

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

JOY BROWN, *et al.*,

Plaintiffs,

Case No. 3:24-cv-14

vs.

GREENE COUNTY VOCATIONAL
SCHOOL DISTRICT BOARD OF
EDUCATION, *et al.*,

District Judge Michael J. Newman
Magistrate Judge Caroline H. Gentry

Defendants.

ORDER: (1) EXTENDING THE PREVIOUSLY ISSUED TEMPORARY RESTRAINING ORDER TO FEBRUARY 15, 2024 AT 12:00 A.M.; (2) CANCELING THE TELEPHONE STATUS CONFERENCE SET FOR TODAY, FEBRUARY 5, 2024 AT 4:45 P.M.; AND (3) SETTING A PRELIMINARY INJUNCTION HEARING ON WEDNESDAY, FEBRUARY 7, 2024 AT 9:30 A.M.

The Court previously issued a fourteen-day Temporary Restraining Order (“TRO”) (Doc. No. 5), which became effective on January 18, 2024. Following a telephone status conference on February 5, 2024, and pursuant to the parties’ agreement, the fourteen-day TRO (Doc. No. 5) is **EXTENDED** “a like period” to **February 15, 2024 at 12:00 a.m.** *See* Fed. R. Civ. P. 65(b).

During the telephone status conference, counsel informed the Court that they are available for a preliminary injunction hearing on March 11, 2024. However, the Court has a criminal felony trial involving three defendants beginning on February 26, 2024 and continuing through the week of week of March 11, 2024. That case is subject to the requirements of the Speedy Trial Act, 18 U.S.C. § 3161, *et seq.*, and Defendants’ Sixth Amendment right to a speedy trial, *see Barker v. Wingo*, 407 U.S. 514, 530-32 (1972). The Court is also presently engaged in an ongoing civil bench trial that will not conclude in February 2024 and must be continued beyond March 2024. These

circumstances leave the Court with no availability for a preliminary injunction hearing on March 11, 2024 and very limited availability for a hearing during the remainder of February and March 2024. Additionally, although the parties may agree to an extension of a TRO beyond the 28-day period, *see* Fed. R. Civ. P. 65(b)(2), “once [a] TRO [is] extended by the parties’ stipulation it [becomes], for all intents and purposes, a preliminary injunction.” *United States v. Bayshore Assocs., Inc.*, 934 F.2d 1391, 1398 (6th Cir. 1991). To avoid this unnecessary complication, and to promote a just, speedy, and fair resolution of the pending issues, the Court finds it necessary to hold a preliminary injunction hearing before the TRO expires on February 15, 2024.

For the above reasons, the Court **ORDERS** that: (1) the telephone status conference set today, February 5, 2024 at 4:45 p.m., is **CANCELED**; and (2) a preliminary injunction hearing is **SCHEDULED** for Wednesday, February 7, 2024 at 9:30 a.m.

Counsel for each party must appear in Court at the preliminary injunction hearing on February 7, 2024. *See* S.D. Ohio Civ. R. 83.4(a). During the hearing, witnesses may testify in person or via ZoomGov Meeting as follows:

<https://www.zoomgov.com/j/1612048930?pwd=e1EyaE5JMkppN0hhNVk0ZnV0WTBjQT09>

Meeting ID: 161 204 8930
Passcode: 942588

IT IS SO ORDERED.

February 5, 2024

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge