

**U.S. District Court
Southern District of Ohio (Columbus)
CIVIL DOCKET FOR CASE #: 2:20-cv-02471-EAS-KAJ**

Smith et al v. DeWine et al
Assigned to: Judge Edmund A. Sargus
Referred to: Magistrate Judge Kimberly A. Jolson
Cause: 42:1983 Civil Rights Act

Date Filed: 05/15/2020
Date Terminated: 12/02/2020
Jury Demand: Plaintiff
Nature of Suit: 555 Habeas Corpus
(Prison Condition)
Jurisdiction: Federal Question

Plaintiff

Ashunte Smith
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INSTITUTION
P.O. Box 57
Marion, OH 43301-0057

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Plaintiff

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Plaintiff

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V.

Defendant

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TERMINATED: 08/03/2020

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Defendant

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Date Filed	#	Docket Text
05/15/2020	1	COMPLAINT with JURY DEMAND against All Defendants (Filing fee \$ 400 paid - receipt number: 0648-7468158), filed by Travis Williams, Ashunte Smith, Christopher Martin, Kaiqin Wang. (Attachments: # 1 Civil Cover Sheet Cover Sheet, # 2 Summons Form Summons, # 3 Summons Form Summons) (Patituce, Joseph) (Entered: 05/15/2020)
05/18/2020	2	NOTICE OF NON-ISSUANCE OF SUMMONS. (daf) (Entered: 05/18/2020)
05/19/2020	3	REQUEST for Issuance of Summons. (Patituce, Joseph) (Entered: 05/19/2020)
05/19/2020	4	REQUEST for Issuance of Summons. (Patituce, Joseph) (Entered: 05/19/2020)

05/19/2020	5	Notice by Clerk of Southern District of Ohio of Pro Hac Vice Rules as to Attorney Megan M. Patituce (daf) (Entered: 05/19/2020)
05/20/2020	6	Summons Issued as to Annette Chambers-Smith, and Mike DeWine. (daf) (Entered: 05/20/2020)
05/29/2020	7	CERTIFICATE of Mailing by Clerk. The Clerk of the United States District Court, Southern District of Ohio, mailed a copy of the Summons and Complaint via certified mail on May 29, 2020 to the following Defendants: Mike DeWine,Riffe Center, 30th floor, 77 South High Street, Columbus, Ohio 43215(7019 2970 0000 7294 2780) and Annette Chambers-Smith, ODRC,4545 Fisher Road, Ste D, Columbus, Ohio 43228(7019 2970 0000 7294 2773). (mdr) (Entered: 05/29/2020)
06/08/2020	8	SUMMONS Returned Executed as to Defendant Mike DeWine. The Defendant was served on 6/3/2020, answer due 6/24/2020. (daf) (Entered: 06/09/2020)
06/11/2020	9	SUMMONS Returned Executed as to Defendant Annette Chambers-Smith. The Defendant was served on 6/5/2020, answer due 6/26/2020. (daf) (Entered: 06/15/2020)
06/16/2020	10	NOTICE of Appearance by Michael Allan Walton for Defendant Mike DeWine (Walton, Michael) (Entered: 06/16/2020)
06/16/2020	11	NOTICE of Appearance by Zachary M. Holscher for Defendant Mike DeWine (Holscher, Zachary) (Entered: 06/16/2020)
06/18/2020	12	NOTICE of Hearing: Pretrial Conference set for 7/16/2020 @ 1:45 PM before Magistrate Judge Kimberly A. Jolson. (jr) (Entered: 06/18/2020)
06/19/2020	13	MOTION for Preliminary Injunction by Plaintiffs Christopher Martin, Ashunte Smith, Kaiqin Wang, Travis Williams. (Patituce, Joseph) (Entered: 06/19/2020)
06/22/2020	14	NOTICE of Appearance by Thomas E Madden for Defendant Annette Chambers-Smith (Madden, Thomas) (Entered: 06/22/2020)
06/22/2020	15	NOTICE of Appearance by Megan Marie Patituce for Plaintiffs Christopher Martin, Ashunte Smith, Kaiqin Wang, Travis Williams (Patituce, Megan) (Entered: 06/22/2020)
06/22/2020	16	NOTICE of Appearance by Tracy L Bradford for Defendant Annette Chambers-Smith (Bradford, Tracy) (Entered: 06/22/2020)
06/22/2020	17	NOTICE of Hearing: Rule 65.1 Telephone Conference set for 6/23/2020 at 10:00 AM via Teleconference before Judge Edmund A. Sargus. (cmw) (Entered: 06/22/2020)

