

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Citizens for Community
Values, Inc.,

_____,
Plaintiff(s)

vs.

Upper Arlington Public
Library Bd. of Trustees ,
Defendant(s)

Case No. 2:08-cv-223

District Judge Smith

Magistrate Judge King

RULE 26(f) REPORT OF PARTIES
(to be filed no fewer than seven (7)
days prior to the Rule 16 Conference)

1. Pursuant to F.R.Civ.P. 26(f), a meeting was held on 06/04/08 & 06/10/08 and was attended by:

Timothy D. Chandler, counsel for plaintiff(s) Citizens for Community Values

_____, counsel for plaintiff(s) _____

Susan Porter, counsel for defendant(s) UA Public Library Bd. of Trustees

Angelique Paul Newcomb, counsel for defendant(s) UA Public Library Bd. of Trustees

2. **Consent to Magistrate Judge.** The parties:

unanimously consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. §636©).

do not unanimously consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. §636©).

3. **Initial Disclosures.** The parties:

have exchanged the initial disclosures required by Rule 26(a)(1);

will exchange such disclosures by July 16, 2008

are exempt from such disclosures under Rule 26(a)(1)(E).

have agreed not to make initial disclosures.

4. Jurisdiction and Venue

a. Describe any contested issues relating to: (1) subject matter jurisdiction, (2) personal jurisdiction and/or (3) venue:

None _____

b. Describe the discovery, if any, that will be necessary to the resolution of issues relating to jurisdiction and venue:

None _____

c. Recommended date for filing motions addressing jurisdiction and/or venue:

N/A _____

5. Amendments to Pleadings and/or Joinder of Parties

a. Recommended date for filing motion/stipulation to amend the pleadings or to add additional parties: August 29, 2008

b. (if class action) Recommended date for filing motion to certify the class:
N/A

6. Recommended Discovery Plan

a. Describe the **subjects** on which discovery is to be sought and the nature and extent of discovery that each party will need:

The Parties believe only limited discovery is necessary. Plaintiff may request
discovery on enforcement of the Library's Meeting Room Policy and information
regarding use of the Library's meeting rooms. Defendant has already served
written discovery to which Plaintiff has already responded.

b. What **changes** should be made, if any, in the limitations on discovery imposed by the Federal Rules of Civil Procedure or the local rules of this Court?

None.

c. The case presents the following issues relating to disclosure or discovery of **electronically stored information**, including the form or forms in which it should be produced:

No known issues at this time.

d. The case presents the following issues relating to claims of **privilege or of protection as trial preparation materials**:

None at this time.

Have the parties agreed on a procedure to assert such claims **AFTER** production?

No

Yes

Yes, and the parties ask that the Court include their agreement in an order.

e. Identify the discovery, if any, that can be **deferred** pending settlement discussions and/or resolution of potentially dispositive motions:

None. Plaintiff would like to proceed with discovery while the Parties await a ruling on Plaintiff's pending Motion for Preliminary Injunction.

f. The parties recommend that discovery should proceed in **phases**, as follows:

N/A

g. Describe the areas in which **expert testimony** is expected and indicate whether each expert will be specially retained within the meaning of F.R.Civ.P.26(a)(2):

None expected at this time.

i. Recommended date for making **primary expert designations**:

N/A

ii. Recommended date for making **rebuttal expert designations**:

N/A

h. Recommended **discovery completion date**: October 17, 2008

7. Dispositive Motion(s)

a. Recommended date for filing dispositive motions: November 17, 2008

8. Settlement Discussions

a. Has a settlement demand been made? N/A A response? N/A

b. Date by which a settlement demand can be made: N/A

c. Date by which a response can be made: N/A. See #10.

9. Settlement Week Referral

The earliest Settlement Week referral reasonably likely to be productive is the

____ March 200____ Settlement Week

____ June 200____ Settlement Week

____ September 200____ Settlement Week

x ____ December 200⁹____ Settlement Week

10. Other matters for the attention of the Court:

The Parties do not believe that settlement discussions could be meaningful until _____
the Court decides the legal issues raised by Plaintiff's Verified Complaint. Plaintiff's _____
Motion for Preliminary Injunction is fully briefed and the Parties are awaiting the Court's _____
decision. _____

Signatures:

Attorney(s) for Plaintiff(s):

/s/ Timothy D. Chandler
Ohio Bar # admitted pro hac vice
Trial Attorney for Plaintiff

Ohio Bar #
Trial Attorney for _____

Ohio Bar #
Trial Attorney for _____

Ohio Bar #
Trial Attorney for _____

Attorney(s) for Defendant(s):

/s/ Susan Porter
Ohio Bar # 0036867
Trial Attorney for Defendant

Ohio Bar #
Trial Attorney for _____

Ohio Bar #
Trial Attorney for _____

Ohio Bar #
Trial Attorney for _____