

**U.S. District Court
Southern District of Ohio (Cincinnati)
CIVIL DOCKET FOR CASE #: 1:13-cv-00501-TSB**

Obergefell et al v. Kasich et al
Assigned to: Judge Timothy S. Black
related Case: 1:14-cv-00129-TSB
Case in other court: Sixth Circuit Court of Appeals, 14-03057
Cause: 42:1983 Civil Rights Act

Date Filed: 07/19/2013
Date Terminated: 12/23/2013
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

James Obergefell

represented by **Alphonse Adam Gerhardstein**
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TERMINATED: 07/30/2015

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Plaintiff

John Arthur

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Plaintiff

David Brian Michener

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Plaintiff

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V.

Defendant

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TERMINATED: 09/27/2013

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Defendant

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TERMINATED: 09/27/2013

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Kristopher J Armstrong
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TERMINATED: 09/17/2013

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Defendant

Camille Jones
*In her official capacity as Registrar,
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TERMINATED: 03/21/2014

Defendant

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Date Filed	#	Docket Text
07/19/2013	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 paid – receipt number: 0648-4186919), filed by James Obergefell, John Arthur. (Attachments: # <u>1</u> Civil Cover Sheet) (Branch, Jennifer) (Entered: 07/19/2013)
07/19/2013	<u>2</u>	NOTICE of Appearance by Alphonse Adam Gerhardstein for Plaintiffs John Arthur, James Obergefell (Gerhardstein, Alphonse) (Entered: 07/19/2013)
07/19/2013	<u>3</u>	MOTION for Temporary Restraining Order <i>and Preliminary Injunction</i> by Plaintiffs John Arthur, James Obergefell. (Attachments: # <u>1</u> Affidavit Declaration of James Obergefell, # <u>2</u> Affidavit Declaration of John Arthur, # <u>3</u> Text of Proposed Order) (Gerhardstein, Alphonse) (Entered: 07/19/2013)
07/19/2013	<u>4</u>	NOTICE of Appearance by Jacklyn Gonzales Martin for Plaintiffs John Arthur, James Obergefell (Martin, Jacklyn) (Entered: 07/19/2013)
07/19/2013	<u>5</u>	NOTICE of Appearance by Bridget C Coontz for Defendants Mike DeWine, John Kasich (Coontz, Bridget) (Entered: 07/19/2013)
07/19/2013	<u>6</u>	NOTICE of Appearance by Kristopher J Armstrong for Defendants Mike DeWine, John Kasich (Armstrong, Kristopher) (Entered: 07/19/2013)
07/19/2013		Notice of Hearing: Pursuant to S.D. Ohio Civ. R. 65.1, this civil action is set for an informal conference by telephone on 7/19/13 at 2:30 p.m. Counsel shall call: 1-888-684-8852; Access code: 8411435; Security code: 123456, and wait for the Court to join the conference. (mtw) (Entered: 07/19/2013)
07/19/2013		Minute Entry and Notice of Hearing: This civil action came on before the Court on 7/19/13 at 2:30 p.m. for an informal status conference by telephone pursuant to S.D. Ohio Civ. R. 65.1. Attorneys Alphonse Gerhardstein, Jacklyn Martin, Jennifer Branch, Bridget Coontz, Kristopher Armstrong, Damian Sikora, Terry Nestor, and Aaron Herzig participated. All parties shall submit briefing on the pending TRO. (Doc. 3). Plaintiffs' counsel shall file a supplemental memorandum and Defense counsel shall file memoranda contra on or before 7/22/13 at 11:00 a.m. This civil action is set for oral argument on the TRO on 7/22/13 at 1:30 p.m. in Cincinnati Courtroom 805. (Court Reporter Mary Ann Ranz, Official.) (jlw) (Entered: 07/19/2013)
07/19/2013	<u>7</u>	NOTICE of Appearance by Aaron Mark Herzig for Defendant Camille Jones (Herzig, Aaron) (Entered: 07/19/2013)
07/19/2013	<u>8</u>	NOTICE of Appearance by Terrance A Nestor for Defendant Camille Jones (Nestor, Terrance) (Entered: 07/19/2013)
07/22/2013	<u>9</u>	HEARING MEMORANDUM re MOTION for Temporary Restraining Order (doc. <u>3</u>) by Plaintiffs John Arthur, James Obergefell. (Gerhardstein, Alphonse) Modified to edit text on 7/22/2013 (mr1). (Entered: 07/22/2013)

