

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

|  |   |                                      |
|--|---|--------------------------------------|
| <b>THE NORTHEAST OHIO COALITION<br/>FOR THE HOMELESS, <i>et al.</i>,</b>           | : |                                      |
|  | : | <b>Case No. 2:06-CV-896</b>          |
| <b>Plaintiffs, :</b>   | : |                                      |
| :  |   |                                      |
| v.   | : | <b>JUDGE ALGENON L. MARBLEY</b>      |
| :  |   |                                      |
| <b>JON HUSTED, in his official capacity as<br/>Secretary of the State of Ohio,</b> | : | <b>Magistrate Judge Terence Kemp</b> |
|  | : |                                      |
| <b>Defendant.</b>  | : |                                      |
| :  |   |                                      |
| <b>and :</b>   |   |                                      |
| :  |   |                                      |
| <b>STATE OF OHIO</b>   | : |                                      |
|  | : |                                      |
| <b>Intervenor-Defendant :</b>  |   |                                      |

**ORDER RELATING CASES AND FOR APPEARANCE OF NEW COUNSEL**

This matter is currently scheduled for oral argument on Defendants’ request to vacate the Consent Decree, on Wednesday, June 27, 2012 at 2:00 p.m. On June 20, 2012, Plaintiffs filed a Motion to Modify the Consent Decree, requesting that the Court make findings of constitutional violations within Ohio’s provisional voting regime, and expand the scope of the Consent Decree’s injunctive relief to prevent further violations. (Dkt. 288.) In their motion, Plaintiffs notified the Court of a then-forthcoming related lawsuit which alleges essentially identical constitutional challenges to Ohio’s provisional voting laws. Plaintiffs, accordingly, requested that the Court combine their motion to modify with the motion in the new case. (*Id.* at 5.)

The complaint in the related case, *Service Employees International Union Local 1 (SEIU) et al. v. Jon Husted et al.*, Case No. 12-cv-562, was filed on June 22, 2012. A motion for a preliminary injunction was filed in the new action the same day, (12-cv-562, Dkt. 4), requesting substantially similar injunctive relief as Plaintiffs’ motion to modify the Consent Decree. The

*SEIU v. Husted* plaintiffs filed, along with the complaint, a notice of related cases pursuant to S.D. Ohio Local Rule 3.1(b). The notice listed the instant case as a related case, and requested that the two cases be related. In the alternative, plaintiffs requested that the *SEIU v. Husted* action be related to the *Hunter v. Hamilton County Board of Elections* case, Case No. 10-cv-820. The Court deemed the *SEIU v. Husted* case to be related to the instant case because, *inter alia*, the *SEIU* case “[c]all[s] for a determination of the same or substantially identical questions of law or fact” as Plaintiffs call for in this case. *See* S.D. Ohio Local Rule 3.1(b)(2).

Counsel for parties in *SEIU v. Husted*, 12-cv-562, are hereby **ORDERED** to appear at the scheduled hearing in *NEOCH v. Husted*, 06-cv-896, tomorrow, **Wednesday, June 27, at 2:00 p.m.**, 85 Marconi Blvd. Columbus, OH 43215, Chambers of Algenon L. Marbley. All parties shall be prepared to discuss the plaintiffs’ request to consolidate the pending motions in both actions at that time.

**IT IS SO ORDERED.**

**ALGENON**

**UNITE**

**DATED: June 26, 2012**

**s/Algenon L. Marbley**

**L. MARBLEY**

**D STATES DISTRICT JUDGE**