

CASREF, CLOSED

**U.S. District Court
Southern District of Ohio (Cincinnati)
CIVIL DOCKET FOR CASE #: 1:06-cv-00054-SJD-MRM**

Leis v. American Civil Liberties Union of Ohio Foundation, Inc
Assigned to: Susan J. Dlott
Referred to: Michael R Merz
Related Case: [1:99-cv-03170-SJD-MRM](#)
Cause: 28:1441 Petition for Removal- Declaratory Judgemen

Date Filed: 01/31/2006
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff**Sheriff Simon L Leis, Jr**

represented by **David Todd Stevenson**
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LEAD ATTORNEY
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V.

Defendant**American Civil Liberties Union of Ohio Foundation, Inc**

represented by **Alphonse Adam Gerhardstein**
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Defendant**Cincinnati, City of**

represented by **Richard Ganulin**
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/31/2006		Filing fee: \$ 250, receipt number 429486 (tt1,) (Entered: 02/01/2006)
01/31/2006	1	NOTICE OF REMOVAL by Defendant American Civil Liberties Union of Ohio Foundation, Inc, from Court of Common Pleas, Hamilton County, Ohio, case number A0600652. (Filing fee \$ 250) (tt,) Additional attachment # 1 Filing Fee Receipt added on 2/1/2006 (tt,). Modified on 2/1/2006 - To identify attachment (tt,). (Entered: 02/01/2006)
01/31/2006	2	COMPLAINT for Declaratory Judgment against American Civil Liberties Union of Ohio Foundation, Inc filed by Plaintiff Simon L Leis, Jr, ; No jury demand 48BE (Attachments: # 1 Exhibit A - Collaborative Agreement (Part I) # 2 Exhibit A - Collaborative Agreement (Part II) # 3 Exhibit B # 4 Civil Cover Sheets)(tt,) (Entered: 02/01/2006)
02/08/2006	3	MOTION to Remand <i>Matter to the Common Pleas Court of Hamilton County, Ohio and Request for Expedited Scheduling Order</i> by Plaintiff Simon L Leis, Jr. (Attachments: # 1 Exhibit Unreported case# 2 Exhibit Statutes)(Stevenson, David) (Entered: 02/08/2006)
02/22/2006	4	ANSWER to Complaint by Defendant American Civil Liberties Union of Ohio Foundation, Inc.(Greenwood, Scott) (Entered: 02/22/2006)
02/23/2006	5	NOTICE of Deadline: Rule 26(f) Report due by 3/30/2006. (ba,) (Entered: 02/23/2006)
03/03/2006	6	ORDER REASSIGNING CASE. Case reassigned to Judge Susan J. Dlott for all further proceedings. Judge Michael H. Watson no longer assigned

		to case. (wam,) (Entered: 03/03/2006)
03/03/2006	7	ORDER REFERRING CASE to Magistrate Judge Michael R Merz. Signed by Judge Susan J. Dlott on 3/3/06. (wam,) (Entered: 03/03/2006)
03/03/2006	8	RESPONSE in Opposition re 3 MOTION to Remand <i>Matter to the Common Pleas Court of Hamilton County, Ohio and Request for Expedited Scheduling Order</i> filed by Defendant American Civil Liberties Union of Ohio Foundation, Inc. (Greenwood, Scott) (Entered: 03/03/2006)
03/03/2006	9	MOTION to Consolidate Cases by Defendant American Civil Liberties Union of Ohio Foundation, Inc. (Greenwood, Scott) (Entered: 03/03/2006)
03/03/2006		(Former doc. #10) ORDER REASSIGNING CASE. Case reassigned to Judge Susan J. Dlott for all further proceedings. Judge Susan J. Dlott no longer assigned to case. Signed by Judge Michael H. Watson on 3/3/2006. (ba1,) Modified docket text on 3/7/2006 (scot,). (Entered: 03/03/2006)
03/07/2006		Notice of Correction: Former doc. 10 removed due to clerical error/duplicate entry to 6 Order reassigning case. (scot,) (Entered: 03/07/2006)
03/07/2006	10	RESPONSE in Opposition re 9 MOTION to Consolidate Cases filed by Plaintiff Simon L Leis, Jr. (Stevenson, David) (Entered: 03/07/2006)
03/08/2006	11	Reply to Response to Motion re 3 MOTION to Remand <i>Matter to the Common Pleas Court of Hamilton County, Ohio and Request for Expedited Scheduling Order</i> filed by Plaintiff Simon L Leis, Jr. (Stevenson, David) Modified docket text on 3/9/2006 (scot,). (Entered: 03/08/2006)
03/08/2006	12	DECISION AND ORDER DENYING 9 MOTION TO CONSOLIDATE - The Motion to Consolidate is DENIED without prejudice to any motion which might make one or more of the parties in In re Cincinnati Policing parties to this action. It is ORDERED that counsel for Plaintiff provide copies of all documents heretofore filed in this case to each of the counsel of record in In re Cincinnati Policing and to Gregory Gonzalez, Saul Green and Richard Jerome. Signed by Judge Michael R Merz on 3/8/06. (dp1) (Entered: 03/08/2006)
03/09/2006	13	CERTIFICATE OF SERVICE by Plaintiff Simon L Leis, Jr (Stevenson, David) (Entered: 03/09/2006)
03/13/2006	14	REPORT AND RECOMMENDATIONS re 3 the MOTION to Remand <i>Matter to the Common Pleas Court of Hamilton County, Ohio and Request for Expedited Scheduling Order</i> filed by Simon L Leis, Jr be denied. Objections to R&R due by 3/27/2006. Signed by Judge Michael R Merz on 03/13/06. (gh1,) (Entered: 03/13/2006)
03/28/2006	15	MOTION for Extension of Time to File Response re 14 REPORT AND RECOMMENDATIONS by Plaintiff Simon L Leis, Jr. (Stevenson,