07/22/2013	<u>10</u>	RESPONSE to Motion re <u>3</u> MOTION for Temporary Restraining Order <i>and Preliminary Injunction</i> filed by Defendant Camille Jones. (Attachments: # <u>1</u> Exhibit A) (Herzig, Aaron) (Entered: 07/22/2013)
07/22/2013	<u>11</u>	RESPONSE in Opposition re <u>3</u> MOTION for Temporary Restraining Order <i>and Preliminary Injunction</i> filed by Defendants Mike DeWine, John Kasich. (Attachments: # <u>1</u> Exhibit A Blank Certificate of Death) (Coontz, Bridget) (Entered: 07/22/2013)
07/22/2013	<u>12</u>	NOTICE by Plaintiffs John Arthur, James Obergefell re <u>3</u> MOTION for Temporary Restraining Order <i>and Preliminary Injunction of Filing Revised Proposed TRO</i> (Branch, Jennifer) (Entered: 07/22/2013)
07/22/2013	<u>13</u>	ORDER GRANTING PLAINTIFFS' MOTION FOR A TEMPORARY RESTRAINING ORDER (Doc. <u>3</u>). Signed by Judge Timothy S. Black on 7/22/2013. (mr1) (Entered: 07/22/2013)
07/22/2013	<u>14</u>	TEMPORARY RESTRAINING ORDER. Signed by Judge Timothy S. Black on 7/22/2013. (mr1) (Entered: 07/22/2013)
07/22/2013		Minute Entry: This civil action came before the Court for a hearing on Plaintiffs' Motion for Temporary Restraining Order (Doc. 3) on 7/22/13 at 1:30 p.m. Attorneys Alphonse Gerhardstein, Jennifer Branch, and Jacklyn Martin appeared for Plaintiffs, along with Plaintiff James Obergefell. Attorneys Bridget Coontz and Kristopher Armstrong appeared for Defendants Kasich and DeWine. Attorney Aaron Herzig appeared for Defendant Jones. Mr. Obergefell provided sworn testimony. (Court Reporter Jodie Perkins (Official).) (mr1) (Entered: 07/22/2013)
07/24/2013		NOTICE of Hearing: A Status Conference by telephone set for 7/31/2013 at 11:00 a.m. before Judge Timothy S. Black. COUNSEL SHALL CALL: 1-888-684-8852; Access code: 8411435; Security code: 123456, and wait for the Court to join the conference. (mr1) (Entered: 07/24/2013)
07/25/2013		NOTICE of Hearing: The Status Conference by telephone set for 7/31/2013 is VACATED and RESCHEDULED for 7/30/2013 at 8:30 a.m. before Judge Timothy S. Black. COUNSEL SHALL CALL: 1-888-684-8852; Access code: 8411435; Security code: 123456, and wait for the Court to join the conference. (mr1) (Entered: 07/25/2013)
07/30/2013	<u>15</u>	WAIVER OF SERVICE Returned Executed. Waiver sent to Camille Jones on 7/24/2013, answer due 9/23/2013. (Martin, Jacklyn) (Entered: 07/30/2013)
07/30/2013		Minute Entry, NOTATION ORDER, and NOTICE of Telephone Conference: This civil action came on before the Court for a status conference by telephone on 7/30/13 at 8:30 a.m. Attorneys Alphonse Gerhardstein, Jennifer Branch, Jacklyn Martin, Bridget Coontz, and Aaron Herzig participated. Pursuant to Rule 65(b)(2) of the Federal Rules of Civil Procedure, and by agreement of the parties, the expiration of the temporary restraining order (Doc. <u>14</u>) is hereby extended to 8/19/13 at 5:00 p.m., in order to facilitate the parties' further negotiations of a proposed litigation calendar for resolution. A separate Order of extension shall issue. A status conference by telephone is set for 8/13/13 at 11:00 a.m. before Judge Timothy S. Black. COUNSEL SHALL CALL 1-888-684-8852; Access code: 8411435; Security code: 123456, and wait for the Court to join the conference. IT IS SO ORDERED. (Court Reporter Jodie Perkins (Official).) (mr1) (Entered: 07/30/2013)
07/30/2013	<u>16</u>	EXTENSION OF TEMPORARY RESTRAINING ORDER. Signed by Judge Timothy S. Black on 7/30/2013. (mr1) (Entered: 07/30/2013)
08/09/2013	<u>17</u>	NOTICE of Appearance by Lisa Talmadge Meeks for Plaintiffs John Arthur, James Obergefell (Meeks, Lisa) (Entered: 08/09/2013)
08/13/2013	<u>18</u>	Joint Case Management Plan by Defendants Mike DeWine, John Kasich, Plaintiffs James Obergefell, Camille Jones, John Arthur. (Coontz, Bridget) Modified to include all filers on 8/14/2013 (eh1). (Entered: 08/13/2013)
08/13/2013		Minute Entry and NOTATION ORDER: This civil action came on before the Court for a status conference by telephone on 8/13/13 at 11:00 a.m. Attorneys Alphonse Gerhardstein, Jennifer Branch, Jacklyn Martin, Lisa Meeks, Bridget Coontz, Ryan Richardson, and Terrance Nestor participated. The parties will confer and email a joint

