>	Subpoena Returned Executed; served upon Rite Aid Corporation by commercial courier service on 1/31/2011 filed on behalf of Nathan A. Beachy, Jason Chao, Peter A. DeGolia, Michael W. Devereaux, Patricia J. Kellner, Arthur Lavin, Jerome Liebman, Constance D. Magoulias, Eric R. Schreiber (Gupta, Sandhya) (Entered: 02/18/2011)
02/22/2011	<u>45</u>	Subpoena Returned Executed; served upon Rite Aid Headquarters Corp. by commercial courier service on 1/31/2011 filed on behalf of Nathan A. Beachy, Jason Chao, Peter A. DeGolia, Michael W. Devereaux, Patricia J. Kellner, Arthur Lavin, Jerome Liebman, Constance D. Magoulias, Eric R. Schreiber (Gupta, Sandhya) (Entered: 02/22/2011)
03/01/2011	<u>46</u>	Joint Motion for leave to <i>Conduct Discovery Beyond the March 3, 2011 Discovery Deadline for the Limited Purpose of a 30(B)(6) Deposition</i> filed by All Parties. (Schneider, Karl) Modified text on 3/1/2011 (B,B). (Entered: 03/01/2011)
03/02/2011		Notice (non-document)of Status Conference re-set for 4/1/2011 at 9:30 AM in Chambers 15A before Judge Donald C. Nugent. (R,JM) (Entered: 03/02/2011)
03/02/2011	<u>47</u>	Notice of <i>Substitution of Party</i> filed by Jennifer Brunner. (Meterko, Mark) (Entered: 03/02/2011)
03/02/2011		Order [non-document]granting Joint Motion for leave to conduct discovery beyond the March 3, 2011 discovery deadline for the limited purpose of a 30(B)(6) deposition. (Related Doc # <u>46</u>). Judge Donald C. Nugent (R,JM) (Entered: 03/02/2011)
03/09/2011	<u>48</u>	Motion for leave to <i>Exceed the Dispositive-Motion Page Limit Under Local Rule 7.1(F)</i> filed by Nathan A. Beachy, Jason Chao, Peter A. DeGolia, Michael W. Devereaux, Patricia J. Kellner, Arthur Lavin, Jerome Liebman, Constance D. Magoulias, Eric R. Schreiber. (Chandra, Subodh) (Entered: 03/09/2011)
03/10/2011	<u>49</u>	Motion for leave to <i>Exceed the Dispositive Motion Page Limit</i> filed by Defendant Jon Husted. (Meterko, Mark) (Entered: 03/10/2011)
03/11/2011	<u>50</u>	Marginal Entry Order Plaintiffs' Motion to exceed the dispositive-motion page limit is granted in part. Page limit increased from 20 pages to 30 pages. (Related Doc # <u>48</u>) Judge Donald C. Nugent(R,JM) Modified text on 3/14/2011 (B,B). (Entered: 03/11/2011)
03/16/2011		Order [non-document]granting Defendants Motion to Exceed the Dispositive Motion Page Limit can not exceed 30 pages (Related Doc # <u>49</u>) Judge Donald C. Nugent (R,JM) Modified on 3/16/2011 (R,JM). (Entered: 03/16/2011)
03/16/2011	<u>51</u>	Motion for summary judgment filed by Defendant Jon Husted. (Attachments: # <u>1</u> Exhibit 1-17 to Motion for Summary Judgment)(Meterko, Mark) (Entered: 03/16/2011)
03/16/2011	<u>52</u>	Motion for summary judgment <i>and Permanent Injunction</i> filed by Nathan A. Beachy, Jason Chao, Peter A. DeGolia, Michael W. Devereaux, Patricia J. Kellner, Arthur Lavin, Jerome Liebman, Constance D. Magoulias, Eric R. Schreiber.

		(Screen, Donald) (Entered: 03/16/2011)
03/17/2011	<u>53</u>	<i>Notice of Filing Exhibits to Plaintiffs' Motion for Summary Judgment and Permanent Injunction</i> filed by Nathan A. Beachy, Jason Chao, Peter A. DeGolia, Michael W. Devereaux, Patricia J. Kellner, Arthur Lavin, Jerome Liebman, Constance D. Magoulias, Eric R. Schreiber. (Attachments: # <u>1</u> Exhibit 1 Mayhew Depo Mar. 14, 2011, # <u>2</u> Exhibit 2 ODJFS Provider Update Control Report Jan 2011, # <u>3</u> Exhibit 3 Lavin Decl Sep. 2, 2010, # <u>4</u> Exhibit 4 Lavin Response to Def's 1st set of ROGS, Feb. 19, 2011, # <u>5</u> Exhibit 5 Schreiber Decl., # <u>6</u> Exhibit 6 Second Lavin Decl., Mar. 14, 2011, # <u>7</u> Exhibit 7 Cordray Contribute, # <u>8</u> Exhibit 8 Kendall Decl. with attachment, # <u>9</u> Exhibit 9 Thom Decl. with attachment, # <u>10</u> Exhibit 10 Rohan Decl., # <u>11</u> Exhibit 11 Walmart 10 Q, # <u>12</u> Exhibit 12 Target 10-Q, # <u>13</u> Exhibit 13 Walgreen 10-Q, # <u>14</u> Exhibit 14 Moffatt Decl., # <u>15</u> Exhibit 15 Comitale Decl, # <u>16</u> Exhibit 16 Sears Holdings 10-k., # <u>17</u> Exhibit 17 Kroger 10 Q, # <u>18</u> Exhibit 18 Winn Dixie 10Q, # <u>19</u> Exhibit 19 ODJFS Pharm & Med Supplier Provider Listing, # <u>20</u> Exhibit 20 R.C. 3517.13 effective before HB 694, # <u>21</u> Exhibit 21 Enacted S.B. 159, # <u>22</u> Exhibit 22 Analysis on 1978 sb 159, # <u>23</u> Exhibit 23 State & House Journals 112th GA, # <u>24</u> Exhibit 24 SB 159 Version Passed by Senate, # <u>25</u> Exhibit 25 Mar. 8, 1978 at 9 30 AM House Comm. Hearing Minutes SB 159 with Attendance List, # <u>26</u> Exhibit 26 2 Youngstown Democrats, PD 2-16-78 page 4-E or page 74, # <u>27</u> Exhibit 27 New law empowers State to probe Medicaid fraud, PD 4-25-78 page 5, # <u>28</u> Exhibit 28 House Panel Approves Medicaid Fraud Bill, Dispatch 3.9.78 B-7., # <u>29</u> Exhibit 29 Meshel Decl, # <u>30</u> Exhibit 30 OAG Comprehensive Expenditu, # <u>31</u> Exhibit 31 OAG Chart of Accounts FY2010, # <u>32</u> Exhibit 32 Nahvi Decl, # <u>33</u> Exhibit 33 Medicaid Fraud Section Budget Report FY2010., # <u>34</u> Exhibit 34 Petro Decl, # <u>35</u> Exhibit 35 Fisher Decl, # <u>36</u> Exhibit 36 Dann Decl., # <u>37</u> Exhibit 37 MFCU Handbook - Complaint Review and Case Intake, # <u>38</u> Exhibit 38 LSC AGO Redbook FY10 & FY11, # <u>39</u> Exhibit 39 Feb. 15, 1978 at 1 30PM House Comm. Hearing Minutes SB 159, # <u>40</u> Exhibit 40 Feb. 15, 1978 9 30AM House Comm. Hearing Minutes SB 159, # <u>41</u> Exhibit 41 Jan. 11, 1978 9 45am, House Comm. Hearing Minutes SB 159)Related document(s) <u>52</u> .(Screen, Donald) (Entered: 03/17/2011)