06/23/2020	18	NOTICE of Appearance by Julie M Pfeiffer for Defendant Mike DeWine (Pfeiffer, Julie) (Entered: 06/23/2020)
06/23/2020	19	Minute Entry for proceedings held before Judge Edmund A. Sargus: Rule 65.1 Telephone Conference held on 6/23/2020. (Court Reporter: Darla Coulter) (cmw) (Entered: 06/23/2020)
06/23/2020	20	ORDER - Defendants Motion to Dismiss and Response to Plaintiffs Motion for Preliminary Injunction ECF No. 13 shall be submitted in seven (7) days. Plaintiffs Reply shall be submitted seven (7) days after Defendants file their Motions to Dismiss and Responses. Signed by Judge Edmund A. Sargus on 6/23/2020. (cmw) (Entered: 06/23/2020)
06/23/2020		NOTICE TERMINATING DEADLINES/HEARINGS - The Preliminary Pretrial Conference set for 7/16/20 is VACATED. (jr) (Entered: 06/23/2020)
06/26/2020	21	NOTICE of Appearance by Byron D. Turner for Defendant Annette Chambers-Smith (Turner, Byron) (Entered: 06/26/2020)
06/26/2020	22	NOTICE of Appearance by Charles Allen Schneider for Defendant Annette Chambers-Smith (Schneider, Charles) (Entered: 06/26/2020)
06/26/2020	23	MOTION to Dismiss by Defendant Annette Chambers-Smith. (Madden, Thomas) (Entered: 06/26/2020)
06/26/2020	24	MOTION for Extension of Time to File Response/Reply New date requested 7/6/2020. by Plaintiffs Christopher Martin, Ashunte Smith, Kaiqin Wang, Travis Williams. (Patituce, Joseph) (Entered: 06/26/2020)
06/29/2020	25	ORDER granting 24 Motion for Extension of Time to File Response/Reply. Plaintiffs shall file their response by July 6, 2020. Signed by Judge Edmund A. Sargus on 6/29/2020. (cmw) (Entered: 06/29/2020)
06/30/2020	26	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , MOTION to Dismiss for Lack of Jurisdiction <i>Defendant Ohio Governor Mike Dewines Combined Motion To Dismiss And Memorandum In Opposition To Plaintiffs Motion For Preliminary Injunction</i> (Responses due by 7/21/2020) by Defendant Mike DeWine. (Walton, Michael) (Entered: 06/30/2020)
06/30/2020	27	RESPONSE in Opposition re 13 MOTION for Preliminary Injunction filed by Defendant Annette Chambers-Smith. (Attachments:

		# 1 Exhibit A Declaration of Director Chambers-Smith, # 2 Exhibit B Declaration of Asst. Chief Inspector Riehle, # 3 Exhibit C Declaration of Eller, RN, # 4 Exhibit D Declaration of Rossi Azmoun, # 5 Exhibit E Declaration of Audrie Bender, # 6 Exhibit F Declaration of Christine Borkosky, # 7 Exhibit G Declaration of Michell Dunkle, # 8 Exhibit H Declaration of Joanna Factor, # 9 Exhibit I Declaration of Katherine Hamilton) (Madden, Thomas) (Entered: 06/30/2020)
07/01/2020	28	MOTION for Extension of Time New date requested 7/1/2020. <i>to file attachments to Director Chambers-Smith's Declaration</i> by Defendant Annette Chambers-Smith. (Madden, Thomas) (Entered: 07/01/2020)
07/01/2020	29	ORDER granting 28 Motion for Extension of Time. Signed by Judge Edmund A. Sargus on 7/1/2020. (cmw) (Entered: 07/01/2020)
07/01/2020	30	MOTION for Leave to File <i>manually, on disc, attachments to Exhibit A - Director Chamber-Smith's Declaration (Doc. 27-1)</i> by Defendant Annette Chambers-Smith. (Attachments: # 1 Text of Proposed Order proposed Order) (Madden, Thomas) (Entered: 07/01/2020)
07/02/2020	31	Second MOTION for Extension of Time New date requested 7/21/2020. by Plaintiffs Christopher Martin, Ashunte Smith, Kaiqin Wang, Travis Williams. (Patituce, Joseph) (Entered: 07/02/2020)
07/02/2020	32	NOTATION ORDER - For good cause shown, Defendant Chambers-Smith's Motion for Leave to Manually File (Doc. 30) is GRANTED, and counsel is permitted file the documents described in the motion manually with the Clerk's Office. Signed by Magistrate Judge Kimberly A. Jolson on 7/2/20. (jr) (Entered: 07/02/2020)
07/02/2020		***Clerk is in receipt of 4 disc concerning doc 27-1 from the Office of the Attorney General. (er) (Entered: 07/02/2020)
07/02/2020	33	MOTION for Leave to File <i>and substitute Exhibit G with attachments</i> by Defendant Annette Chambers-Smith. (Attachments: # 1 Exhibit G - Michelle Dunkle's Declaration with attachments, # 2 Text of Proposed Order) (Madden, Thomas) (Entered: 07/02/2020)
07/06/2020	34	ORDER Granting ECF No. 30 Plaintiffs Motion for Leave to File Attachments to Exhibits in Support of Its Response in Opposition. Signed by Judge Edmund A. Sargus on 7/6/2020. (cmw) (Entered: 07/06/2020)
07/06/2020	35	ORDER granting 31 Plaintiffs Motion to Consolidate and Extend Filing Deadlines. Plaintiffs shall file their responses to the pending