		David) Modified docket text on 3/29/2006 (scot,). (Entered: 03/28/2006)
03/29/2006	16	ORDER EXTENDING TIME TO OBJECT TO REPORT AND RECOMMENDATIONS - Plaintiff may file his objections to the Report and Recommendations 14 , if any, at such time when objections are due to the Magistrate Judge's Report and Recommendations "on the merits of Plaintiff's complaint" or until such other date as may later be set by the Court. Signed by Judge Michael R Merz on 3/29/06. (dp1) (Entered: 03/29/2006)
03/29/2006	17	NOTICE OF PRELIMINARY PRE-TRIAL CONFERENCE - Preliminary Pretrial Conference set for May 19, 2006, at 10:00 a.m. by telephone before Magistrate Judge Michael R. Merz. Prior to this pretrial conference, counsel must comply with the MANDATORY DISCLOSURE RULES of Fed.R.Civ.P. 26(a)(1) and the MANDATORY conference between counsel required by Fed.R.Civ.P. 26(f). The report must be filed prior to the conference. Pretrial procedures and forms can be found at our website at www.ohsd.uscourts.gov. Should more attorneys be actively involved than those listed on the Court's docket, please notify judicial assistant, DeAnna Perry, at 937-512-1550, immediately, to include the additional attorneys in the Preliminary Pretrial Conference. If you wish or require that a different number other than the one listed on the court's docket be called, please advise the Court at least 24 hours preceding the conference.(dp1) (Entered: 03/29/2006)
04/20/2006	18	ANSWER to Complaint by Defendant City of Cincinnati.(Ganulin, Richard) Modified docket text on 4/20/2006 (scot,). (Entered: 04/20/2006)
04/20/2006	19	MOTION to Intervene <i>and Memorandum in Support</i> . (Ganulin, Richard) (Entered: 04/20/2006)
04/20/2006		Notation ORDER granting 19 Motion to Intervene . Signed by Judge Michael R Merz on 4/20/2006. (Merz, Michael) (Entered: 04/20/2006)
04/21/2006		Set Deadlines/Hearings: Scheduling Conference set for 4/21/2006 02:00 PM by teleconference before Magistrate Judge Michael R Merz. (dp1) (Entered: 04/21/2006)
04/21/2006		Notice of Correction - The Scheduling Conference is set for April 24, 2006 at 2:00 p.m. (not 4/21/06 as previously docketed). Counsel to participate include David Stevenson, Al Gerhardstein, Scott Greenwood and Richard Ganulin. (dp1) (Entered: 04/21/2006)
04/24/2006		Minute Entry for proceedings held before Judge Michael R Merz : Scheduling Conference held on 4/24/2006 by telephone and attended by David Stevenson, Al Gerhardstein, Scott Greenwood and Richard Ganulin. A scheduling order shall issue. (Court Reporter MRM 060424-134738.) (dp1) (Entered: 04/24/2006)
04/24/2006		SCHEDULING ORDER: Rule 26 Meeting Report due by 5/12/2006. Preliminary Pretrial Conference RESCHEDULED TO 5/15/2006 AT 2:00 p.m. by telephone before Magistrate Judge Michael R. Merz. Prior