03/17/2011	<u>54</u>	<i>Notice of Filing Table of Authorities for Plaintiffs' Motion for Summary Judgment and Permanent Injunction</i> filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit Table of Authorities)Related document(s) <u>52</u> .(Screen, Donald) (Entered: 03/17/2011)
04/01/2011	<u>55</u>	Minutes of proceedings before Judge Donald C. Nugent. Status Conference held on 4/01/11. Briefing to be complete. Next Status Conference set for 5/2/2011 at 9:15 AM in Chambers 15A before Judge Donald C. Nugent. Time: 10 min. (R,JM) (Entered: 04/01/2011)
04/13/2011	<u>56</u>	Opposition to <u>52</u> Motion for summary judgment <i>and Permanent Injunction</i> filed by Jon Husted. (Meterko, Mark) (Entered: 04/13/2011)
04/13/2011	<u>57</u>	<i>Notice of Filing of J. Curtis Mayhew's Deposition Transcript with Exhibit 1 (Notice of 30(b)(6) Deposition) and Errata Sheet</i> filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 Mayhew Dep. Transcript, Mar. 14, 2011 (Ex. 1 to Pls.' Mot. Summ. J.), # <u>2</u> Exhibit 2 Notice of 30(b)(6) Deposition (Deposition Exhibit 1), # <u>3</u> Exhibit 3 Mayhew Dep. Tr. Errata Sheet)Related document(s) <u>52</u> , <u>53</u> .(Chandra, Subodh) (Entered: 04/13/2011)
04/13/2011	<u>58</u>	Opposition to <u>51</u> Motion for summary judgment filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 MFCU Complete Handbook, # <u>2</u> Exhibit 2 Declaration of Dr. Constance Magoulias, # <u>3</u> Exhibit 3 Declaration of Dr. Jason Chao, # <u>4</u> Exhibit 4 Dr. Magoulias' Amended Responses to Interrogatories, # <u>5</u> Exhibit 5 Dr. Chao's Amended Responses to Interrogatories, # <u>6</u> Exhibit 6 Declaration of John Kilroy)(Chandra, Subodh) (Entered: 04/13/2011)
04/20/2011	<u>59</u>	Reply to response to <u>51</u> Motion for summary judgment filed by Jon Husted. (Meterko, Mark) (Entered: 04/20/2011)
04/20/2011	<u>60</u>	Reply to response to <u>52</u> Motion for summary judgment <i>and Permanent Injunction</i> filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 Efron Declaration, # <u>2</u> Exhibit 2 Marketwatch Top 25 funds, # <u>3</u> Exhibit 3 Vanguard holdings, # <u>4</u> Exhibit 4 Growth fund of America holdings, # <u>5</u> Exhibit 5 Capital Income fund holdings, # <u>6</u> Exhibit 6 spdr fund holdings, # <u>7</u> Exhibit 7 van Der Velde declaration, # <u>8</u> Exhibit 8 Medco

		10-K, # <u>9</u> Exhibit 9 provider listing additional excerpts)(Screen, Donald) (Entered: 04/20/2011)
04/25/2011	<u>61</u>	Errata : <i>Corrections to Table of Authorities filed with Plaintiffs' Reply to Defendant's Opposition to Plaintiffs' Motion for Summary Judgment</i> filed by All Plaintiffs. Related document(s) <u>52</u> , <u>60</u> . (Gupta, Sandhya) Modified to create an additional link on 4/26/2011 (B,B). (Entered: 04/25/2011)
04/25/2011	<u>62</u>	Notice of Status Conference rescheduled for 5/18/2011 at 09:00 AM in Courtroom 15A before Judge Donald C. Nugent. (E,P) (Entered: 04/25/2011)
05/10/2011	<u>63</u>	Filing error, document refiled. Notice <i>Proof of Service</i> filed by Arthur Lavin. (Chandra, Subodh) Modified on 5/10/2011 (K,V). Modified on 5/10/2011 (C,KA). (Entered: 05/10/2011)
05/10/2011	<u>64</u>	Filing error, document refiled. Notice <i>Richard Michale Dewine</i> filed by All Plaintiffs. (Chandra, Subodh) Modified on 5/10/2011 (C,KA). (Entered: 05/10/2011)
05/10/2011	<u>65</u>	Filing error, document refiled. Notice <i>J.B.Hadden</i> filed by All Plaintiffs. (Chandra, Subodh) Modified on 5/10/2011 (C,KA). (Entered: 05/10/2011)
05/10/2011	<u>66</u>	Subpoena Returned Executed; served upon Richard Michael DeWine by Federal Express Overnight on May 2, 2011 filed on behalf of All Plaintiffs (Chandra, Subodh) (Entered: 05/10/2011)
05/10/2011	<u>67</u>	Subpoena Returned Executed; served upon J.B.Hadden, Treasurer of Mike DeWine for Ohio by Federal Express Overnight on May 2, 2011 filed on behalf of All Plaintiffs (Chandra, Subodh) (Entered: 05/10/2011)
05/10/2011	<u>68</u>	FILING ERROR, duplicate of #67. Subpoena Returned Executed; served upon J.B.Hadden, Treasurer of Mike DeWine for Ohio by Federal Express Overnight on May 2, 2011 filed on behalf of All Plaintiffs (Chandra, Subodh) Modified on 5/11/2011 (W,G). (Entered: 05/10/2011)
05/10/2011	<u>69</u>	Subpoena Returned Executed; served upon Custodian of Records, Mike DeWine for Ohio by Federal Express Overnight on May 2, 2011 filed on behalf of All Plaintiffs (Chandra, Subodh) (Entered: 05/10/2011)
05/13/2011	<u>70</u>	Motion to quash <i>Subpoenas of Non-Parties</i> filed by Richard Michael DeWine, J.B. Hadden, Custodian of Records for Mike DeWine for Ohio. Related document(s) <u>67</u> , <u>69</u> , <u>66</u> . (Attachments: # <u>1</u> Exhibit A)(King, James) (Entered: 05/13/2011)
05/17/2011	<u>71</u>	Response to <u>70</u> Motion to quash <i>Subpoenas of Non-Parties</i> filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 Decl of Stacey Bernstein, # <u>2</u> Exhibit 2 Dispatch Article: DeWine's Campaign Contributions Illegal, # <u>3</u> Exhibit 3 Decl. of Subodh Chandra, # <u>4</u> Exhibit 4 Toledo Blade Article: DeWine Talks to Toledo Rotarians, # <u>5</u> Exhibit 5 AG News Release: AG announces Cyber-safety initiatives in Akron, # <u>6</u> Exhibit 6 AG News Release: AG addresses crime prevention in Canton, # <u>7</u> Exhibit 7 WFMJ: South Side Summit Scheduled in Youngstown, # <u>8</u> Exhibit 8 WFMJ: AG promises crime crack down, # <u>9</u> Exhibit 9 Morning Journal: New AG Says no magic wand for crime in Youngstown, # <u>10</u> Exhibit 10 Youngstown Vindicator photo, # <u>11</u> Exhibit 11 Plain Dealer: Cordray and DeWine at PD, # <u>12</u> Exhibit 12 Plain Dealer: DeWine and Cordray to debate, # <u>13</u> Exhibit 13 Plain Dealer: DeWine announcing run for AG, # <u>14</u> Exhibit 14 DeWine Financial Disclosure Statement Apr. 15, 2011, # <u>15</u> Exhibit 15 DeWine Designation of Treasurer Form Cover Page, # <u>16</u> Exhibit 16 DeWine Contributions to Mike DeWine for Ohio, # <u>17</u> Exhibit 17 Decl of Dorothy Roberts, # <u>18</u> Exhibit 18 Ohio AG Cleveland Office, # <u>19</u> Exhibit 19 Online Donation Page for Mike DeWine for Ohio, # <u>20</u> Exhibit 20 Plain Dealer: Attorney General Mike DeWine's Stocks Raise Question of Conflict)(Screen, Donald) (Entered: 05/17/2011)