		proposed order extending the temporary restraining order to chambers at Black_Chambers@ohsd.uscourts.gov by 5:00 p.m. today, 8/13/13. The parties' joint case management plan, as adopted by the Court, will issue by separate entry. IT IS SO ORDERED. (Court Reporter Jodie Perkins (Official).) (mr1) (Entered: 08/13/2013)
08/13/2013		ORDER ESTABLISHING CASE MANAGEMENT PLAN: Defendants' Answer/Response: 9/13/2013. File Stipulations: 9/27/2013. All Parties File and Exchange Expert Declarations/Opinions. 10/11/2013. All Parties Exchange Rebuttal Expert Declarations/Opinion: 10/25/2013. Close of Discovery: 10/25/2013. Plaintiffs' Motion for Declaratory Judgment and Permanent Injunction: 10/29/2013. Defendants' Response to Motion: 11/18/2013. Plaintiffs' Reply: 12/2/2013. Oral Argument on Motion: 12/18/2013 at 10:00 a.m., Cincinnati, Courtroom #1, Room 805. Signed by Judge Timothy S. Black on 8/13/2013. (mr1) (Entered: 08/13/2013)
08/13/2013	<u>19</u>	ORDER OF EXTENSION OF THE TEMPORARY RESTRAINING ORDER. Signed by Judge Timothy S. Black on 8/13/2013. (mr1) (Entered: 08/13/2013)
08/30/2013		NOTICE of Hearing: A Status Conference by telephone is set for 8/30/2013 at 1:00 p.m. before Judge Timothy S. Black. COUNSEL SHALL CALL: 1-888-684-8852; Access code: 8411435; Host Password: 4581; Security code: 123456 and wait on the line for the Court to join the conference. (mr1) (Entered: 08/30/2013)
08/30/2013		Minute Entry: This civil action came on before the Court for a status conference by telephone on 8/30/13 at 1:00 p.m. Attorneys Alphonse Gerhardstein, Jacklyn Martin, Lisa Meeks, Jennifer Branch, Bridget Coontz and Aaron Herzig participated. (Court Reporter Jodie Perkins (Official).) (mr1) (Entered: 08/30/2013)
09/03/2013	<u>20</u>	MOTION to Amend/Correct <i>Complaint</i> by Plaintiffs John Arthur, James Obergefell. (Attachments: # <u>1</u> Exhibit Amended Complaint) (Gerhardstein, Alphonse) (Entered: 09/03/2013)
09/03/2013	<u>21</u>	MOTION for Temporary Restraining Order <i>re David Michener</i> by Plaintiffs John Arthur, James Obergefell. (Attachments: # <u>1</u> Exhibit Michener TRO) (Gerhardstein, Alphonse) (Entered: 09/03/2013)
09/03/2013		NOTICE of Hearing: A hearing by telephone on Plaintiffs' Motion for Temporary Restraining Order Re: David Michener is set for TODAY, 9/3/13, at 12:00 p.m. before Judge Timothy S. Black. COUNSEL SHALL CALL: 1-888-684-8852; Access code: 8411435; Security code: 123456, and wait for the Court to join the conference. (mr1) (Entered: 09/03/2013)
09/03/2013	<u>22</u>	STIPULATION by Plaintiffs John Arthur, James Obergefell. (Gerhardstein, Alphonse) (Entered: 09/03/2013)
09/03/2013		Minute Entry: This civil action came on before the Court for a hearing by telephone on Plaintiffs' Motion for a Temporary Restraining Order Re: David Michener (Doc. <u>21</u>). Attorneys Alphonse Gerhardstein, Jacklyn Martin, and Lisa Meeks participated on behalf of Plaintiffs, Attorney Bridget Coontz participated on behalf of the state Defendants, and Attorney Aaron Herzig participated on behalf of Defendant Jones. (Court Reporter Jodie Perkins (Official).) (mr1) (Entered: 09/03/2013)
09/03/2013		NOTATION ORDER: This civil action is before the Court on Plaintiffs' Motion to Amend Complaint (Doc. <u>20</u>). For good cause shown and as Defendants have stipulated that they do not oppose it (Doc <u>22</u>), this motion is hereby GRANTED. Plaintiffs shall file their Amended Complaint forthwith. IT IS SO ORDERED by Judge Timothy S. Black on 9/3/2013. (mr1) (Entered: 09/03/2013)
09/03/2013	<u>23</u>	TEMPORARY RESTRAINING ORDER as per David Michener. Signed by Judge Timothy S. Black on 9/3/2013. (mr1) (Entered: 09/03/2013)
09/03/2013	<u>24</u>	AMENDED COMPLAINT against All Defendants, filed by James Obergefell, John Arthur. (Gerhardstein, Alphonse) (Entered: 09/03/2013)
09/04/2013		If this case is referred, it will be to Magistrate Judge J. Gregory Wehrman. (jlw) (Entered: 09/04/2013)
09/13/2013	<u>25</u>	MOTION for Extension of Time to File Response/Reply New date requested 9/20/2013. by Defendants Mike DeWine, John Kasich. (Coontz, Bridget) (Entered: 09/13/2013)

		09/13/2013)
09/13/2013	<u>26</u>	ENTRY AND ORDER – The joint motion for extension of time for all Defendants to respond is hereby GRANTED. All Defendants are ordered to answer or otherwise plead to the Plaintiffs Amended Complaint (ECF Doc. No. <u>24</u>) by September 20, 2013. All other dates on the case management schedule will remain in effect. Signed by Judge Timothy S. Black on 9/13/2013. (mr1) (Entered: 09/13/2013)
09/17/2013	<u>27</u>	MOTION to Withdraw as Attorney by Defendants Mike DeWine, John Kasich. (Attachments: # <u>1</u> Text of Proposed Order) (Armstrong, Kristopher) (Entered: 09/17/2013)
09/17/2013	<u>28</u>	NOTICE of Appearance by Zachery Paul Keller for Defendants Mike DeWine, John Kasich (Keller, Zachery) (Entered: 09/17/2013)
09/17/2013		NOTATION ORDER: This civil action is before the Court on Assistant Attorney General Kristopher J. Armstrong's Motion to Withdraw As Co–Counsel for State Defendants Governor John Kasich and Attorney General Mike DeWine (Doc. <u>27</u>). For good cause shown, the motion is hereby GRANTED. IT IS SO ORDERED by Judge Timothy S. Black on 9/17/2013. (mr1) (Entered: 09/17/2013)
09/19/2013	<u>29</u>	Second MOTION to Amend/Correct <i>Complaint</i> by Plaintiffs John Arthur, David Brian Michener, James Obergefell. (Attachments: # <u>1</u> Exhibit Second Amended Complaint) (Gerhardstein, Alphonse) (Entered: 09/19/2013)
09/19/2013	<u>30</u>	MOTION to Dismiss by Defendants Mike DeWine, John Kasich. Responses due by 10/15/2013 (Coontz, Bridget) (Entered: 09/19/2013)
09/19/2013	<u>31</u>	ANSWER to <u>24</u> Amended Complaint filed by Mike DeWine. (Coontz, Bridget) (Entered: 09/19/2013)
09/20/2013	<u>32</u>	ANSWER to <u>24</u> Amended Complaint filed by Camille Jones. (Herzig, Aaron) (Entered: 09/20/2013)
09/20/2013		NOTICE of Hearing re <u>29</u> Second MOTION to Amend/Correct <i>Complaint</i> , <u>30</u> MOTION to Dismiss: A Hearing by telephone is set for 9/25/2013 at 9:30 a.m. before Judge Timothy S. Black. COUNSEL SHALL CALL 1–888–684–8852; Access code: 8411435; Security code: 123456, and wait for the Court to join the conference. (mr1) (Entered: 09/20/2013)
09/25/2013		Minute Entry and NOTATION ORDER: This civil action came on before the Court for a hearing by telephone on Plaintiffs' Second Motion to Amend the Complaint (Doc. <u>29</u>) and Defendants Governor Kasich and Attorney General DeWine's Motion to Dismiss (Doc. <u>30</u>). Attorneys Alphonse Gerhardstein, Jacklyn Martin, Lisa Meeks, Bridget Coontz, Zachery Keller, Ryan Richardson, and Aaron Herzig participated. For good cause shown, and as Defendants have indicated they do not oppose it, Plaintiffs' Second Motion to Amend the Complaint (Doc. <u>29</u>) is hereby GRANTED. Plaintiffs shall file their Second Amended Complaint forthwith. Consequently, Defendants Kasich and DeWine's Motion to Dismiss is hereby terminated as MOOT. The state Defendant shall file a Motion to Dismiss as to the newly–added Plaintiff Robert Grunn on or before 10/11/13. Plaintiffs shall file their memorandum in opposition by 10/16/13. Defendants shall file their reply memorandum by 10/21/13. IT IS SO ORDERED. (Court Reporter Jodie Perkins (Official).) (mr1) (Entered: 09/25/2013)
09/26/2013	<u>33</u>	AMENDED COMPLAINT (<i>Second</i>) against Camille Jones, Theodore Wymyslo, M.D., filed by James Obergefell, David Brian Michener, John Arthur, Robert Grunn. (Gerhardstein, Alphonse) (Entered: 09/26/2013)
10/08/2013	<u>34</u>	DECLARATION of Robert Grunn filed in Support of Amended Complaint <u>33</u> by Plaintiffs John Arthur, Robert Grunn, David Brian Michener, James Obergefell (Attachments: # <u>1</u> Affidavit of Robert Grunn) (Gerhardstein, Alphonse) Modified to clarify text and create link on 10/9/2013 (tt). (Entered: 10/08/2013)
10/10/2013	<u>35</u>	WAIVER OF SERVICE Returned Executed. Waiver sent to Camille Jones on 9/26/2013, answer due 11/25/2013. (Martin, Jacklyn) (Entered: 10/10/2013)
10/11/2013	<u>36</u>	ANSWER to <u>33</u> Amended Complaint filed by Camille Jones. (Herzig, Aaron) (Entered: 10/11/2013)

