

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**SERVICE EMPLOYEES
INTERNATIONAL
UNION, LOCAL 1, et al.,**

Plaintiffs,

v.

JON HUSTED, et al.,

Defendants.

Case No. 2:12-CV-562

JUDGE ALGENON L. MARBLEY

Magistrate Terence P. Kemp

**THE NORTHEAST OHIO COALITION
FOR THE HOMELESS, et al.,**

Plaintiffs,

v.

**JON HUSTED, in his official capacity as
Secretary of the State of Ohio,**

Defendant.

Case No. 2:06-CV-896

JUDGE ALGENON L. MARBLEY

Magistrate Judge Terence Kemp

and

STATE OF OHIO

Intervenor-Defendant

ORDER

These are two related actions in this Court: *Service Employees' International Union, Local 1, et. al. v. Husted, et. al.*, Case No. 2:12-cv-562 (“the SEIU case”) and *The Northeast Ohio Coalition for the Homeless, et. al. v. Husted & State of Ohio*, Case No. 2:06-cv-896 (“the NEOCH case”).

This matter is before the Court on three motions, all of which involve the same, discrete issue. A dispute has arisen as to the interpretation of Section III(5)(b)(vii) of the Consent Decree which implicates the counting of provisional ballots to be cast in the November 6, 2012 election. *NEOCH* Plaintiffs' have filed a Motion for Clarification of October 26, 2012 Order. (*NEOCH* Dkt. 346) They request the Court clarify its Order of October 26, 2012 with regard to modifying the April 19, 2010 Consent Decree. *NEOCH* Plaintiffs, following a new Directive (2012-54) issued by Defendant, filed a Motion to Modify the Consent Decree on November 5, 2012. (*NEOCH* Dkt. 349) In the same filing, *SEIU Local 1* Plaintiffs made a Motion for Preliminary Injunction. (*SEIU Local 1* Dkt. 97) All these motions seek essentially the same relief: an order from this Court directing the Secretary to count all provisional ballots with a deficiency in recording the voter's form of identification produced. Provisional ballots in Ohio will be counted at public meetings held between November 17, 2012 and November 21, 2012. In order to resolve the matter before November 17, 2012, *NEOCH* Plaintiffs requested an expedited briefing schedule on their November 2, 2012 Motion. Since the legal question in that Motion is the substantially the same as the question in the other motions, all motions are hereby consolidated and set for expedited briefing.

Under Local Rule 7.2 of the Southern District of Ohio, a memorandum in opposition "shall be served within twenty-one (21) days from the date of service set forth in the certificate of service attached to the Motion." Local Rule 1.1 states that the Local Rules govern "unless otherwise ordered in a given case by the presiding judicial officer."

Since this suit bears on Ohio's conduct of the November 6, 2012 election, it is appropriate to deviate from the Local Rules in order to expedite the briefing schedule and timely resolve the question. The timing is particularly sensitive given the need for Defendant Husted

and the State of Ohio to issue instructions to election officials in conformity with this Court's decision prior to the counting of provisional ballots.

Therefore, the Court **ORDERS** that any response or memorandum in opposition to *NEOCH* Plaintiffs' Motion for Clarification, *NEOCH* Plaintiffs' Motion to Modify the Consent Decree, and *SEIU Local 1* Plaintiffs' Motion for Preliminary Injunction be filed by **November 6, 2012**. Any reply from Plaintiffs must be filed by **November 8, 2012**.

The Court also **ORDERS** parties to appear for oral argument on **November 7, 2012 at 11:00 a.m.** At that time, the Court will hear arguments on the three motions addressed by this Order.

IT IS SO ORDERED.

Algenon

s/Algenon L. Marbley
L. Marbley
United States District Judge

Dated: November 5, 2012