05/17/2011	<u>72</u>	Order granting Non-Parties' Richard Michael DeWine, J.B. Hadden, and Custodian for Records Motion to quash subpoenas (Related Doc # <u>70</u>). Judge Donald C. Nugent(C,KA) (Entered: 05/17/2011)

05/18/2011	<u>73</u>	Minutes of proceedings before Judge Donald C. Nugent of Oral Argument held on 5/18/11. Oral argument held on each parties Motions for Summary Judgment. Court has heard all arguments and shall issue ruling on pending motions. Judge Donald C. Nugent (Court Reporter: Sue Trischan.)Time: 1 hour. (R,JM) Modified typo on 8/19/2011 (H,SP). (Entered: 05/18/2011)
05/20/2011	<u>74</u>	Motion to supplement <i>the Record, or, in the Alternative, to Take Judicial Notice, and For Supplemental Briefing</i> filed by Nathan A. Beachy, Jason Chao, Peter A. DeGolia, Michael W. Devereaux, Patricia J. Kellner, Arthur Lavin, Jerome Liebman, Constance D. Magoulias, Eric R. Schreiber. (Attachments: # <u>1</u> Exhibit 1 Mike DeWine Financial Disclosure Statement, # <u>2</u> Exhibit 2 Declaration of Dorothy Roberts (Kroger Co.), # <u>3</u> Exhibit 3 Declaration of Scott Henderson (Kroger Co.), # <u>4</u> Exhibit 4 Ohio Campaign Finance Handbook Ch. 2, # <u>5</u> Exhibit 5 Plain Dealer article DeWine Campaign Contributions Illegal, # <u>6</u> Exhibit 6 Online Donation Page, Mike DeWine for Ohio, # <u>7</u> Exhibit 7 Plain Dealer article: DeWine's Stocks Raise Question of Conflict, # <u>8</u> Exhibit 8 Declaration of Subodh Chandra, # <u>9</u> Exhibit 9 Declaration of Stacey Bernstein (Medco), # <u>10</u> Exhibit 10 Designation of Treasurer Form, Mike DeWine for Ohio)(Gupta, Sandhya) (Entered: 05/20/2011)
06/03/2011	<u>75</u>	Notice of Substitution of Counsel removing attorneys <i>Karl Schneider and Mark Meterko</i> and adding attorneys Richard N. Coglianesse and Michael J. Schuler on behalf of Jon Husted. (Coglianese, Richard) Modified text on 6/3/2011 (B,B). (Entered: 06/03/2011)
06/03/2011	<u>76</u>	Opposition to <u>74</u> Plaintiffs' Motion to supplement <i>the Record</i> filed by Jon Husted. (Coglianese, Richard) Modified text on 6/6/2011 (B,B). (Entered: 06/03/2011)
06/13/2011	<u>77</u>	Notice of Errata: <i>Exhibit Omitted From Motion to Supplement the Record</i> filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit #11 Mike DeWine Contribution List)Related document(s) <u>74</u> .(Gupta, Sandhya) (Entered: 06/13/2011)
06/13/2011	<u>78</u>	Reply to response to <u>74</u> Motion to supplement <i>the Record, or, in the Alternative, to Take Judicial Notice, and For Supplemental Briefing</i> filed by All Plaintiffs. (Chandra, Subodh) (Entered: 06/13/2011)
07/22/2011		Order [non-document]granting Plaintiffs' Motion to supplement The Record(Related Doc # <u>74</u>). Judge Donald C. Nugent (R,JM) Modified text on 7/22/2011 (B,B). (Entered: 07/22/2011)
07/22/2011	<u>79</u>	Memorandum Opinion For the reasons stated in the Order, Plaintiffs' Motion for Summary Judgment and Permanent Injunction <u>52</u> is denied and Defendant's Motion for Summary Judgment <u>51</u> is granted. This action is terminated. Signed by Judge Donald C. Nugent on 7/22/11. (K,K) Modified text on 7/22/2011 (B,B). (Entered: 07/22/2011)
07/22/2011	<u>80</u>	Judgment Entry Pursuant to a Memorandum Opinion of this Court, Plaintiffs' Motion for Summary Judgment and Permanent Injunction (ECF # <u>52</u>) is denied and Defendant's Motion for Summary Judgment (ECF # <u>51</u>) is granted. This action is terminated. Related document <u>79</u> . Signed by Judge Donald C. Nugent on 7/22/11. (K,K) Modified to create an additional link on 7/22/2011 (B,B). (Entered: 07/22/2011)
08/19/2011	<u>81</u>	FILING ERROR: Notice filed by All Plaintiffs. (Chandra, Subodh) Modified text on 8/19/2011 (B,B). (Attorney used the wrong event, attorney re-filed, please see Document #82) (Entered: 08/19/2011)
08/19/2011	<u>82</u>	NOTICE OF APPEAL to the Sixth Circuit Court of Appeals from the <u>72</u> Order of 5/17/11, <u>31</u> Marginal Entry Order of 12/13/10, <u>24</u> Memorandum Opinion and Order of 10/27/10 and from the <u>79</u> Memorandum Opinion and <u>80</u> Judgment of 7/22/11, filed by Arthur Lavin, et al.. (Filing fee of \$455 paid, receipt number 0647-4875333) (Chandra, Subodh). Modified text on 8/19/2011 (H,SP). (Entered: 08/19/2011)
08/26/2011	<u>83</u>	Acknowledgment from the USCA for Sixth Circuit of receipt of <u>82</u> Notice of Appeal (USCA# 11-3908). Date filed in USCA 8/24/11. (H,SP) (Entered: 08/26/2011)

09/07/2011	<u>84</u>	Transcript Request by Nathan A. Beachy, Jason Chao, Peter A. DeGolia, Michael W. Devereaux, Patricia J. Kellner, Arthur Lavin, Jerome Liebman, Constance D. Magoulias, Eric R. Schreiber for proceedings held on 10/07/2010 before Judge Mag. Judge Nancy A. Vecchiarelli, re <u>82</u> Notice of Appeal,. Court Reporter: Shirle Perkins. Transcript required for appeal. (Chandra, Subodh) (Entered: 09/07/2011)
