Case: 1:12-cv-155 As of: 01/05/2013 09:13 AM EST 1 of 13

CLOSED,LC1

U.S. District Court Southern District of Ohio (Cincinnati) CIVIL DOCKET FOR CASE #: 1:12-cv-00155-TSB

University of Cincinnati Chapter of Young Americans for Liberty et al v. University of Cincinnati et al Assigned to: Judge Timothy S. Black

Cause: 42:1983 Civil Rights Act

Date Filed: 02/22/2012 Date Terminated: 10/02/2012

Jury Demand: None

Nature of Suit: 440 Civil Rights: Other

Jurisdiction: Federal Question

Plaintiff

University of Cincinnati Chapter of Young Americans for Liberty

represented by Maurice A Thompson

1851 Center for Constitutional Law 208 E. State Street Columbus, OH 43215 614-340-9817

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Email: hartmanlawfirm@fuse.net ATTORNEY TO BE NOTICED

Plaintiff

Christopher Morbitzer

represented by Maurice A Thompson

(See above for address) LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Ryan Daniel Walters

(See above for address) LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Curt Carl Hartman

(See above for address) ATTORNEY TO BE NOTICED

V.

Defendant

University of Cincinnati TERMINATED: 03/22/2012 represented by Brian E Hurley

Crabbe Brown & James LLP 30 Garfield Pl.

Suite 740

Case: 1:12-cv-155 As of: 01/05/2013 09:13 AM EST 2 of 13

Cincinnati, OH 45202 513–784–1525

Email: bhurley@cbjlawyers.com

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Cincinnati, OH 45202 513-784-1525 Fax: 513-784-1250

Email: RGehring@cbilawyers.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Gregory H Williams

in his official capacity as President, University of Cincinnati

represented by **Brian E Hurley**

(See above for address)

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ATTORNEY TO BE NOTICED

Robert Joseph Gehring

(See above for address)

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ATTORNEY TO BE NOTICED

Defendant

Corinn Shemak

in her official capacity as Program Director, Conference & Event Services, University of Cincinnat

represented by Brian E Hurley

(See above for address)

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ATTORNEY TO BE NOTICED

Robert Joseph Gehring

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Todd Robert Marti

(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Cathy Krumpelbeck

in her official capacity as Public Safety Special Events Coordinator, University of Cincinnati

represented by Brian E Hurley

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert Joseph Gehring

(See above for address) *LEAD ATTORNEY*

Case: 1:12-cv-155 As of: 01/05/2013 09:13 AM EST 3 of 13

ATTORNEY TO BE NOTICED

Todd Robert Marti

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

Michael Cureton

in his official capacity as Chief of Police, Director of Public Safety, University of Cincinnati represented by Brian E Hurley

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Robert Joseph Gehring

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Todd Robert Marti

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

John Doe

in his official and individual capacity TERMINATED: 06/12/2012

represented by Brian E Hurley

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Brittany Sisko

in her official and individual capacity

represented by Brian E Hurley

(See above for address)

