

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

JONATHON D. MONROE,

Petitioner,

-vs-

WARDEN, Ohio State Penitentiary,

Respondent.

:

Case No. 2:07-cv-258

:

District Judge Edmund A. Sargus, Jr.
Magistrate Judge Michael R. Merz

:

ORDER

This capital habeas corpus case came on for status conference by telephone at 10:30 A.M. on Friday, November 16, 2012. Jennifer Kinsley, Laurence Komp, and Brenda Leikala participated on behalf of their respective clients.

In its Decision and Order of September 21, 2012, the Court considered the Warden's request for reciprocal discovery and wrote

The Warden requests that if the Court grants Monroe discovery on the ineffective assistance of counsel claims, it should grant reciprocal discovery to the Warden (Memo in Opp., Doc. No. 78, PageID 5621-5622). Monroe does not oppose that request except to note that his waiver of attorney-client communication privilege applies only to "materials and conversations related specifically to the ineffectiveness allegation[s]." (Reply, Doc. No. 79, PageID 5638.)

(Decision and Order, Doc. No. 82, PageID 5664). The above-quoted paragraph is amended by adding "The Warden's request for reciprocal discovery is therefore GRANTED." Petitioner's counsel shall promptly determine whether they seek to withhold any of the sought materials on a claim of attorney-client communication privilege. If so, the materials shall be submitted to the

Court for in camera inspection and Petitioner shall simultaneously file a privilege log.

The Court has under advisement Petitioner's Motion to Substitute Counsel (Doc. No. 83). In support of that Motion, Petitioner shall file, not later than November 30, 2012, Petitioner's written consent to the proposed substitution. Ms. Kinsley shall also promptly furnish the Court with a resume of proposed substitute counsel reflecting relevant experience. The Court notes that Mr. Komp consents to the proposed substitution.

The discovery deadline (set in Doc. No. 82) is vacated. A new deadline will be set after substituted counsel has been able to acquaint himself with the file.

November 16, 2012.

s/ *Michael R. Merz*
United States Magistrate Judge