09/07/2011	<u>85</u>	Transcript Request by Nathan A. Beachy, Jason Chao, Peter A. DeGolia, Michael W. Devereaux, Patricia J. Kellner, Arthur Lavin, Jerome Liebman, Constance D. Magoulias, Eric R. Schreiber for proceedings held on 05/18/211 before Judge Judge Donald C. Nugent, re <u>82</u> Notice of Appeal,. Court Reporter: Sue Trischan. Transcript required for appeal. (Chandra, Subodh) (Entered: 09/07/2011)
09/28/2011		Transcript Order received by court reporter Shirle Perkins. Estimated number of pages: 97. Transcript Order received on 9/21/2011. Financial arrangements made on 9/21/2011. Estimated completion date is 10/28/2011. Related document(s) <u>84</u> . (P,Sh) (Entered: 09/28/2011)
09/28/2011		Transcript Order received by court reporter Sue Trischan. Estimated number of pages: 25. Transcript Order received on 9/21/2011. Financial arrangements made on 9/28/2011. Estimated completion date is 10/28/2011. (T,S) (Entered: 09/28/2011)
10/28/2011	<u>86</u>	Transcript of Hearing held on October 7, 2010 before Judge Nancy A. Vecchiarelli. To obtain a bound copy of this transcript please contact court reporter Shirle Perkins at 216-357-7106. [97 pages] Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Parties requesting that privacy information be redacted must file a notice of intent to redact with the court by 11/4/2011. Redaction Request due 11/18/2011. Redacted Transcript Deadline set for 11/28/2011. Release of Transcript Restriction set for 1/26/2012. Related document(s) <u>84</u> . (P,Sh) (Entered: 10/28/2011)
10/28/2011	<u>87</u>	Official Transcript of Motion Hearing of 5/18/11 re <u>82</u> Notice of Appeal. Court Reporter: Sue Trischan [28 pages]. Parties requesting that privacy information be redacted must file a notice of intent to redact with the court by 11/4/2011. Redaction Request due 11/18/2011. Redacted Transcript Deadline set for 11/28/2011. Release of Transcript Restriction set for 1/26/2012. Related document(s) <u>82</u> (T,S). Modified text on 11/1/2011 (H,SP). (Entered: 10/28/2011)
08/06/2012	<u>88</u>	Information copy of opinion from the USCA for the Sixth Circuit: The District Court's judgment is reversed, and the case is remanded with instructions to enter judgment for the plaintiffs re <u>82</u> Notice of Appeal (USCA# 11-3908). This is not a mandate order. Circuit Judges: Daughtrey, Kethledge and Donald. Date issued by USCA 8/3/12 (Attachments: # <u>1</u> Judgment) (H,SP) (Entered: 08/06/2012)
08/06/2012	<u>89</u>	Appeal Order from USCA for the Sixth Circuit: Any petition for rehearing or rehearing en banc must be filed no later than Monday, August 13, 2012 re <u>82</u> Notice of Appeal (USCA# 11-3908). Date issued by USCA 8/3/12 (H,SP) (Entered: 08/06/2012)
08/14/2012	<u>90</u>	Appeal Order from USCA for the Sixth Circuit: Granting appellants' motion to amend previous opinion filed on August 3, 2012 re <u>88</u> Information Copy (USCA# 11-3908). Circuit Judges: Daughtrey, Kethledge and Donald. Date issued by USCA 8/13/12 (H,SP) (Entered: 08/14/2012)
08/14/2012	<u>91</u>	Appeal Remark from USCA for the Sixth Circuit: Corrected pages to USCA opinion of 8/3/12 re <u>88</u> Information Copy (USCA# 11-3908). Date issued by USCA 8/13/12 (H,SP) (Entered: 08/14/2012)
08/27/2012	<u>92</u>	True copy of mandate from the USCA for the Sixth Circuit: Reversing the judgment of the District Court, and remanding as to <u>82</u> Notice of Appeal (USCA# 11-3908). Date issued as mandate 8/27/12, Costs: None (Related document <u>88</u>) (H,SP) (Entered: 08/27/2012)
09/06/2012	<u>93</u>	Proposed Order of <i>Permanent Injunction and Judgment for Plaintiffs</i> filed by All Plaintiffs. Related document(s) <u>92</u> , <u>88</u> . (Chandra, Subodh) (Entered: 09/06/2012)

09/06/2012	<u>94</u>	Duplicate Filing. Proposed Order of <i>Permanent Injunction and Judgment for Plaintiffs</i> filed by All Plaintiffs. Related document(s) <u>92</u> , <u>93</u> , <u>88</u> . (Chandra, Subodh) Modified text 9/7/2012 (C,KA). (Entered: 09/06/2012)
09/07/2012	<u>95</u>	Unopposed Motion to substitute party filed by Nathan A. Beachy, Jason Chao, Peter A. DeGolia, Michael W. Devereaux, Patricia J. Kellner, Arthur Lavin, Jerome Liebman, Constance D. Magoulias, Eric R. Schreiber. (Chandra, Subodh) (Entered: 09/07/2012)
09/11/2012	<u>96</u>	Judgment Entry in favor of Arthur Lavin, Constance D. Magoulias, Eric R. Schreiber, Jason Chao, Jerome Liebman, Michael W. Devereaux, Nathan A. Beachy, Patricia J. Kellner, Peter A. DeGolia against Jon Husted re <u>92</u> USCA Mandate. (1) Ohio Rev. Code § 3599.45 is declared unconstitutional in its entirety as violating the First and Fourteenth Amendments to the Constitution of the United States; (2) A permanent injunction is entered against Defendant Secretary of State of Ohio Jon Husted in his official capacity, enjoining him from enforcing Ohio Rev. Code § 3599.45 against those candidates to whom named Plaintiffs in this case may elect to make campaign contributions, or from enforcing the statute against Plaintiffs themselves. Plaintiffs may petition the Court for attorneys' fees and costs as prevailing parties under 42 U.S.C. § 1988, and move to tax costs under Fed. R. Civ. P. 54 (b). Judge Donald C. Nugent (C,KA) (Entered: 09/11/2012)