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
Date Filed	π	Docket Text

Case: 1:12-cv-155 As of: 01/05/2013 09:13 AM EST 4 of 13

02/22/2012	1	COMPLAINT against All Defendants (Filing fee \$ 350 paid – receipt number: 0648–3541069), filed by University of Cincinnati Chapter of Young Americans for Liberty, Christopher Morbitzer. (Attachments: #1 Exhibit A – Use of Facilities Policy, Univ of Cinti, #2 Exhibit B – Map of West Campus, Univ of Cinti, Free Speech Area designated in green, #3 Exhibit C – Letter from FIRE to Univ of Cinti, dtd 8 Dec 08, #4 Exhibit D – Letter from Univ of Cinti to FIRE, dtd 22 Dec 08, #5 Exhibit E – Picture of McMicken Commons, Free Speech Area designated in red, #6 Exhibit F – Email from Christ Morbitzer to Campus Scheduling, dtd 9 Feb 12, #7 Exhibit G – Email from Campus Scheduling to Christ Morbitzer, dtd 10 Feb 12, 8:05 am, #8 Exhibit H – Event Request Form, Univ of Cinti, #9 Exhibit I – Email from Campus Scheduling to Christ Morbitzer, dtd 10 Feb 12, 1:53 pm, #10 Civil Cover Sheet) (Hartman, Curt) (Entered: 02/22/2012)
02/22/2012	2	NOTICE of Appearance by Ryan Daniel Walters for Plaintiffs Christopher Morbitzer, University of Cincinnati Chapter of Young Americans for Liberty (Walters, Ryan) (Entered: 02/22/2012)
02/22/2012	<u>3</u>	ORDER REASSIGNING CASE. Case reassigned to the Clerk's Office for reassignment. Chief Judge Susan J. Dlott reassignment for all further proceedings. Judge Michael R. Barrett no longer assigned to case. Signed by Judge Michael R. Barrett on 2/22/12. (ba1) (Entered: 02/22/2012)
02/22/2012	4	ORDER: The above—captioned matter is hereby TRANSFERRED from the docket of The Honorable Susan J. Dlott to the docket of The Honorable Timothy S. Black. Signed by Chief Judge Susan J. Dlott on 2/22/12. (mtw) (Entered: 02/22/2012)
02/23/2012	<u>5</u>	MOTION for Temporary Restraining Order, MOTION for Preliminary Injunction by Plaintiffs Christopher Morbitzer, University of Cincinnati Chapter of Young Americans for Liberty. (Walters, Ryan) (Entered: 02/23/2012)