		to this pretrial conference, counsel must comply with the MANDATORY DISCLOSURE RULES of Fed.R.Civ.P. 26(a)(1) and the MANDATORY conference between counsel required by Fed.R.Civ.P. 26(f). The report must be filed prior to the conference as noted above. Pretrial procedures and forms can be found at our website at www.ohsd.uscourts.gov. Should more attorneys be actively involved than those listed on the Court's docket, please notify judicial assistant, DeAnna Perry, at 937-512-1550, immediately, to include the additional attorneys in the Preliminary Pretrial Conference. If you wish or require that a different number other than the one listed on the court's docket be called, please advise the Court at least 24 hours preceding the conference. Signed by Judge Michael R Merz on 4/24/06. (dp1) (Entered: 04/24/2006)
05/12/2006	20	NOTICE by Plaintiff Simon L Leis, Jr of <i>Filing Joint Discovery Plan</i> (Stevenson, David) (Entered: 05/12/2006)
05/15/2006	21	Minute Entry for proceedings held before Judge Michael R Merz: Preliminary Pretrial Conference held on 5/15/2006 via telephone with Attorney Stevenson for the plaintiff and Attorneys Gerhardstein and Ganulin for the defendants. Status Conference is set for 6/9/06 @ 1:30 pm via telephone. A scheduling order will follow. (Tape #MRM060514-131723.) (gh1,) (Entered: 05/15/2006)
05/15/2006	22	SCHEDULING ORDER: Motions directed to pleadings due by 5/22/2006. Amended Pleadings due by 5/22/2006. Lay Witness due by 6/1/2006. Plaintiff Primary Expert due by 6/15/2006. Plaintiff Rebuttal Expert due by 7/1/2006. Defendant Primary Expert due by 6/15/2006. Defendant Rebuttal Expert due by 7/1/2006. Requests for Admissions due 7/15/2006. Discovery deadline is 8/15/2006. Motions not directed to pleadings due by 9/15/2006. Status Conference set for 6/9/2006 at 01:30 PM by telephone before Judge Michael R Merz . Signed by Judge Michael R Merz on 5/15/06. (dp1) (Entered: 05/15/2006)
05/15/2006		***STRICKEN*** (DOCKETED IN WRONG CASE) AMENDMENT TO ENTRY OF CONTINUANCE [329] - The discovery cut-off date and dispositive motion deadline date set forth in [329] is STRICKEN. No additional discovery may be taken and no additional summary judgment motion may be filed without prior permission of the Court . Signed by Judge Michael R Merz on 5/12/06. (dp1) Modified on 5/16/2006 to strike and note (dp1). (Entered: 05/15/2006)
05/15/2006		*** STRICKEN *** (DOCKETED IN WRONG CASE) Terminated deadline for discovery per [330]. Signed by Judge Michael R Merz on 5/12/06. (dp1) Modified on 5/16/2006 to strike and note (dp1). (Entered: 05/15/2006)
05/24/2006		Reset Hearing: Status Conference has been reset for 6/12/2006 01:30 PM by telephone before Michael R Merz (rescheduled from 6/8/2006). (dp1) (Entered: 05/24/2006)
06/01/2006	23	Witness List by Plaintiff Simon L Leis, Jr. (Stevenson, David) (Entered: 06/01/2006)