09/21/2012	<u>97</u>	Motion for attorney fees, expenses, and costs under 42 U.S.C. § 1988(b) by Subodh Chandra filed by Nathan A. Beachy, Jason Chao, Peter A. DeGolia, Michael W. Devereaux, Patricia J. Kellner, Arthur Lavin, Jerome Liebman, Constance D. Magoulias, Eric R. Schreiber. (Attachments: # <u>1</u> Exhibit 1: Declaration of Subodh Chandra regarding Lavin Attorney Fees and Costs, # <u>2</u> Exhibit 1A: Chandra Biography, # <u>3</u> Exhibit 1B: Lavin Fees Invoice, # <u>4</u> Exhibit 1C: Lavin Expenses Invoice, # <u>5</u> Exhibit 1D: Kilroy Fees and Expenses Invoice, # <u>6</u> Exhibit 1E: Lockhart v. Woodmere court-approved fee agreement, # <u>7</u> Exhibit 1F: 2010 Parker Fee Order, # <u>8</u> Exhibit 1G: 2009 O'Malley fee consent order, # <u>9</u> Exhibit 2 and 2A: Raymond Vasvari Declaration for Lavin Attorney Fees, # <u>10</u> Exhibit 3 and 3A: David Mills Declaration for Lavin Attorney Fees, # <u>11</u> Exhibit 4 and 4A: Jessie Hill Declaration for Lavin Attorney Fees)(Chandra, Subodh) (Entered: 09/21/2012)
09/21/2012	<u>98</u>	Unopposed Motion for leave to exceed page limitations, <i>Instantly, in Accompanying Motion for Attorneys' Fees and Memorandum in Support</i> filed by Nathan A. Beachy, Jason Chao, Peter A. DeGolia, Michael W. Devereaux, Patricia J. Kellner, Arthur Lavin, Jerome Liebman, Constance D. Magoulias, Eric R. Schreiber. Related document(s) <u>97</u> . (Chandra, Subodh) (Entered: 09/21/2012)
09/24/2012	<u>99</u>	Bill of costs <i>Under FED. R. CIV. P. 54(D)(1), FED. R. APP. P. 39(E), and 28 U.S.C. §§ 1920, 1921, 1923, 1914</i> filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1: Supplemental Declaration of Subodh Chandra in support of Lavin Bill of Costs, # <u>2</u> Exhibit 1A: Bill of Costs)(Chandra, Subodh) (Entered: 09/24/2012)
09/25/2012	<u>100</u>	Order referring case to Magistrate Judge Nancy A. Vecchiarelli for a Report and Recommendation re <u>97</u> Motion for attorney fees, expenses, and costs under 42 U.S.C. § 1988(b). Judge Donald C. Nugent on 9/25/12. (R, JM) (Entered: 09/25/2012)
09/25/2012		IMPORTANT: Notice [non-document] of Telephone Conference set for 9/27/2012 at 11:00 AM to be held telephonically before Magistrate Judge Nancy A. Vecchiarelli. Counsel for plaintiff will host the call and join in opposing counsel and this Court. Opposing counsel are responsible for informing counsel for plaintiff of the telephone number where he/she can be contacted for the conference call. Cellular telephones are not an acceptable means of conferencing with this Court. (G,W) (Entered: 09/25/2012)
09/27/2012	<u>101</u>	Minute Order of Telephone Conference held on 9/27/2012. Discovery due 10/19/2012; Response to motion for fees due 11/16/2012; Reply brief due 11/30/2012. Telephone conference set for 11/30/2012 at 11:00 AM. Hearing and/or Argument set for 12/18/2012 at 9:30 AM. Magistrate Judge Nancy A. Vecchiarelli on 9/27/2012. Time: 15 Minutes (G,W) (Entered: 09/27/2012)

09/27/2012	<u>102</u>	Notice of Telephone Conference set for 11/30/2012 at 11:00 AM to be held telephonically before Magistrate Judge Nancy A. Vecchiarelli. The court will host the conference call and inform counsel by way of separate email of the conferencing details. Hearing and/or Oral Argument set for 12/18/2012 at 09:30 AM in Courtroom 10B before Magistrate Judge Nancy A. Vecchiarelli. (G,W) (Entered: 09/27/2012)
09/27/2012		Set Deadlines and Hearings Discovery due by 10/19/2012. (B,B) (Entered: 09/28/2012)
11/14/2012	<u>103</u>	Motion for extension of time until 11/26/2012 to file response/reply to <u>97</u> Motion for attorney fees , <i>expenses, and costs under 42 U.S.C. § 1988(b)</i> by Subodh Chandra filed by Defendant Jon Husted. Related document(s) <u>97</u> . (Coglianese, Richard) (Entered: 11/14/2012)
11/14/2012	<u>104</u>	Response to <u>103</u> Motion for extension of time until 11/26/2012 to file response/reply to <u>97</u> Motion for attorney fees , <i>expenses, and costs under 42 U.S.C. § 1988(b)</i> by Subodh Chandra filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit Ex. 1 2012-09-28 through 11-05 emails among counsel)(Chandra, Subodh) (Entered: 11/14/2012)
11/15/2012	<u>105</u>	Order granting <u>103</u> Defendant's Motion for an extension of time until 11/26/2012 to file response/reply to Plaintiff's motion for attorney's fees. No further extensions will be granted. Magistrate Judge Nancy A. Vecchiarelli on 11/15/2012.(G,W) (Entered: 11/15/2012)
11/26/2012	<u>106</u>	Opposition to <u>97</u> Motion for attorney fees , <i>expenses, and costs under 42 U.S.C. § 1988(b)</i> by Subodh Chandra filed by Jon Husted. (Attachments: # <u>1</u> Exhibit A – Retainer Agreement, # <u>2</u> Exhibit B – Gupta's Clerical Work, # <u>3</u> Exhibit C – Zaranko's Clerical Work, # <u>4</u> Exhibit D – Work Claimed in Filing Corrected Brief, # <u>5</u> Exhibit E – Time on Motion to Stay, # <u>6</u> Exhibit F – Third Party Intervention in Court of Appeals, # <u>7</u> Exhibit G – Time Spent on Amicus Work, # <u>8</u> Exhibit H – Legislative History, # <u>9</u> Exhibit I – Gupta Discovery Work, # <u>10</u> Exhibit J – Motion for Summary Judgment, # <u>11</u> Exhibit K – Opposition Brief, # <u>12</u> Exhibit L – Reply Brief work, # <u>13</u> Exhibit M – Motion to Supplement, # <u>14</u> Exhibit N – Time Spent on Appellate Briefs)(Coglianese, Richard) Modified text on 11/27/2012 (B,B). (Entered: 11/26/2012)
11/29/2012	<u>107</u>	Joint Motion to continue Attorneys'–Fees Conference Call with Court Set for November 30, 2012, at 11am filed by Nathan A. Beachy, Jason Chao, Peter A. DeGolia, Michael W. Devereaux, Patricia J. Kellner, Arthur Lavin, Jerome Liebman, Constance D. Magoulias, Eric R. Schreiber, Defendant Jon Husted. Related document(s) <u>102</u> . (Chandra, Subodh) (Entered: 11/29/2012)
11/29/2012		Order [non–document] denying Joint Motion to Continue Attorneys' Fees Conference Call Set for November 30, 2012 at 11:00 a.m. (Related Doc # <u>107</u>). Magistrate Judge Nancy A. Vecchiarelli on 11/29/12.(M,M) (Entered: 11/29/2012)