		motions by July 14, 2020. Signed by Judge Edmund A. Sargus on 7/6/2020. (cmw) (Entered: 07/06/2020)
07/06/2020	36	ORDER granting 33 Motion for Leave to File Attachments to Exhibit G in Support of Response in Opposition to Motion for Preliminary Injunction. Signed by Judge Edmund A. Sargus on 7/6/2020. (cmw) (Entered: 07/06/2020)
07/14/2020	37	RESPONSE to Motion re 23 MOTION to Dismiss , 26 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM MOTION to Dismiss for Lack of Jurisdiction <i>Defendant Ohio Governor Mike Dewines Combined Motion To Dismiss And Memorandum In Opposition To Plaintiffs Motion For Preliminary Injunction</i> filed by Plaintiffs Christopher Martin, Ashunte Smith, Kaiqin Wang, Travis Williams. (Attachments: # 1 Exhibit Declarations, # 2 Exhibit Repleives, # 3 Exhibit Additional Documents, # 4 Affidavit McCort Affidavit, # 5 Affidavit Witchey Affidavit, # 6 Affidavit Corral Affidavit) (Patituce, Joseph) (Entered: 07/14/2020)
07/21/2020	38	REPLY to Response to Motion re 26 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM MOTION to Dismiss for Lack of Jurisdiction <i>Defendant Ohio Governor Mike Dewines Combined Motion To Dismiss And Memorandum In Opposition To Plaintiffs Motion For Preliminary Injunction</i> filed by Defendant Mike DeWine. (Walton, Michael) (Entered: 07/21/2020)
07/21/2020	39	REPLY to Response to Motion re 23 MOTION to Dismiss filed by Defendant Annette Chambers-Smith. (Madden, Thomas) (Entered: 07/21/2020)
08/03/2020	40	OPINION AND ORDER denying 13 Plaintiffs' Motion for Preliminary Injunction; granting in part and denying in part 23 Director's Motion to Dismiss and granting 26 The Governor's Motion to Dismiss. Governor Mike DeWine is terminated from this case. Signed by Judge Edmund A. Sargus on 8/3/2020. (cmw) (Entered: 08/03/2020)
08/14/2020	41	Unopposed MOTION for Extension of Time to File Answer re 1 Complaint, New date requested 8/24/2020. by Defendant Annette Chambers-Smith. (Madden, Thomas) (Entered: 08/14/2020)

08/17/2020	42	NOTATION ORDER - Defendant Chambers-Smith's Unopposed Motion for Extension (Doc. 41) is GRANTED, and Defendant shall have until August 24, 2020, to respond to the Complaint. Signed by Magistrate Judge Kimberly A. Jolson on 8/17/20. (jr) (Entered: 08/17/2020)
08/24/2020	43	<i>Defendant Chambers-Smith's</i> ANSWER to 1 Complaint, filed by Annette Chambers-Smith. (Madden, Thomas) (Entered: 08/24/2020)
11/13/2020	44	NOTICE of Voluntary Dismissal by Plaintiffs Christopher Martin, Ashunte Smith, Kaiqin Wang, Travis Williams (Patituce, Joseph) (Entered: 11/13/2020)
11/17/2020	45	NOTATION ORDER - The notice of dismissal (Doc. 44) does not comply with this Court's Local Rules. Plaintiffs shall file a proper stipulation of dismissal within fourteen (14) days of the date of this Order. Signed by Magistrate Judge Kimberly A. Jolson on 11/17/20. (jr) (Entered: 11/17/2020)
11/30/2020	46	NOTICE of Voluntary Dismissal by Plaintiffs Christopher Martin, Ashunte Smith, Kaiqin Wang, Travis Williams (Patituce, Joseph) (Entered: 11/30/2020)
12/02/2020	47	RESPONSE re 46 NOTICE of Voluntary Dismissal filed by Defendant Annette Chambers-Smith. (Madden, Thomas) Modified on 12/3/2020 (jr). (Entered: 12/02/2020)
12/02/2020		***Civil Case Terminated. (jr) (Entered: 12/03/2020)
12/03/2020	48	ORDER - This case is DISMISSED WITHOUT PREJUDICE. Signed by Judge Edmund A. Sargus on 12/3/2020. (cmw) (Entered: 12/03/2020)
12/03/2020	49	CLERK'S JUDGMENT. Signed by Deputy Clerk on 12/3/2020. (cmw) (Entered: 12/03/2020)

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