02/24/2012		Notice of Hearing: Pursuant to S.D. Ohio C. R. 65.1, this civil action is set for an informal preliminary telephone conference on Plaintiff's Motion for a Temporary Restraining Order (Doc. 5) on 2/25/12 at 3:00 p.m. Counsel shall call 1–888–684–8852; Access Code 8411435; Security Code 123456; and wait for the Court to join the conference. It is the responsibility of Plaintiff's counsel to ensure that defense counsel is aware of the time, date, and call—in information for the conference. See S.D. Ohio Civ. R. 65.1(a). (mr1) (Entered: 02/24/2012)
02/24/2012		NOTICE re 2/24/2012 Notice of Hearing inadvertently noted the wrong date. The conference call is 2/24/2012 at 3:00 p.m. All apologies for any confusion caused. (mr1) (Entered: 02/24/2012)
02/24/2012	<u>6</u>	NOTICE of Appearance by Ryan Daniel Walters for Plaintiffs Christopher Morbitzer, University of Cincinnati Chapter of Young Americans for Liberty (Walters, Ryan) (Entered: 02/24/2012)
02/24/2012		Minute Entry: Pursuant to Local Rule 65.1, this case came before the Court for an informal conference by telephone on 2/24/12 at 3:00 p.m. Attorneys Maurice Thompson, Ryan Walters, and Curt Hartman participated on behalf of the Plaintiffs. Attorneys Brian Hurley, Robert Gehring, and Doug Nienaber participated on behalf of Defendants. The Court hereby establishes the following CALENDAR ORDER: Defendants shall file a memorandum in opposition to Plaintiffs' Motion for a Temporary Restraining Order (Doc. 5) by 12:00 p.m. on 3/5/12; the Court will hold a hearing on the pending motion on 3/6/12 at 2:00 p.m. in Cincinnati Courtroom #3, Room 836. This case will come before the Court for a status conference by telephone on 3/1/12 at 12:30 p.m. Counsel shall call 1–888–684–8852; Access Code 8411435; Security Code 123456 and wait for the Court to join the conference. (mr1) (Entered: 02/24/2012)
03/01/2012		Minute Entry: This case came before the Court for a status conference by telephone on 3/1/12 at 12:30 p.m. Attorneys Maurice Thompson, Ryan Walters, and Curt Hartman participated on behalf of Plaintiffs. Attorneys Brian Hurley, Robert Gehring, and Doug Nienaber participated on behalf of Defendants. The Calendar Order of 2/24/12 is VACATED. The parties informed the Court that they have reached a temporary agreement and that Plaintiffs' Motion for a Temporary Restraining Order is now moot. The parties will submit a formal filing to the Court memorializing their agreement. This matter is set for a hearing on a permanent