11/30/2012	<u>108</u>	Minutes of proceedings before Magistrate Judge Nancy A. Vecchiarelli. Telephone Conference held on 11/30/12. After a discussion with the parties, the court determined that a settlement conference would not be productive and that it would hold a hearing on 12/18/2012 at 09:30 AM in Chambers 10B over the issue of attorney's fees.(Court Reporter: N/A.)Time: 15 minutes. (M,M) (Entered: 11/30/2012)
11/30/2012	<u>109</u>	Notice and Order with hearing to be held on 12/18/2012 at 09:30 AM in Courtroom 10B. Magistrate Judge Nancy A. Vecchiarelli on 11/30/12. (Relate doc <u>108</u>) (M,M) Modified text on 12/3/2012 (B,B). (Entered: 11/30/2012)
12/05/2012	<u>110</u>	Unopposed Motion for extension of time to file reply brief in support of motion for fees and costs and to notify opposing counsel regarding witnesses and additional exhibits until December 11 and 13, respectively, filed by Nathan A. Beachy, Jason Chao, Peter A. DeGolia, Michael W. Devereaux, Patricia J. Kellner, Arthur Lavin, Jerome Liebman, Constance D. Magoulias, Eric R. Schreiber. Related document(s) <u>97</u> , <u>109</u> , <u>106</u> . (Chandra, Subodh) (Entered: 12/05/2012)
12/05/2012	<u>111</u>	Order granting <u>110</u> Plaintiff's Motion for an extension of time until 12/11/2012 to file reply brief in support of their motion for fees and costs and until 12/13/2012 to

		provide notice of additional witnesses or exhibits to be used at the 12/18/2012 hearing. Magistrate Judge Nancy A. Vecchiarelli on 12/5/2012. (G,W) (Entered: 12/05/2012)
12/11/2012	<u>112</u>	Notice of Lodging of the Sixth Circuit Oral–Argument Recording in the Captioned Matter filed by All Plaintiffs. Related document(s) <u>97</u> , <u>82</u> .(Chandra, Subodh) Modified text on 12/12/2012 (B,B). (Diskette attached) (Entered: 12/11/2012)
12/11/2012	<u>113</u>	Motion for leave to exceed page limitations , <i>Instantner, in Accompanying Reply Brief in Support of Motion for Attorneys' Fees and Memorandum in Support</i> filed by Nathan A. Beachy, Jason Chao, Peter A. DeGolia, Michael W. Devereaux, Patricia J. Kellner, Arthur Lavin, Jerome Liebman, Constance D. Magoulias, Eric R. Schreiber. (Chandra, Subodh) (Entered: 12/11/2012)
12/11/2012	<u>114</u>	STRICKEN . Reply to response to Motion for attorney fees , <i>expenses, and costs under 42 U.S.C. § 1988(b)</i> filed by Subodh Chandra, on behalf of All Plaintiffs. (Related doc <u>97</u> , <u>113</u>)(Chandra, Subodh) Modified text on 12/12/2012 (B,B). Modified on 12/13/2012 (G,W). (Entered: 12/12/2012)
12/12/2012	<u>115</u>	Notice of Filing Exhibits to Reply Brief in Support of Motion for Fees and Costs <i>due to ECF not Uploading Exhibits with Reply Brief</i> filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1: Second Chandra Declaration, # <u>2</u> Exhibit 2: 2007 OSBA Economics of Law Practice in Ohio, # <u>3</u> Exhibit 3: 2010 OSBA Economics of Law Practice in Ohio (MOST RECENT STUDY), # <u>4</u> Exhibit 4: Zaranko Declaration, # <u>5</u> Exhibit 4A: Engagement agreement and all Plaintiffs' signature pages, # <u>6</u> Exhibit 4B: 2012 Chandra Law Invoice civil–rights/First Amendment matter, fee–paying client at \$425/hour, # <u>7</u> Exhibit 4C: 2012 Chandra Law Invoice civil rights \$425/hr, # <u>8</u> Exhibit 4D: 2011 Chandra Law Invoice civil rights \$410/hr, # <u>9</u> Exhibit 4E: Chandra October 2010 billing not submitted, # <u>10</u> Exhibit 4F: Legislative History Comparison Chart, # <u>11</u> Exhibit 4G: Gupta Clerical Comparison Chart, # <u>12</u> Exhibit 5: Lavin Declaration, # <u>13</u> Exhibit 6: Zagrans Declaration, # <u>14</u> Exhibit 7: Bashein Declaration, # <u>15</u> Exhibit 8: Leopold Declaration, # <u>16</u> Exhibit 9: Citrino Declaration, # <u>17</u> Exhibit 10: Grostic Declaration, # <u>18</u> Exhibit 11: Mills Second Declaration, # <u>19</u> Exhibit 12: Paul Declaration, # <u>20</u> Exhibit 13: Gerhardstein 2008 Declaration, # <u>21</u> Exhibit 14: Fuchs 2010 Declaration, # <u>22</u> Exhibit 15: Yalamanchili Declaration, # <u>23</u> Exhibit 16: Stiffman, Dr. Lawrence Declaration, # <u>24</u> Exhibit 17: Frech Declaration, # <u>25</u> Exhibit 18: Shakelton Declaration, # <u>26</u> Exhibit 19: Letter from Minerva Elizaga of Ohio Supreme Court to Chandra re 2010 Ohio active in–state attorney data, # <u>27</u> Exhibit 20: Gupta Declaration, # <u>28</u> Exhibit 21: Screen Declaration, # <u>29</u> Exhibit 22: Sletvold Declaration)Related document(s) <u>97</u> , <u>114</u> , <u>106</u> , <u>113</u> , <u>112</u> .(Chandra, Subodh) (Entered: 12/12/2012)
12/12/2012	<u>116</u>	Order granting in part Plaintiffs' Motion to Exceed Page Limitations (Related Doc # <u>113</u>). Plaintiff may file a reply brief of 20 pages. The reply brief must be filed by midnight tonight, Wednesday, December 12, 2012. Magistrate Judge Nancy A. Vecchiarelli on 12/12/12.(M,M) (Entered: 12/12/2012)
