

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>JAMES OBERGEFELL, et al.</b>	:	<b>Civil Action No. 1:13-cv-501</b>
<b>Plaintiffs,</b>	:	
	:	<b>Judge Timothy S. Black</b>
v.	:	
	:	
<b>JOHN KASICH, et. al.,</b>	:	<b>JOINT CASE MANAGEMENT PLAN</b>
<b>Defendants.</b>	:	
	:	
	:	

As requested by the Court the parties have conferred and hereby propose the following case management plan:

A. **Record Evidence.** The parties stipulate that the evidence will consist of the evidence presently in the record from the hearing on the temporary restraining order; stipulations to be negotiated between the parties; additional facts regarding the plaintiffs, and declarations and opinions of expert witnesses. The parties reserve the right to depose any expert who renders an opinion but recognize that depositions may require an adjustment of the case schedule. Any findings based on this record shall be accorded the same weight as if they were based on live testimony in court. The parties believe that this case can be decided on the basis of their submissions.

At the present time, subject to the progress the parties make on stipulations, the plaintiffs anticipate that they will submit additional personal facts and expert opinions in the following areas: (1) history of discrimination against gay, lesbian, and bisexual people; (2) history of marriage, including marriage recognition laws; (3) attitudes toward, and political vulnerability of, lesbian, gay and bisexual persons; (4) same sex relationships and nature of

sexual orientation and harms that discrimination and stigma cause to same-sex couples and their families; (5) history of the Ohio Rev. Code § 3101.01 and OH Const. Art. XV, §11 and history of discrimination against lesbian, gay, and bisexual persons in Ohio; (6) specific losses and harms incurred by plaintiffs and other same-sex couples and their families; and (7) parenting and child rearing by same-sex couples. The Defendants reserve the right to submit and rely upon expert opinions and to challenge the relevance of expert opinions presented by the Plaintiffs.

B. **Status Quo.** The existing temporary restraining order will be extended until December 31, 2013 unless the Court requires a longer extension in order to rule on a motion for declaratory judgment and preliminary and permanent injunction. The parties agree that the motion for preliminary and permanent injunction will be consolidated with a trial on the merits.

C. **Proposed Case Schedule.**

DESCRIPTION	DEADLINE
Defendants' Answer/ Response	September 13, 2013
File Stipulations	September 27, 2013
All Parties File and Exchange Expert Declarations/Opinions	October 11, 2013
All Parties Exchange Rebuttal Expert Declarations/Opinion	October 25, 2013
Close of Discovery	October 25, 2013
Plaintiffs' Motion for Declaratory Judgment and Permanent Injunction	October 29, 2013
Defendants' Response to Motion	November 18, 2013
Plaintiffs' Reply	December 2, 2013
Parties Suggested Dates for Oral Argument on Motion	Dec 16, 17, or 18, 2013

This schedule may need to be altered if the parties seek depositions based on the availability of the experts to be deposed.

Respectfully submitted,

<p><u>/s/ Alphonse A. Gerhardstein</u>  Alphonse A. Gerhardstein (0032053)  Trial Attorney for Plaintiff  Jennifer L. Branch (0038893)  Jacklyn Gonzales Martin #0090242  Gerhardstein &amp; Branch, Co., L.P.A.  432 Walnut Street, Suite 400  Cincinnati, Ohio 45202  Tel. (513) 621-9100  Fax (513) 345-5543  agerhardstein@gbfirm.com  jbranch@gbfirm.com  jgmartin@gbfirm.com</p> <p>Lisa T. Meeks (0062074)  Newman &amp; Meeks Co., LPA  215 E. Ninth Street, Suite 650  Cincinnati, OH 45202  phone: 513-639-7000  fax: 513-639-7011  lisameeks@newman-meeks.com</p> <p><i>Attorneys for Plaintiffs</i></p>	<p>MIKE DEWINE  Ohio Attorney General</p> <p><u>/s/ Bridget E. Coontz</u>  BRIDGET E. COONTZ (0072919)*  *Lead and Trial Counsel  Assistant Attorney General  Constitutional Offices Section 30 East  Broad Street, 16th Floor Columbus,  Ohio 43215  Tel: (614) 466-2872; Fax: (614) 728-7592  <a href="mailto:bridget.coontz@ohioattorneygeneral.gov">bridget.coontz@ohioattorneygeneral.gov</a></p> <p><i>Counsel for Defendants Governor John Kasich and Attorney General Mike DeWine</i></p>
	<p><u>s/ Aaron Herzig</u>  Aaron Herzig (0079371)  Deputy City Solicitor  Room 214, City Hall  801 Plum Street  Cincinnati, Ohio 45202  (513) 352-3320  FAX: (513) 352-1515  <a href="mailto:aaron.herzig@cincinnati-oh.gov">aaron.herzig@cincinnati-oh.gov</a></p> <p><i>Trial Counsel for Defendant Camille Jones, M.D.</i></p>

**CERTIFICATE OF SERVICE**

I certify that the foregoing *Joint Case Management Plan* was filed using the Court's ECF filing system on August 13, 2013. The ECF system will notify all counsels of record of this filing.

/s/ Bridget E. Coontz  
Bridget E. Coontz (0072919)  
Assistant Attorney General