Case: 1:12-cv-155 As of: 01/05/2013 09:13 AM EST 5 of 13

		injunction on 5/30/12 at 10:30 a.m. in Cincinnati Courtroom #3, Room 836. The parties shall submit a briefing schedule to the Court by 3/9/12. (Court Reporter Jodie Perkins (Official).) (mr1) (Entered: 03/01/2012)
03/12/2012		NOTICE of Hearing: A Status Conference by telephone is set for 3/12/2012 at 3:30 p.m. before Judge Timothy S. Black. Counsel shall call 1–888–684–8852; Access Code 8411435; Security Code 123456 and wait for the Court to join the conference. (mr1) (Entered: 03/12/2012)
03/12/2012		Minute Entry: This case came before the Court for a status conference by telephone on 3/12/12 at 3:30 p.m. Attorneys Maurice Thompson, Ryan Walters, and Curt Hartman participated on behalf of Plaintiffs. Attorneys Brian Hurley and Douglas Nienaber participated on behalf of Defendants. Plaintiffs' counsel represented to the Court that they will complete service upon the Defendants by 3/13/12. The Court acknowledges its receipt of letters from Mr. Hurley dated 2/29/12 and 3/1/12 confirming for the Court that the parties have reached a temporary agreement regarding Plaintiffs' use of University space through 6/15/12. This agreement will govern the parties' conduct through June 15, 2012 in consideration of an accelerated resolution of the case on the merits, with a final hearing, on May 30, 2012 at 10:30 a.m. in Courtroom #3, Room 836, on Plaintiffs' motion for a permanent injunction and Defendants' pleadings contra. The Court will docket a calendar order by separate entry. (mr1) Modified on 3/13/2012 (mr1). (Entered: 03/13/2012)
03/13/2012	7	Summons Issued as to Michael Cureton, Cathy Krumpelbeck, Corinn Shemak, University of Cincinnati, Gregory H Williams. (lk) (Entered: 03/13/2012)
03/13/2012	8	NOTICE of Appearance by Brian E Hurley for Defendants Michael Cureton, Cathy Krumpelbeck, Corinn Shemak, University of Cincinnati, Gregory H Williams (Hurley, Brian) (Entered: 03/13/2012)
03/13/2012	9	NOTICE of Appearance by Robert J. Gehring for Defendants Michael Cureton, Cathy Krumpelbeck, Corinn Shemak, University of Cincinnati, Gregory H Williams (Hurley, Brian) Modified text to correct the counsel's name on the Appearance of Counsel form on 3/13/2012 (mr1). (Entered: 03/13/2012)
03/13/2012	<u>10</u>	MOTION to Dismiss for Lack of Jurisdiction by Defendant University of Cincinnati. Responses due by 4/6/2012 (Hurley, Brian) (Entered: 03/13/2012)
03/13/2012	11	NOTICE by Defendants Michael Cureton, Cathy Krumpelbeck, Corinn Shemak, Gregory H Williams, Plaintiffs Christopher Morbitzer, University of Cincinnati Chapter of Young Americans for Liberty <i>of Joint Proposed Schedule</i> (Hurley, Brian) (Entered: 03/13/2012)
03/13/2012	12	CALENDAR ORDER. Deadline for Plaintiffs to file memo contra Defendants' Motion to Dismiss (Doc. 10): 3/20/12. Deadline for Defendants' reply memo re motion to dismiss: 3/27/12. Discovery Cut–Off: 4/14/12. Dispositive Motions Deadline: 4/27/12. Memoranda in opposition to dispositive motions: 5/17/12. Replies to memoranda in opposition: 5/23/12. Final Hearing on the merits: 5/30/12 at 10:30 a.m. in Cincinnati Courtroom #3, Room 836. Signed by Judge Timothy S. Black on 3/13/12. (mr1) (Entered: 03/13/2012)
03/20/2012	<u>13</u>	RESPONSE in Opposition re 10 MOTION to Dismiss for Lack of Jurisdiction filed by Plaintiffs Christopher Morbitzer, University of Cincinnati Chapter of Young Americans for Liberty. (Walters, Ryan) (Entered: 03/20/2012)
03/21/2012	14	ANSWER to Complaint filed by Michael Cureton, Cathy Krumpelbeck, Corinn Shemak, Gregory H Williams. (Hurley, Brian) (Entered: 03/21/2012)
03/21/2012	<u>15</u>	AMENDED COMPLAINT against All Defendants, filed by University of Cincinnati Chapter of Young Americans for Liberty, Christopher Morbitzer. (Attachments: #1 Exhibit UC Use of Facilities Policy Manual, #2 Exhibit Map of West Campus, #3 Exhibit Letter from FIRE to UC, #4 Exhibit Letter from UC to FIRE, #5 Exhibit Picture Free Speech Area McMicken Commons, #6 Exhibit Email 9 Feb 2012, #7 Exhibit Email 10 Feb 2012, #8 Exhibit Event Request Form, #9 Exhibit Email 10 Feb 2012) (Walters, Ryan) (Entered: 03/21/2012)

Case: 1:12-cv-155 As of: 01/05/2013 09:13 AM EST 6 of 13

		12 CV 133 A3 01. 01/03/2013 03.13 AW E31 0 01 13
03/22/2012	<u>16</u>	NOTICE by Defendant University of Cincinnati re 10 MOTION to Dismiss for Lack of Jurisdiction <i>IS MOOT</i> (Hurley, Brian) (Entered: 03/22/2012)
03/22/2012	<u>17</u>	ORDER – Defendant's Motion to Dismiss (Doc. <u>10</u>) is DENIED as moot. Signed by Judge Timothy S. Black on 3/22/12. (mr1) (Entered: 03/22/2012)
03/23/2012		Notice of Correction re 15 Amended Complaint: Counsel was advised to file a Notice of Filing Certificate of Service and link it back to the amended complaint. (lk) (Entered: 03/23/2012)
03/23/2012	<u>18</u>	NOTICE by Plaintiffs Christopher Morbitzer, University of Cincinnati Chapter of Young Americans for Liberty re 15 Amended Complaint,, <i>Certificate of Service</i> (Walters, Ryan) (Entered: 03/23/2012)
03/27/2012	<u>19</u>	NOTICE by Plaintiffs Christopher Morbitzer, University of Cincinnati Chapter of Young Americans for Liberty re 15 Amended Complaint,, <i>Verification by Christopher Morbitzer</i> (Walters, Ryan) (Entered: 03/27/2012)
03/27/2012	<u>20</u>	ANSWER to 15 Amended Complaint,, filed by Michael Cureton, Cathy Krumpelbeck, Corinn Shemak, Brittany Sisko, Gregory H Williams. (Hurley, Brian) (Entered: 03/27/2012)
03/27/2012	<u>21</u>	NOTICE of Appearance by Brian E Hurley for Defendant Brittany Sisko (Hurley, Brian) (Entered: 03/27/2012)
03/27/2012	<u>22</u>	NOTICE of Appearance by Robert Gehring for Defendant Brittany Sisko (Hurley, Brian) Modified entry to correct name of attorney on NOA on 3/28/2012 (mr1). (Entered: 03/27/2012)
03/27/2012	23	[FORMER DOC. 23] NOTICE by Defendants Michael Cureton, Cathy Krumpelbeck, Corinn Shemak, Brittany Sisko, Gregory H Williams re 12 Order, Set Hearings,,, of Motion to Modify March 13, 2012 Calendar Order and Request for Scheduling Conference (Hurley, Brian) Modified to remove PDF on 3/28/2012 (lk). (Entered: 03/27/2012)
03/28/2012		Notice of Correction re [FORMER DOC. 23] Notice (Other): The document was filed as a notice and it is actually a motion. The PDF was removed and counsel is to refile using a motion event. Notice of Correction re_22 Notice of Appearance: Counsel was advised to file a Notice of Filing Certificate of Service using the event Notice (other) and link it back to Document 22. (lk) (Entered: 03/28/2012)
03/28/2012	<u>24</u>	MOTION to Amend/Correct 12 Order, Set Hearings,,,, and Request for Scheduling Conference by Defendants Michael Cureton, Cathy Krumpelbeck, Corinn Shemak, Brittany Sisko, Gregory H Williams. (Hurley, Brian) (Entered: 03/28/2012)
03/28/2012	<u>25</u>	NOTICE of Appearance by Brian E Hurley for Defendant Brittany Sisko (Hurley, Brian) (Entered: 03/28/2012)
03/28/2012	<u>26</u>	NOTICE by Defendant Brittany Sisko re <u>21</u> Notice of Appearance with Certificate of Service attached (Hurley, Brian) (Entered: 03/28/2012)
03/28/2012	<u>27</u>	NOTICE by Defendant Brittany Sisko re <u>22</u> Notice of Appearance <i>and Certificate</i> of Service attached (Gehring, Robert) (Entered: 03/28/2012)
03/28/2012		Notation Order: Defendants' Motion to Modify the Calendar Order (Doc. <u>24</u>) is currently pending before the Court. Plaintiffs shall file their Memorandum in Opposition, if any, by 5:00 p.m. on 3/30/12. This case will come before the Court for a status conference by telephone on 4/2/12 at 12:00 p.m. Counsel shall call 1–888–684–8852 and use the following codes: Access Code: 8411435; Security Code: 123456, and wait on the line for the Court to join the conference. IT IS SO ORDERED by Judge Timothy S. Black on 3/28/12. (mr1) (Entered: 03/28/2012)
03/30/2012	<u>28</u>	RESPONSE in Opposition re <u>24</u> MOTION to Amend/Correct <u>12</u> Order, Set Hearings,,,, and Request for Scheduling Conference filed by Plaintiffs Christopher Morbitzer, University of Cincinnati Chapter of Young Americans for Liberty. (Attachments: # <u>1</u> Exhibit Plaintiff Chris Morbitzers First Set of Interrogatories to Defendants) (Walters, Ryan) (Entered: 03/30/2012)