12/12/2012	<u>117</u>	Reply to response to <u>97</u> Motion for attorney fees , <i>expenses, and costs under 42 U.S.C. § 1988(b)</i> filed by Subodh Chandra on behalf of All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1: Second Chandra Declaration, # <u>2</u> Exhibit 2: 2007 OSBA Economics of Law Practice in Ohio, # <u>3</u> Exhibit 3: 2010 OSBA Economics of Law Practice in Ohio (MOST RECENT STUDY), # <u>4</u> Exhibit 4: Zaranko Declaration, # <u>5</u> Exhibit 4A: Engagement agreement and all Plaintiffs' signature pages, # <u>6</u> Exhibit 4B: 2012 Chandra Law Invoice civil–rights/First Amendment matter, fee–paying client at \$425/hour, # <u>7</u> Exhibit 4C: 2012 Chandra Law Invoice civil rights \$425/hr, # <u>8</u> Exhibit 4D: 2011 Chandra Law civil–rights matter \$410/hr, # <u>9</u> Exhibit 4E: Chandra October 2010 billing not submitted, # <u>10</u> Exhibit 4F: Legislative History Comparison Chart, # <u>11</u> Exhibit 4G: Gupta Clerical Comparison Chart, # <u>12</u> Exhibit 5: Lavin Declaration, # <u>13</u> Exhibit 6: Zagrans Declaration, # <u>14</u> Exhibit 7: Bashein Declaration, # <u>15</u> Exhibit 8: Leopold Declaration, # <u>16</u> Exhibit 9: Citrino Declaration, # <u>17</u> Exhibit 10: Grostic Declaration, # <u>18</u> Exhibit 11: Mills Second Declaration, # <u>19</u> Exhibit 12: Paul Declaration, # <u>20</u> Exhibit 13: Gerhardstein 2008 Declaration, # <u>21</u> Exhibit 14: Fuchs 2010 Declaration, # <u>22</u> Exhibit 15: Yalamanchili Declaration, # <u>23</u> Exhibit 16: Stiffman, Dr. Lawrence Declaration, # <u>24</u> Exhibit 17: Frech Declaration, # <u>25</u>

		Exhibit 18: Shakelton Declaration, # <u>26</u> Exhibit 19: Letter from Minerva Elizaga of Ohio Supreme Court to Chandra re 2010 Ohio active in-state attorney data, # <u>27</u> Exhibit 20: Gupta Declaration, # <u>28</u> Exhibit 21: Screen Declaration, # <u>29</u> Exhibit 22: Sletvold Declaration, # <u>30</u> Exhibit 23: Johnson factors chart)(Chandra, Subodh) Modified text on 12/13/2012 (B,B). (Entered: 12/12/2012)
12/13/2012	<u>118</u>	Notice of Re-filing Exhibits Mills and Hill Declarations to Plaintiffs' Fees Motion filed on 9/21/12 filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 3 to Plaintiffs' Motion for Fees: David E. Mills Declaration, # <u>2</u> Exhibit 4 to Plaintiffs' Motion for Fees: Jessie Hill Declaration)Related document(s) <u>97</u> .(Gupta, Sandhya) Modified text on 12/13/2012 (B,B). (Entered: 12/13/2012)
12/13/2012	<u>119</u>	Order striking from the docket <u>114</u> Plaintiffs' Reply. Magistrate Judge Nancy A. Vecchiarelli on 12/13/2012. (G,W) (Entered: 12/13/2012)
12/13/2012	<u>120</u>	Notice of Filing Table of Contents and Table of Authorities for Reply in Support of Plaintiffs Motion for Attorneys Fees and Costs (Doc. No. 117) filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit Table of contents and Table of authorities)Related document(s) <u>97</u> , <u>117</u> .(Gupta, Sandhya) Modified to create an additional link on 12/14/2012 (B,B). (Entered: 12/13/2012)
12/17/2012	<u>121</u>	Order . The Court limits each party to no more than 20 minutes of oral argument at the December 18, 2012 hearing. Magistrate Judge Nancy A. Vecchiarelli on 12/17/2012. (G,W) (Entered: 12/17/2012)
12/18/2012	<u>122</u>	Minutes of proceedings before Magistrate Judge Nancy A. Vecchiarelli. The Court conducted a hearing on 12/18/12 at 9:30 a.m. The parties presented arguments regarding plaintiffs' request for attorney's fees. (Court Reporter: Judith Gage.)Time: 55 minutes. (M,M) (Entered: 12/18/2012)
12/18/2012		Order [non-document] granting Unopposed Motion to Exceed Page Limitations Instanter in Accompanying Motion for Attorneys' Fees and Memorandum in Support filed by Nathan A. Beachy, Jason Chao, Peter A. DeGolia, Michael W. Devereaux, Patricia J. Kellner, Arthur Lavin, Jerome Liebman, Constance D. Magoulias, Eric R. Schreiber, (Related Doc # <u>98</u>). Magistrate Judge Nancy A. Vecchiarelli on 12/18/12.(M,M) (Entered: 12/18/2012)
12/20/2012	<u>123</u>	Notice of Substitution of Counsel removing attorney <i>Michael J. Schuler</i> and adding attorney Ryan L. Richardson on behalf of Jon Husted. (Richardson, Ryan) Modified text on 12/28/2012 (B,B). (Entered: 12/20/2012)
01/14/2013	<u>124</u>	Non-Appeal Transcript Order Form for proceedings dated 12/18/2012 before Magistrate Judge Vecchiarelli, Court Reporter: Judith Gage filed by All Plaintiffs. (Document re-filed, please see Document #125) (Gupta, Sandhya) Modified text on 1/15/2013 (B,B). (Entered: 01/14/2013)
01/15/2013	<u>125</u>	Non-Appeal Transcript Order Form for proceedings held on December 18, 2012 before Judge Vecchiarelli, Court Reporter: Judith Gage. Requested completion date: February 15, 2013 filed by All Plaintiffs. (Gupta, Sandhya) (Entered: 01/15/2013)
01/17/2013	<u>126</u>	Transcript of Oral Argument held on December 18, 2012 before Judge Nancy A. Vecchiarelli. To obtain a bound copy of this transcript please contact court reporter Judy Gage at 216-357-7238. [37 pages] Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Parties requesting that privacy information be redacted must file a notice of intent to redact with the court by 1/24/2013. Redaction Request due 2/7/2013. Redacted Transcript Deadline set for 2/18/2013. Release of Transcript Restriction set for 4/17/2013. Related document(s) <u>124</u> , <u>125</u> . (G,Ju) (Entered: 01/17/2013)
02/12/2013	<u>127</u>	Report and Recommendation re <u>97</u> Plaintiffs' Motion for attorney fees and costs. For the reasons given in the RPlaintiffs' costs and fees should be awarded after deductions are made from Plaintiffs' request. Objections to RRdue by 2/26/2013. Magistrate Judge Nancy A. Vecchiarelli on 2/12/2012. (Attachments: # <u>1</u> Appeal, # <u>2</u> Discovery) (G,W) (Entered: 02/12/2013)

02/19/2013	<u>128</u>	Motion for reconsideration of <i>Part III.A Magistrate Judge's Report & Recommendation Regarding Plaintiffs' Fees—and—Costs Motion</i> filed by Nathan A. Beachy, Jason Chao, Peter A. DeGolia, Michael W. Devereaux, Patricia J. Kellner, Arthur Lavin, Jerome Liebman, Constance D. Magoulias, Eric R. Schreiber. Related document(s) <u>127</u> , <u>117</u> . (Chandra, Subodh) Modified text on 2/19/2013 (B,B). (Entered: 02/19/2013)