10/11/2013	<u>37</u>	WAIVER OF SERVICE Returned Executed. Waiver sent to Theodore Wymyslo, M.D. on 9/26/2013, answer due 11/25/2013. (Martin, Jacklyn) (Entered: 10/11/2013)
10/11/2013	<u>38</u>	MOTION to Dismiss for Lack of Jurisdiction by Defendant Theodore Wymyslo, M.D.. Responses due by 11/4/2013 (Coontz, Bridget) (Entered: 10/11/2013)
10/11/2013	<u>39</u>	ANSWER to <u>33</u> Amended Complaint filed by Theodore Wymyslo, M.D.. (Coontz, Bridget) (Entered: 10/11/2013)
10/11/2013	<u>40</u>	NOTICE of Appearance by Zachery Paul Keller for Defendant Theodore Wymyslo, M.D. (Keller, Zachery) (Entered: 10/11/2013)
10/11/2013	<u>41</u>	NOTICE by Plaintiffs John Arthur, Robert Grunn, David Brian Michener, James Obergefell of <i>Filing Expert Report of Susan J. Becker</i> (Attachments: # <u>1</u> Expert Declaration, # <u>2</u> Exhibit Becker Exhibit A, # <u>3</u> Exhibit Becker Exhibit B, # <u>4</u> Exhibit Becker Exhibit C, # <u>5</u> Exhibit Becker Exhibit D, # <u>6</u> Exhibit Becker Exhibit E, # <u>7</u> Exhibit Becker Exhibit F, # <u>8</u> Exhibit Becker Exhibit G, # <u>9</u> Exhibit Becker Exhibit H, # <u>10</u> Exhibit Becker Exhibit I, # <u>11</u> Exhibit Becker Exhibit J, # <u>12</u> Exhibit Becker Exhibit K, # <u>13</u> Exhibit Becker Exhibit L, # <u>14</u> Exhibit Becker Exhibit M, # <u>15</u> Exhibit Becker Exhibit N, # <u>16</u> Exhibit Becker Exhibit O, # <u>17</u> Exhibit Becker Exhibit P, # <u>18</u> Exhibit Becker Exhibit Q) (Martin, Jacklyn) (Entered: 10/11/2013)
10/11/2013	<u>42</u>	NOTICE by Plaintiffs John Arthur, Robert Grunn, David Brian Michener, James Obergefell of <i>Filing Expert Report of George Chauncey</i> (Attachments: # <u>1</u> Expert Declaration, # <u>2</u> Exhibit Exhibit A, Chauncey CV, # <u>3</u> Exhibit Exhibit B, Chauncey Bibliography) (Martin, Jacklyn) (Entered: 10/11/2013)
10/11/2013	<u>43</u>	NOTICE by Plaintiffs John Arthur, Robert Grunn, David Brian Michener, James Obergefell of <i>Filing Expert Report of Megan Fulcher</i> (Attachments: # <u>1</u> Expert Declaration) (Martin, Jacklyn) (Entered: 10/11/2013)
10/11/2013	<u>44</u>	NOTICE by Plaintiffs John Arthur, Robert Grunn, David Brian Michener, James Obergefell of <i>Filing Expert Report of Joanna L. Grossman</i> (Attachments: # <u>1</u> Expert Declaration, # <u>2</u> Exhibit A-Grossman CV, # <u>3</u> Exhibit B, Family Law Columns, # <u>4</u> Grossman Bibliography) (Martin, Jacklyn) (Entered: 10/11/2013)
10/11/2013	<u>45</u>	NOTICE by Plaintiffs John Arthur, Robert Grunn, David Brian Michener, James Obergefell of <i>Filing Expert Report of Bernard L. McKay</i> (Attachments: # <u>1</u> Expert Declaration) (Martin, Jacklyn) (Entered: 10/11/2013)
10/11/2013	<u>46</u>	NOTICE by Plaintiffs John Arthur, Robert Grunn, David Brian Michener, James Obergefell of <i>Filing Expert Report of Letitia Anne Peplau</i> (Attachments: # <u>1</u> Expert Declaration, # <u>2</u> Exhibit A, Peplau CV, # <u>3</u> Exhibit B, Peplau Bibliography) (Martin, Jacklyn) (Entered: 10/11/2013)
10/11/2013	<u>47</u>	NOTICE by Plaintiffs John Arthur, Robert Grunn, David Brian Michener, James Obergefell of <i>Filing Expert Report of Gary M. Segura</i> (Attachments: # <u>1</u> Expert Declaration, # <u>2</u> Exhibit A, Segura CV, # <u>3</u> Exhibit B, Segura Sources) (Martin, Jacklyn) (Entered: 10/11/2013)
10/14/2013	<u>48</u>	NOTICE by Plaintiffs John Arthur, Robert Grunn, David Brian Michener, James Obergefell of <i>filing Declaration of James Obergefell re Funeral Director</i> (Attachments: # <u>1</u> Affidavit of James Obergefell re Funeral Director) (Gerhardstein, Alphonse) (Entered: 10/14/2013)
10/16/2013	<u>49</u>	RESPONSE in Opposition re <u>38</u> MOTION to Dismiss for Lack of Jurisdiction filed by Plaintiffs John Arthur, Robert Grunn, David Brian Michener, James Obergefell. (Gerhardstein, Alphonse) (Entered: 10/16/2013)
10/21/2013	<u>50</u>	REPLY to Response to Motion re <u>38</u> MOTION to Dismiss for Lack of Jurisdiction filed by Defendant Theodore Wymyslo, M.D.. (Coontz, Bridget) (Entered: 10/21/2013)
10/22/2013	<u>51</u>	NOTICE by Plaintiffs John Arthur, Robert Grunn, David Brian Michener, James Obergefell of <i>Death of Plaintiff John Arthur</i> (Gerhardstein, Alphonse) (Entered: 10/22/2013)
10/25/2013		NOTATION ORDER: This civil action is before the Court on Defendant Dr. Theodore Wymyslo's Motion to Dismiss (Doc. <u>38</u>). The Court hereby orders that the parties