Case: 1:12-cv-155 As of: 01/05/2013 09:13 AM EST 7 of 13

04/02/2012	<u>29</u>	REPLY to Response to Motion re <u>24</u> MOTION to Amend/Correct <u>12</u> Order, Set Hearings,,,, and Request for Scheduling Conference filed by Defendants Michael Cureton, John Doe, Cathy Krumpelbeck, Corinn Shemak, Brittany Sisko, University of Cincinnati, Gregory H Williams. (Hurley, Brian) (Entered: 04/02/2012)
04/02/2012		Minute Entry and Notation Order: This case came before the Court for a status conference by telephone on 4/2/12 at 12:00 p.m. Attorneys Maurice Thompson, Robert Gehring, and Brian Hurley participated. Defendants' pending Motion to Modify the Calendar Order (Doc. 24) is DENIED. The Court will hold an injunctive hearing on May 30, 2012 as scheduled. However, the Court will revisit the issue of whether the hearing is for preliminary or permanent injunctive relief after hearing from counsel representing Defendant Sisko in her individual capacity. The Court also notes that Defendant Sisko has not yet been served. Plaintiffs are ordered to complete service on Defendant Sisko within seven days of the date of this order. IT IS SO ORDERED. (Court Reporter Jodie Perkins (Official).) (mr1) (Entered: 04/02/2012)
04/04/2012	<u>30</u>	NOTICE by Plaintiffs Christopher Morbitzer, University of Cincinnati Chapter of Young Americans for Liberty re <u>15</u> Amended Complaint,, <i>REQUEST FOR ISSUANCE OF SUMMONS</i> (Walters, Ryan) (Entered: 04/04/2012)
04/05/2012	<u>31</u>	Summons Issued as to Brittany Sisko. (lk) (Entered: 04/05/2012)
04/06/2012	35	Certificate of Mailing by Clerk re <u>15</u> Amended Complaint and <u>31</u> Summons Issued as to Brittany Sisko. (mtw) Modified to clarify docket text on 4/11/2012 (mtw). (Entered: 04/11/2012)
04/10/2012	<u>32</u>	ORDER TO SHOW CAUSE by Judge Timothy S. Black. Plaintiffs are therefore ordered to SHOW CAUSE in writing by 5:00 pm on April 12, 2012 that they have complied with this Court's Order of April 2, 2012. Signed by Judge Timothy S. Black on 4/10/12. (lk) (Entered: 04/10/2012)
04/10/2012	33	[FORMER DOCUMENT 33] AFFIDAVIT of Service for Summons and First Amended Verified Complaint served on Brittany Sisko on 04/06/2012, filed by Plaintiffs Christopher Morbitzer, University of Cincinnati Chapter of Young Americans for Liberty. (Walters, Ryan) Modified to remove pdf on 4/11/2012 (mtw). (Entered: 04/10/2012)
04/10/2012	34	[FORMER DOCUMENT 34] NOTICE by Plaintiffs Christopher Morbitzer, University of Cincinnati Chapter of Young Americans for Liberty re 33 Affidavit of Service <i>Certificate of Service</i> (Walters, Ryan) Modified to remove pdf on 4/11/2012 (mtw). (Entered: 04/10/2012)
04/11/2012		Notice of Correction re [FORMER DOCUMENT 33] Affidavit and [FORMER DOCUMENT 34] Notice: Clerk notified Counsel that the Affidavit was removed because it was filed using incorrect ECF event. Counsel to refile using Summons Returned Executed event. The Notice was removed because it was a Certificate of Service. The filing of the Summons Returned Executed will notify the parties. No certificate of service is necessary. (mtw) (Entered: 04/11/2012)
04/11/2012	<u>36</u>	SUMMONS Returned Executed as to Defendant Brittany Sisko. Brittany Sisko served on 4/6/2012, answer due 4/27/2012. (Walters, Ryan) (Entered: 04/11/2012)
04/11/2012		Notation Order: On April 10, 2012, this Court ordered Plaintiffs to Show Cause as to compliance with the Court's Order to complete service of process on Defendant Brittany Sisko by April 9, 2012. Plaintiffs have since filed an executed summons (Doc. 36) demonstrating that Defendant Sisko was served on April 6, 2012. Accordingly, the Show Cause Order (Doc. 32) is VACATED. IT IS SO ORDERED by Judge Timothy S. Black on 4/11/12. (mr1) (Entered: 04/11/2012)
04/12/2012		NOTICE of Hearing: Pursuant to S.D. Ohio Civ. R. 37.1, an Informal Discovery Conference by telephone is set for 4/13/2012 at 1:45 p.m. before Judge Timothy S. Black. Counsel shall call 1–888–684–8852 and use the following codes: Access Code: 8411435; Security Code: 123456, and wait on the line for the Court to join the conference. Additionally, counsel shall email a short 1–2 page explanation of the dispute to black_chambers@ohsd.uscourts.gov by 10:00 a.m. tomorrow. (mr1) (Entered: 04/12/2012)