02/19/2013	<u>129</u>	Order denying <u>128</u> Plaintiffs' Motion for reconsideration as procedurally inappropriate. Magistrate Judge Nancy A. Vecchiarelli on 2/19/2013. (G,W) (Entered: 02/19/2013)
02/26/2013	<u>130</u>	Objection to Report and Recommendation filed by Jon Husted. Related document(s) <u>127</u> . (Coglianese, Richard) (Entered: 02/26/2013)
02/27/2013	<u>131</u>	Attorney Appearance filed by Ashlie Case Sletvold on behalf of All Plaintiffs. (Sletvold, Ashlie) Modified text on 2/27/2013 (B,B). (Entered: 02/27/2013)
03/01/2013	<u>132</u>	Objection to Report and Recommendation <i>regarding attorneys' fees and costs under 42 U.S.C. § 1988</i> filed by All Plaintiffs. Related document(s) <u>127</u> . (Attachments: # <u>1</u> Exhibit 1 Supplemental Declaration of Arthur Lavin, M.D..pdf, # <u>2</u> Exhibit 2 Declaration of Bruce B. Elfvin, # <u>3</u> Exhibit 3 Declaration of Frederick M. Gittes, # <u>4</u> Exhibit 4 Declaration of Christina M. Royer, # <u>5</u> Exhibit 5 9/3/10 Email from OHND district court, # <u>6</u> Exhibit 6 9/4/10 Email from OHND district court, # <u>7</u> Proposed Order) (Chandra, Subodh) Modified text on 3/4/2013 (B,B). (Entered: 03/01/2013)
03/01/2013	<u>133</u>	Motion for leave <i>instanter</i> to file <i>Brief of Amici Curiae W. Craig Bashein, John R. Climaco, David M. Cuppage, R. Eric Kennedy, James A. Lowe, James P. Sammon, Daniel R. Karon, Jack Landskroner, Joseph A. Delguyd, Robert D. Gary, Ronald Frederick, Eric H. Zagrans, Richard C. Alkire, Alphonse A. Gerhardtstein, Christopher P. Thorman, Stephen M. Dane, Daniel P. Goetz, Matthew D. Besser, and Terry H. Gilbert</i> in support of Plaintiffs Objections to the Magistrate Judges Report & Recommendation regarding Plaintiffs Motion for Attorneys Fees and Costs filed by Amicus Curiae W. Craig Bashein. Related document(s) <u>132</u> , <u>127</u> . (Attachments: # <u>1</u> Exhibit Brief of Amici Curiae W. Craig Bashein, John R. Climaco, David M. Cuppage, R. Eric Kennedy, James A. Lowe, James P. Sammon, Daniel R. Karon, Jack Landskroner, Joseph A. Delguyd, Robert D. Gary, Ronald Frederick, Eric H. Zagrans, Richard C. Alkire, Alphonse A. Gerhardtstein, Christopher P. Thorman, Stephen M. Dane, Daniel P. Goetz, Matthew D. Besser, and Terry H. Gilbert in support of Plaintiffs Objections to the Magistrate Judges Report & Recommendation regarding Plaintiffs Motion for Attorneys Fees and Costs)(Bashein, W.) (Entered: 03/01/2013)
03/15/2013	<u>134</u>	Response to Plaintiffs' Ojections to the Report and Recommendation of Magistrate Judge Nancy A. Vecchiarelli filed by Jon Husted. Related document(s) <u>127</u> , <u>132</u> . (Coglianese, Richard) Modified text and links on 3/18/2013 (B,B). (Entered: 03/15/2013)
03/15/2013	<u>135</u>	Motion for extension of time until March 18, 2013 to File Response to Defendant Secretary of State's Objections to the Report and Recommendation of Magistrate Judge Nancy A. Vecchiarelli filed by Nathan A. Beachy, Jason Chao, Peter A. DeGolia, Michael W. Devereaux, Patricia J. Kellner, Arthur Lavin, Jerome Liebman, Constance D. Magoulias, Eric R. Schreiber. Related document(s) <u>130</u> . (Chandra, Subodh) (Entered: 03/15/2013)
03/15/2013	<u>136</u>	Response to Defendant Secretary of State's objections to the Report and Recommendation of Magistrate Judge Vecchiarelli for attorney fees , <i>expenses, and costs under 42 U.S.C. § 1988(b)</i> by Subodh Chandra filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit Third Declaration of Subodh Chandra) (Related doc [127[, <u>130</u>) (Chandra, Subodh) Modified text and links on 3/18/2013 (B,B). (Entered: 03/15/2013)
03/18/2013	<u>137</u>	Notice of Withdrawal of Motion for Extension of Time through March 18 to File Their Response to Secretary's Objections to Magistrate Judge's Report & Recommendation filed by All Plaintiffs. Related document(s) <u>135</u> .(Chandra, Subodh) Modified text on 3/18/2013 (B,B). (Entered: 03/18/2013)

03/19/2013		Order [non-document]granting <u>135</u> Plaintiffs' Motion for Extension of Time until March 18, 2013 to File Response to Defendant Secretary of State's Objections to the Report and Recommendation of Magistrate Judge Nancy A. Vecchiarelli. Judge Donald C. Nugent on 3/19/13.(R,JM) (Entered: 03/19/2013)
03/22/2013	<u>138</u>	Reply <i>In support of Plaintiffs' Objections to Report and Recommendation</i> filed by All Plaintiffs. Related document(s) <u>127</u> , <u>132</u> , <u>134</u> . (Chandra, Subodh) Modified to create an additional link on 3/25/2013 (B,B). (Entered: 03/22/2013)
06/13/2013	<u>139</u>	Memorandum Opinion and Order For the reasons stated in the Order, the Report and Recommendation of Magistrate Judge Vecchiarelli (ECF # <u>127</u>) is Adopted in Part and Not Adopted in Part. Plaintiffs' Motion for Attorneys' Fees (ECF # <u>97</u>) is granted in the total amount of \$128,908.74. The Court further adopts the reasoning of Magistrate Judge Vecchiarelli with regard to the recommended cuts to the costs requested by Plaintiffs' attorneys with one exception. Plaintiffs' request for the cost of serving a third party subpoena on Kroger Co., in the amount of \$127.03, will be denied as it was served after the discovery cutoff date. Subtracting \$127.03 from \$6,442.03 results in a final cost award of \$6,315.00. These costs are reasonable and supported by the evidence. Plaintiffs' Bill of Costs is terminated as moot. (ECF # <u>99</u>). Signed by Judge Donald C. Nugent on 6/13/2013. (K,K) Modified text and links on 6/14/2013 (B,B). (Entered: 06/13/2013)