		present oral argument on the motion on the record by telephone or in Court, 15 minutes a side, on a date, preferably next week, to be determined forthwith. The parties' arguments should focus on the issues of (1) whether the Court can rely on the affidavits of Mr. Grunn and Mr. Obergefell in deciding the Motion to Dismiss; (2) whether a close relationship exists between Mr. Grunn and the parties whose rights he is attempting to vindicate; and (3) whether Mr. Grunn can state a first-party § 1983 claim based on his own rights. Counsel shall forthwith jointly confer with Courtroom Deputy Mary Rogers at 513-564-7640 on the selection of a date and time for this oral argument, and whether by telephone or in Court. IT IS SO ORDERED by Judge Timothy S. Black on 10/25/2013. (mr1) (Entered: 10/25/2013)
10/28/2013		NOTICE of Hearing: Oral argument re <u>38</u> MOTION to Dismiss for Lack of Jurisdiction is set for 10/30/2013 at 1:30 p.m. in Courtroom 1 – Cincinnati before Judge Timothy S. Black. The parties' arguments should focus on the issues of (1) whether the Court can rely on the affidavits of Mr. Grunn and Mr. Obergefell in deciding the Motion to Dismiss; (2) whether a close relationship exists between Mr. Grunn and the parties whose rights he is attempting to vindicate; and (3) whether Mr. Grunn can state a first-party § 1983 claim based on his own rights. (mr1) (Entered: 10/28/2013)
10/29/2013	<u>52</u>	NOTICE by Plaintiffs Robert Grunn, David Brian Michener, James Obergefell <i>of Compliance with Court Orders</i> (Attachments: # 1 Exhibit A, Certificate of Death, John Arthur, # 2 Exhibit B, Certificate of Death, William Herbert Ives) (Gerhardstein, Alphonse) (Additional attachment(s) added on 11/1/2013: # <u>3</u> Exhibit A) (mr1). (Additional attachment(s) added on 11/1/2013: # <u>4</u> Exhibit B) (mr1). Modified to remove unredacted death certificates and upload redacted death certificates and regenerate NEF on 11/1/2013 (mr1). (Entered: 10/29/2013)
10/29/2013	<u>53</u>	MOTION for Permanent Injunction <i>and Declaratory Judgment</i> by Plaintiffs Robert Grunn, David Brian Michener, James Obergefell. Responses due by 11/18/2013 (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order) (Gerhardstein, Alphonse) (Entered: 10/29/2013)
10/30/2013		Minute Entry: This civil action came before the Court on 10/30/13 at 1:30 p.m. for oral argument on Defendant Dr. Theodore Wymyslo's Motion to Dismiss (Doc. <u>38</u>). Attorneys Alphonse Gerhardstein, Adam Gerhardstein, and Jacklyn Martin appeared on behalf of Plaintiffs, along with Plaintiffs James Obergefell and Robert Grunn. Attorneys Bridget Coontz and Zachery Keller appeared on behalf of Defendant Wymyslo. Attorney Aaron Herzig appeared on behalf of Defendant Jones. (Court Reporter Jodie Perkins (Official).) (mr1) (Entered: 10/30/2013)
11/01/2013	<u>54</u>	ORDER DENYING THE MOTION TO DISMISS OF DEFENDANT DR. THEODORE WYMSLO. Signed by Judge Timothy S. Black on 11/1/2013. (mr1) (Entered: 11/01/2013)
11/15/2013	<u>55</u>	<i>Supplemental ANSWER</i> to <u>33</u> Amended Complaint filed by Theodore Wymyslo, M.D.. (Coontz, Bridget) (Entered: 11/15/2013)
11/18/2013	<u>56</u>	RESPONSE in Opposition re <u>53</u> MOTION for Permanent Injunction <i>and Declaratory Judgment</i> filed by Defendant Theodore Wymyslo, M.D.. (Coontz, Bridget) (Entered: 11/18/2013)
11/20/2013	<u>57</u>	MOTION for Extension of Time to File Response/Reply as to <u>56</u> Response in Opposition to Motion New date requested 12/9/2013. by Plaintiffs Robert Grunn, David Brian Michener, James Obergefell. (Gerhardstein, Alphonse) (Entered: 11/20/2013)
11/20/2013		NOTATION ORDER: This civil action is before the Court on Plaintiffs' Motion for Extension of Time to File Reply Until December 9, 2013 (Doc. <u>57</u>). As it is unopposed and for good cause shown, the motion is hereby GRANTED. Plaintiffs shall file their reply in support of their Motion for Declaratory Judgment and Permanent Injunction on or before 12/9/13. IT IS SO ORDERED by Judge Timothy S. Black on 11/20/2013. (mr1) (Entered: 11/20/2013)
11/25/2013	<u>58</u>	NOTICE of Appearance by Joseph E. La Rue for Amicus Citizens for Community Values (La Rue, Joseph) (Entered: 11/25/2013)