06/12/2006		Minute Entry for proceedings held before Judge Michael R Merz : Status Conference held on 6/12/2006 and attended via telephone by David Stevenson, Al Gerhardstein and Richard Ganulin. Next Status Conference set for 7/10/2006 01:30 PM by telephone before Judge Michael R Merz. (Court Reporter MRM 060612-131548.) (dp1) (Entered: 06/12/2006)
07/10/2006		Minute Entry for proceedings held before Judge Michael R Merz : Scheduling Conference held on 7/10/2006 and attended via telephone by David Stevenson, Al Gerhardstein and Richard Ganulin. (Court Reporter MRM 060710-132306.) (dp1) (Entered: 07/10/2006)
08/01/2006	24	MOTION for Declaratory Judgment <i>emergency motion pending final resolution of this case</i> by Defendant American Civil Liberties Union of Ohio Foundation, Inc. Responses due by 8/25/2006 (Attachments: # 1 Letters to and from Sheriff Leis)(Gerhardstein, Alphonse) (Entered: 08/01/2006)
08/02/2006		Minute Entry for proceedings held before Judge Michael R Merz : Emergency Relief hearing held on 8/2/2006 and attended via telephone by David Stevenson, Al Gerhardstein, Scott Greenwood and Richard Ganulin. (Court Reporter MRM 060801-145910.) (dp1) (Entered: 08/02/2006)
08/02/2006	25	RESPONSE to Motion re 24 MOTION for Declaratory Judgment <i>emergency motion pending final resolution of this case</i> filed by Defendant Cincinnati, City of. (Ganulin, Richard) (Entered: 08/02/2006)
08/02/2006	26	RESPONSE in Opposition re 24 MOTION for Declaratory Judgment <i>emergency motion pending final resolution of this case</i> filed by Plaintiff Simon L Leis, Jr. (Stevenson, David) (Entered: 08/02/2006)
08/03/2006	27	REPLY to Response to Motion re 24 MOTION for Declaratory Judgment <i>emergency motion pending final resolution of this case</i> filed by Defendant American Civil Liberties Union of Ohio Foundation, Inc. (Attachments: # 1 Analyst Report - part 1# 2 Analyst Report part 2# 3 Rand Corp. study)(Gerhardstein, Alphonse) (Entered: 08/03/2006)
08/03/2006	28	MOTION to Strike 27 Reply to Response to Motion, <i>Evidentiary Attachments and References Thereto</i> by Plaintiff Simon L Leis, Jr. (Stevenson, David) (Entered: 08/03/2006)
08/08/2006	29	DECISION AND ORDER finding as moot 28 Motion to Strike, denying 24 Motion for Declaratory Judgment . Signed by Judge Michael R Merz on 8/8/06. (dp1) (Entered: 08/08/2006)
08/08/2006	30	MOTION for Preliminary Injunction by Defendant American Civil Liberties Union of Ohio Foundation, Inc. (Attachments: # 1 Analyst Report #1# 2 Analyst report #2# 3 Rand Corp study)(Gerhardstein, Alphonse) (Entered: 08/08/2006)
08/09/2006	31	NOTICE (DELETED 8/10/2006) by Plaintiff Simon L Leis, Jr of <i>Deposition of Lt.Col. Richard Janke</i> (Stevenson, David) Modified on

		8/10/2006 - discovery (sc1,). (Entered: 08/09/2006)
08/09/2006	32	MOTION to Reassign Case to a Different Magistrate Judge by Plaintiff Simon L Leis, Jr. (Stevenson, David) (Entered: 08/09/2006)
08/11/2006	33	DECISION AND ORDER DENYING 32 MOTION TO RECUSE . Signed by Judge Michael R Merz on 8/10/06. (dp1) (Entered: 08/11/2006)
08/11/2006		Minute Entry for proceedings held before Judge Michael R Merz : Scheduling Conference held on 8/11/2006 and attended via telephone by Dave Stevenson, Gary Kunkel, Al Gerhardstein, Scott Greenwood and Richard Ganulin. A Scheduling Order shall issue. (Court Reporter MRM 060811-145421.) (dp1) (Entered: 08/11/2006)
08/11/2006	34	SCHEDULING ORDER: Preliminary Injunction hearing is set for 8/28/2006 at 09:30 AM before Michael R Merz in Judge Susan J. Dlott's courtroom in the Potter Stewart Courthouse, Cincinnati. Plaintiff shall file his Memorandum in Opposition not later than 8/25/2006. Signed by Judge Michael R Merz on 8/11/06. (dp1) (Entered: 08/11/2006)
08/11/2006		NOTICE (DELETED 8/14/06) by Defendant American Civil Liberties Union of Ohio Foundation, Inc of deposition of plaintiff Simon Leis (Gerhardstein, Alphonse) Modified on 8/14/2006 to delete - discovery - attorney notified (kopf1,). (Entered: 08/11/2006)
08/24/2006	35	CONDITIONAL ORDER OF DISMISSAL - This matter, having been settled, shall be immediately conditionally dismissed and shall be finally dismissed with prejudice 120 days after the entry of this order unless, for good cause shown, the case should be reopened for enforcement of terms of settlement agreement. Signed by Judge Michael R Merz on 8/24/2006. (Attachments: # 1 Settlement Agreement)(dp1) (Entered: 08/24/2006)
08/24/2006		NOTATION ORDER VACATING PRELIMINARY INJUNCTION HEARING SET FOR 8/28/2006 - The hearing set for 8/28/2006 is hereby VACATED in lieu of the conditional dismissal with settlement agreement 35 previously filed in this case. Signed by Judge Michael R Merz on 8/24/06. (dp1) (Entered: 08/24/2006)

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