

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

STATE OF OHIO, ex rel. :  
JANELL SMITH, et al. :  
 :  
 Plaintiffs, : Case No. 3:22cv164  
 :  
 vs. : JUDGE WALTER H. RICE  
 :  
 THE CITY OF HUBER HEIGHTS, :  
 OHIO, et al., :  
 :  
 Defendants. :

---

ENTRY SETTING SEQUENCING FOR THIS COURT'S CONSIDERATION OF AND DECISION ON PENDING MOTIONS: PLAINTIFFS' MOTION TO REMAND (DOC. #3), BEING AT ISSUE, IS TO BE RESOLVED FIRST BY THE COURT, FOLLOWED BY THIS COURT'S CONSIDERATION OF DEFENDANT CITY OF HUBER HEIGHTS MOTION TO DISMISS (DOC. #2), SHOULD PLAINTIFFS' MOTION TO REMAND BE OVERRULED; PLAINTIFFS' MOTION TO STAY BRIEFING ON DEFENDANTS' MOTION TO DISMISS PENDING DECISION ON PLAINTIFFS' MOTION TO REMAND (DOC. #3) IS SUSTAINED; IN SHORT, THE MOTION TO REMAND WILL BE DEALT WITH FIRST. DEPENDENT UPON THE COURT'S DECISION ON SAID MOTION, A FURTHER BRIEFING SCHEDULE WILL BE SET, IF NECESSARY, ON DEFENDANTS' MOTION TO DISMISS (DOC. #2). THE PENDING CAUSE IS STAYED, PURSUANT TO THE MOTION OF THE PLAINTIFFS (DOC. #4), PENDING A DECISION ON THE ABOVE TWO REFERENCED MOTIONS

---

Based upon a review of all pending motions in the captioned cause, the following is the Court's opinion on the sequencing of briefing and decisions upon said motions:

Plaintiffs' Motion to Remand (Doc. #3), being at issue, is to be resolved first by the Court, followed by this Court's consideration of Defendant, City of Huber Heights, Motion to Dismiss (Doc. #2), should Plaintiffs' Motion to Remand be overruled. Plaintiffs' Motion to Stay

Briefing on Defendants' Motion to Dismiss pending decision on Plaintiffs' Motion to Remand (Doc. #3) is SUSTAINED. In short, the Motion to Remand will be dealt with first. Dependent upon the Court's decision on said motion, a further briefing schedule will be set, if necessary, on Defendants' Motion to Dismiss (Doc. #2). The pending cause is STAYED, pursuant to the Motion of the Plaintiffs (Doc. #4), pending a decision on the above two referenced motions

July 29, 2022

  
\_\_\_\_\_  
WALTER H. RICE  
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of record