11/25/2013	<u>59</u>	Corporate Disclosure Statement by Amicus Citizens for Community Values. (La Rue, Joseph) (Entered: 11/25/2013)
11/25/2013	<u>60</u>	Unopposed MOTION for Leave to File <i>Brief of Amicus Curiae</i> by Amicus Citizens for Community Values. (La Rue, Joseph) (Entered: 11/25/2013)
11/25/2013	<u>61</u>	BRIEF re <u>60</u> Unopposed MOTION for Leave to File <i>Brief of Amicus Curiae</i> by Amicus Citizens for Community Values. (La Rue, Joseph) (Entered: 11/25/2013)
11/26/2013		NOTATION ORDER: This civil action is before the Court on Amicus Citizens for Community Values' Unopposed Motion for Leave to File Brief of Amicus Curiae (Doc. <u>60</u>). As it is unopposed and for good cause shown, this motion is hereby GRANTED. IT IS SO ORDERED by Judge Timothy S. Black on 11/26/2013. (mr1) (Entered: 11/26/2013)
12/09/2013	<u>62</u>	REPLY to Response to Motion re <u>53</u> MOTION for Permanent Injunction <i>and Declaratory Judgment</i> filed by Plaintiffs Robert Grunn, David Brian Michener, James Obergefell. (Attachments: # <u>1</u> Exhibit A–Whitewood Order, # <u>2</u> Exhibit B–Excerpt of Perry Trial Transcript) (Gerhardstein, Alphonse) (Entered: 12/09/2013)
12/16/2013	<u>63</u>	NOTICE of Appearance by Ryan L. Richardson for Defendant Theodore Wymyslo, M.D. (Richardson, Ryan) (Entered: 12/16/2013)
12/18/2013		Minute entry: This civil action came before the Court on oral argument re: Motion for Permanent Injunction and Declaratory Judgment (Doc. <u>53</u>) on 12/18/2013 at 10:00 a.m. Attorneys Al Gerhardstein, Jacklyn Martin, Lisa Meeks and Jennifer Branch appeared with Plaintiffs James Obergefell, David Michener and Robert Grunn. Attorneys Bridget Coontz, Zachery Keller and Ryan Richard appeared on behalf of the State of Ohio Defendants. Attorney Aaron Herzig appeared on behalf of the City of Cincinnati Defendants. Arguments were heard. (Court Reporter Jodie Perkins (Official).) (mr1) (Entered: 12/18/2013)
12/20/2013	<u>64</u>	NOTICE by Plaintiffs Robert Grunn, David Brian Michener, James Obergefell of <i>Supplemental Authority</i> (Attachments: # <u>1</u> Kitchen v. Herbert–Supplemental Authority) (Gerhardstein, Alphonse) (Entered: 12/20/2013)
12/23/2013	<u>65</u>	FINAL ORDER GRANTING PLAINTIFFS' MOTION FOR DECLARATORY JUDGMENT AND PERMANENT INJUNCTION. Signed by Judge Timothy S. Black on 12/23/2013. (mr1) (Entered: 12/23/2013)
12/23/2013	<u>66</u>	DECLARATORY JUDGMENT AND PERMANENT INJUNCTION. Signed by Judge Timothy S. Black on 12/23/2013. (mr1) (Entered: 12/23/2013)
12/23/2013	<u>67</u>	CLERK'S JUDGMENT AFFIRMING FINAL ORDER <u>65</u> AND DECLARATORY JUDGMENT AND PERMANENT INJUNCTION <u>66</u> . (mr1) (Entered: 12/23/2013)
01/16/2014	<u>68</u>	NOTICE OF APPEAL by Defendant Theodore Wymyslo, M.D.. Filing fee \$ 505. (Coontz, Bridget) (Entered: 01/16/2014)
01/17/2014		USCA Appeal Fees received \$ 505 receipt number 100CIN021028 re <u>68</u> Notice of Appeal filed by Theodore Wymyslo, M.D. (lk) (Entered: 01/17/2014)
01/22/2014		USCA Case Number 14–3057 for <u>68</u> Notice of Appeal filed by Theodore Wymyslo, M.D. Case Manager – Cheryl Borkowski. (sct) (Entered: 07/31/2015)
02/06/2014	<u>69</u>	<p>Transcript of Proceedings (Informal Status Conference) held on Friday, July 19, 2013, before Judge Timothy S. Black. 15 pages. Court Reporter/Transcriber Mary Ann Ranz (Official), Telephone number 513–564–7500. 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.</p> <p>NOTICE RE: REDACTION OF TRANSCRIPTS: Within 5 business days of this filing, each party shall inform the Court, by filing a Notice of Redaction, of the party's intent to redact personal data identifiers from the electronic transcript of the court proceeding. The policy is located on our website at www.ohsd.uscourts.gov (Forms – Electronic Availability of Transcripts). Please read this policy carefully.</p>