Case: 1:12-cv-155 As of: 01/05/2013 09:13 AM EST 8 of 13

04/13/2012		NOTICE: Pursuant to notice of the parties, the Informal Discovery Conference by telephone set for 4/13/2012 is VACATED. (mr1) (Entered: 04/13/2012)
04/27/2012	<u>37</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by Defendant Brittany Sisko. (Rabe, Lee Ann) (Entered: 04/27/2012)
04/27/2012	38	*** FORMER DN 38 *** NOTICE of Appearance by Lee Ann Rabe for Defendant Brittany Sisko (Rabe, Lee Ann) Modified to edit text and remove PDF on 5/2/2012 (mr1). (Entered: 04/27/2012)
04/27/2012	<u>39</u>	NOTICE of Appearance by Mia Meucci Yaniko for Defendant Brittany Sisko (Yaniko, Mia) (Entered: 04/27/2012)
04/27/2012		Notation Order: Defendant Brittany Sisko's Motion to Dismiss for Failure to State a Claim (Doc. <u>37</u>) is currently pending before the Court. In consideration of the 3/13/12 Calendar Order (Doc. <u>12</u>), and in the interest of resolving Defendant's motion prior to the injunction hearing scheduled for 5/30/12, the parties shall brief the pending motion on an expedited schedule. Plaintiffs shall file their Response in Opposition by 5/10/12 and Defendant shall file her Reply by 5/17/12. IT IS SO ORDERED by Judge Timothy S. Black on 4/27/12. (mr1) (Entered: 04/27/2012)
04/27/2012		Per 4/27/12 Notation Order: Set/Reset Deadlines as to <u>37</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM. Responses due by 5/10/2012. Replies due by 5/17/2012. (mrl) (Entered: 04/27/2012)
04/27/2012	40	NOTICE by Defendants Michael Cureton, Cathy Krumpelbeck, Corinn Shemak, Brittany Sisko, Gregory H Williams <i>OF FILING THE DEPOSITION TRANSCRIPT OF CHRISTOPHER B. MORBITZER</i> (Hurley, Brian) (Entered: 04/27/2012)
04/27/2012	41	DEPOSITION of Christopher B. Morbitzer taken on April 3, 2012 by Defendants Michael Cureton, Cathy Krumpelbeck, Corinn Shemak, Brittany Sisko, Gregory H Williams. (Attachments: #1 Exhibit, #2 Exhibit, #3 Exhibit, #4 Exhibit, #5 Exhibit, #6 Exhibit, #7 Exhibit, #8 Exhibit, #9 Exhibit, #10 Exhibit, #11 Exhibit) (Hurley, Brian) (Entered: 04/27/2012)
04/27/2012	<u>42</u>	RESPONSE in Opposition re <u>5</u> MOTION for Temporary Restraining Order MOTION for Preliminary Injunction filed by Defendants Michael Cureton, Cathy Krumpelbeck, Corinn Shemak, Brittany Sisko, Gregory H Williams. (Attachments: #1 Exhibit, #2 Exhibit, #3 Exhibit, #4 Exhibit, #5 Exhibit, #6 Exhibit) (Hurley, Brian) Modified to edit the text for clarity on 5/1/2012 (mr1). (Entered: 04/27/2012)
04/27/2012	43	MOTION for Partial Summary Judgment by Plaintiffs Christopher Morbitzer, University of Cincinnati Chapter of Young Americans for Liberty. Responses due by 5/21/2012 (Attachments: #_1 Exhibit Ex. A: Defendants' Answers to Morbitzer's Interrogatories, #_2 Exhibit Ex. B: Defendants' Responses to YAL's Requests for Admission, #_3 Exhibit Ex. C: MainStreet Student Event Guide, #_4 Exhibit Ex. D: Declaration of Christopher Morbitzer, #_5 Exhibit Ex. E: Defendants' Answers to YAL's Interrogatories) (Walters, Ryan) (Entered: 04/27/2012)
04/30/2012	<u>44</u>	MOTION for Summary Judgment by Defendants Michael Cureton, Cathy Krumpelbeck, Corinn Shemak, Brittany Sisko, Gregory H Williams. Responses due by 5/24/2012 (Attachments: #1 Exhibit) (Hurley, Brian) (Entered: 04/30/2012)
05/01/2012	<u>45</u>	MOTION for Extension of Time to File Response/Reply as to <u>43</u> MOTION for Partial Summary Judgment New date requested 5/1/2012. <i>Or in the Alternative to Strike Plaintiffs' Motion for Partial Summary Judgment</i> by Defendants Michael Cureton, Cathy Krumpelbeck, Corinn Shemak, Brittany Sisko, Gregory H Williams. (Hurley, Brian) (Entered: 05/01/2012)
05/01/2012		NOTATION ORDER: This civil case is before the Court on Plaintiffs' Motion for Partial Summary Judgement (Doc 43). Pursuant to this Court's standing order governing civil motions for summary judgment, movants are required to file a document entitled "Proposed Undisputed Facts" which sets forth in separately numbered paragraphs a concise statement of each material fact as to which the moving party contends there is no genuine issue to be tried. See http://www.ohsd.uscourts.gov/judges/fpblack.htm. No such document was included

