

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

In re: OHIO EXECUTION
PROTOCOL LITIGATION,

: Case No. 2:11-cv-1016

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

This Order relates to all Plaintiffs.

ORDER

This consolidated § 1983 case is before the Court on Motions to Intervene of death row inmates Caron Montgomery and Ashford Thompson (ECF Nos. 1416 & 1417). Both Motions indicate that Defendants counsel “indicated that they would oppose any additional Motions to Intervene.”

Prima facie the Motions seem well taken as these proposed intervenors appear to have interests and issues in common with death row inmates already parties to this case. Furthermore, the proposed intervenors are represented by counsel already involved in the case. Because Defendants reside in the Southern District of Ohio, any new parallel case would be, the Court presumes, filed in this District and consolidation with this pending case would appear to be appropriate.

Accordingly, it is hereby ORDERED that Defendants file any opposition to these two Motions not later than Friday, February 9, 2018.

The proposed intervenors do not indicate any contact with counsel for Plaintiffs. Under S. D. Ohio Civ. R. 7.3, they might reasonably be expected to consent. Accordingly, the Court will presume consent by all present Plaintiffs unless any of them files an opposition by Friday, February 9, 2018.

February 7, 2018.

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