		For a complete copy of a transcript, please contact the Court Reporter or the Clerk's Office. Redaction Request due 2/27/2014. Redacted Transcript Deadline set for 3/10/2014. Release of Transcript Restriction set for 5/7/2014. (mr1) (Entered: 02/06/2014)
02/06/2014	<u>70</u>	MOTION for Attorney Fees by Plaintiffs John Arthur, Robert Grunn, David Brian Michener, James Obergefell. (Attachments: # <u>1</u> Gerhardstein Declaration, # <u>2</u> Branch Declaration, # <u>3</u> Meeks Declaration) (Branch, Jennifer) (Entered: 02/06/2014)
02/07/2014	<u>71</u>	NOTICE by Defendant Theodore Wymyslo, M.D. re <u>70</u> MOTION for Attorney Fees <i>Agreed Stay of Plaintiffs' Motion</i> (Coontz, Bridget) (Entered: 02/07/2014)
02/07/2014	<u>72</u>	<p>Transcript of Proceedings (Motion for Temporary Restraining Order) held on Monday, July 22, 2013, before Judge Timothy S. Black. 45 Pages. Court Reporter/Transcriber Jodie Perkins (Official), Telephone number 513-564-7500. 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.</p> <p>NOTICE RE: REDACTION OF TRANSCRIPTS: Within 5 business days of this filing, each party shall inform the Court, by filing a Notice of Redaction, of the party's intent to redact personal data identifiers from the electronic transcript of the court proceeding. The policy is located on our website at www.ohsd.uscourts.gov (Forms – Electronic Availability of Transcripts). Please read this policy carefully.</p> <p>For a complete copy of a transcript, please contact the Court Reporter or the Clerk's Office. Redaction Request due 2/28/2014. Redacted Transcript Deadline set for 3/10/2014. Release of Transcript Restriction set for 5/8/2014. (mr1) (Entered: 02/07/2014)</p>
02/10/2014	<u>73</u>	<p>Transcript of Proceedings (Motion for Declaratory Judgment and Permanent Injunction) held on Wednesday, December 18, 2013, before Judge Timothy S. Black. 60 pages. Court Reporter/Transcriber Jodie Perkins (Official), Telephone number 513-564-7500. 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.</p> <p>NOTICE RE: REDACTION OF TRANSCRIPTS: Within 5 business days of this filing, each party shall inform the Court, by filing a Notice of Redaction, of the party's intent to redact personal data identifiers from the electronic transcript of the court proceeding. The policy is located on our website at www.ohsd.uscourts.gov (Forms – Electronic Availability of Transcripts). Please read this policy carefully.</p> <p>For a complete copy of a transcript, please contact the Court Reporter or the Clerk's Office. Redaction Request due 3/3/2014. Redacted Transcript Deadline set for 3/13/2014. Release of Transcript Restriction set for 5/12/2014. (mr1) (Entered: 02/10/2014)</p>
02/13/2014	<u>74</u>	<p>Transcript of Proceedings (Motion to Dismiss) held on Wednesday, October 30, 2013, before Judge Timothy S. Black. 34 Pages. Court Reporter/Transcriber Jodie Perkins (Official), Telephone number 513-564-7500. 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.</p> <p>NOTICE RE: REDACTION OF TRANSCRIPTS: Within 5 business days of this filing, each party shall inform the Court, by filing a Notice of Redaction, of the party's intent to redact personal data identifiers from the electronic transcript of the court proceeding. The policy is located on our website at www.ohsd.uscourts.gov (Forms – Electronic Availability of Transcripts). Please read this policy carefully.</p> <p>For a complete copy of a transcript, please contact the Court Reporter or the Clerk's Office. Redaction Request due 3/6/2014. Redacted Transcript Deadline set for 3/17/2014. Release of Transcript Restriction set for 5/14/2014. (mr1) (Entered: 02/13/2014)</p>

03/21/2014	<u>75</u>	NOTICE of Appearance by Peter J Stackpole for Defendant Camille Jones (Stackpole, Peter) (Entered: 03/21/2014)
03/24/2014	<u>76</u>	NOTICE by Defendant Theodore Wymyslo, M.D. re <u>66</u> Permanent Injunction (Attachments: # <u>1</u> Exhibit A Affidavit of Dr. Theodore Wymyslo) (Coontz, Bridget) (Entered: 03/24/2014)
04/16/2014	<u>77</u>	ORDER of USCA as to <u>68</u> Notice of Appeal filed by Theodore Wymyslo, M.D. substituting Lance D. Himes, Interim Director of the Ohio Department of Health, for Theodore Wymyslo as appellant. (sct1) (Entered: 04/16/2014)
04/22/2014	<u>78</u>	NOTICE by Plaintiffs John Arthur, Robert Grunn, David Brian Michener, James Obergefell <i>of filing transcripts</i> (Attachments: # <u>1</u> Exhibit A. July 22nd Hearing Transcript, # <u>2</u> Exhibit B. October 30th Hearing Transcript, # <u>3</u> Exhibit C. December 18th Hearing Transcript) (Gerhardstein, Alphonse) (Entered: 04/22/2014)
11/07/2014	<u>79</u>	ORDER of USCA as to <u>68</u> Notice of Appeal filed by Theodore Wymyslo, M.D. in that the judgment of the district court is REVERSED. Mandate to issue. (sem1) (Entered: 11/07/2014)
11/20/2014	<u>80</u>	Notice from Supreme Court of the United States. The petition for a writ of certiorari was filed on 11/14/14 and placed on the docket on 11/14/14 as case number 14-556. (sct1) (Entered: 11/21/2014)
06/29/2015	<u>81</u>	Notice from Supreme Court of the United States. The petition for a writ of certiorari was argued on 4/28/2015 and decided on 6/26/2015. The judgment of the Court of Appeals for the Sixth Circuit is reversed. (103 pages) (er) (Entered: 06/29/2015)
07/28/2015	<u>82</u>	SUPREME COURT JUDGMENT as to <u>68</u> Notice of Appeal filed by Theodore Wymyslo, M.D. reversing with costs the judgment of the Court of Appeals for the Sixth Circuit. Note: No Mandate details noted. (sct) (Entered: 07/29/2015)
07/30/2015	<u>83</u>	Joint MOTION <i>Agreed Motion Setting Deadline for Plaintiffs' to File Supplemental Motion for Attorney's Fees on September 11, 2015</i> by Plaintiffs John Arthur, Robert Grunn, David Brian Michener, James Obergefell. (Branch, Jennifer) (Entered: 07/30/2015)
07/30/2015	<u>84</u>	NOTICE by Plaintiffs Robert Grunn, David Brian Michener, James Obergefell <i>of Withdrawal of Co-Counsel Jacklyn Gonzales Martin</i> (Martin, Jacklyn) (Entered: 07/30/2015)
08/17/2015	<u>85</u>	ORDER of USCA as to <u>68</u> Notice of Appeal filed by Theodore Wymyslo, M.D. remanding the appeal to the district court in light of the United States Supreme Court's decision. Note: Mandate to issue. (sct) (Entered: 08/17/2015)
08/17/2015	<u>86</u>	MANDATE of USCA as to <u>68</u> Notice of Appeal filed by Theodore Wymyslo, M.D. (sct) (Entered: 08/17/2015)
08/18/2015		NOTATION ORDER: This civil action is before the Court on the parties' agreed motion to set a 9/11/15 deadline for Plaintiffs to file a supplemental motion for attorneys' fees. (Doc. <u>83</u>). For good cause shown, the agreed motion (Doc. <u>83</u>) is GRANTED. Plaintiffs shall file their supplemental motion for attorneys fees and expenses on or before 9/11/15. The parties' agreed stay as to Plaintiff's initial motion for attorney's fees and expenses (Doc. <u>71</u>) is hereby lifted. IT IS SO ORDERED by Judge Timothy S. Black on 8/18/2015. (mr) (Entered: 08/18/2015)
09/11/2015	<u>87</u>	MOTION for Attorney Fees by Plaintiffs Robert Grunn, David Brian Michener, James Obergefell. Responses due by 10/5/2015 (Attachments: # <u>1</u> Affidavit Gerhardstein, # <u>2</u> Affidavit Branch, # <u>3</u> Affidavit Meeks, # <u>4</u> Affidavit Essig, # <u>5</u> Affidavit Sommer, # <u>6</u> Affidavit Esseks) (Branch, Jennifer) (Entered: 09/11/2015)
09/15/2015		NOTICE of Hearing: This civil action, along with related Case No. 1:14-cv-129, is hereby set for a status conference by telephone on 9/24/15 at 12:30 p.m. COUNSEL SHALL CALL 1-888-684-8852; Access code: 8411435; Security code: 123456, and wait for the Court to join the conference. (mr) (Entered: 09/15/2015)
09/24/2015		Minute Entry and Notation Order: This civil action, along with related Case No. 1:14-cv-129, came before the Court for a status conference by telephone on 9/24/15 at 12:30 p.m. Attorneys Alphonse Gerhardstein, Jennifer Branch, Susan Sommer,

		Bridget Coontz, Zachery Keller, and Peter Stackpole participated. Plaintiffs and the State Defendants jointly moved the Court to stay briefing on Plaintiffs motion for attorney's fees (Doc. <u>87</u>) so that they could pursue negotiations. For good cause shown, the joint oral motion is GRANTED; briefing on Plaintiffs' motion for attorney's fees (Doc. <u>87</u>) is hereby STAYED through 10/15/15. This civil action, along with related Case No. 1:14-cv-129, is hereby set for an additional status conference by telephone on 10/15/15 at 10:00 a.m. COUNSEL SHALL CALL 1-888-684-8852; Access code: 8411435; Security code: 123456, and wait for the Court to join the conference. IT IS SO ORDERED. (mr) (Entered: 09/24/2015)
09/30/2015		NOTATION ORDER: This civil action is before the Court on Plaintiffs' February 6, 2014 motion for attorney's fees and expenses. (Doc. <u>70</u>). On September 11, 2015, Plaintiffs filed a substitute motion for attorney's fees and expenses. (Doc. <u>87</u>). Because Plaintiffs filed a substitute motion for attorney's fees and expenses (Doc. <u>87</u>), their February 6, 2014 motion for attorney's fees and expenses (Doc. <u>70</u>) is terminated as MOOT. IT IS SO ORDERED by Judge Timothy S. Black on 9/30/15. (mr) (Entered: 09/30/2015)
10/15/2015		Minute Entry: This civil action, along with related Case No. 1:14-cv-129, came before the Court for a status conference by telephone on 10/15/15 at 10:00 a.m. Attorneys Jennifer Branch and Bridget Coontz participated. The parties advise that these related civil actions have settled. The Court anticipates that it will receive a joint proposed final order on or before 10/23/15 and a joint proposed fee order on or before 10/30/15. (mr) (Entered: 10/15/2015)
11/02/2015	<u>88</u>	FINAL JUDGMENT AND DECLARATORY JUDGMENT AND PERMANENT INJUNCTION. Signed by Judge Timothy S. Black on 11/2/2015. (mr) (Entered: 11/02/2015)
11/02/2015	<u>89</u>	STIPULATED JUDGMENT ENTRY. Signed by Judge Timothy S. Black on 11/2/2015. (mr) (Entered: 11/02/2015)
11/02/2015	<u>90</u>	JUDGMENT re: Stipulated Judgment Entry for Attorney Fees <u>89</u> . (mr) (Entered: 11/02/2015)
12/10/2015	<u>91</u>	NOTICE by Defendant Theodore Wymyslo, M.D. re <u>88</u> Permanent Injunction, Judgment of <i>Compliance</i> (Coontz, Bridget) (Entered: 12/10/2015)