Case: 1:12-cv-155 As of: 01/05/2013 09:13 AM EST 9 of 13

		with Plaintiffs' motion. Therefore, Plaintiffs shall file proposed undisputed facts on or before 5/2/12. All other dates in the Calendar Order (Doc. 12) remain unchanged. IT IS SO ORDERED by Judge Timothy S. Black on 5/1/12. (mr1) (Entered: 05/01/2012)
05/01/2012	<u>46</u>	NOTICE OF FILING OF PROPOSED UNDISPUTED FACTS AS "EXHIBIT F" re 43 MOTION for Partial Summary Judgment by Plaintiffs Christopher Morbitzer, University of Cincinnati Chapter of Young Americans for Liberty (Attachments: # 1 Exhibit F: Statement of Proposed Undisputed Facts) (Walters, Ryan) Modified to edit text for clarity on 5/2/2012 (mr1). (Entered: 05/01/2012)
05/02/2012		Notice of Correction re: FORMER DOC 38 Notice of Appearance. PDF removed. Counsel filed duplicate pleadings at entries 38 and 39 Notice of Appearance. By filing Doc. 37 Motion to Dismiss for Failure to State a Claim, Attorney Lee Ann Rabe established her name on the docket as counsel for Ms Sisko, in her individual capacity. No further action is required. (mr1) (Entered: 05/02/2012)
05/03/2012		Notation Order: Defendants' Motion for Extension of Time to File a Response or, in the Alternative, to Strike Plaintiffs' Motion for Partial Summary Judgment (Doc. 45) is currently pending before the Court. On 5/1/12, Plaintiffs filed their proposed statement of undisputed facts as required by this Court's standing order. In light of that filing and the Court's notation order of 5/1/12, Defendants' motion is denied as moot. IT SO ORDERED by Judge Timothy S. Black on 5/3/12. (mr1) (Entered: 05/03/2012)
05/07/2012	<u>47</u>	MOTION for Leave to File <i>Second Amended Complaint</i> by Plaintiffs Christopher Morbitzer, University of Cincinnati Chapter of Young Americans for Liberty. (Attachments: #1 Exhibit Second Amended Verified Complaint) (Walters, Ryan) (Entered: 05/07/2012)
05/08/2012		Given the Court's Calendar Order of 3/13/12 and the Rule 15 requirement that leave to amend shall be freely granted when justice so requires, Defendants shall file their memo contra Plaintiffs' Motion for Leave to Amend (Doc. 47) by May 11, 2012. IT IS SO ORDERED by Judge Timothy S. Black on 5/8/12. (mr1) (Entered: 05/08/2012)
05/08/2012		Per Notation Order dated 5/8/12 – Set Deadlines as to <u>47</u> MOTION for Leave to File <i>Second Amended Complaint</i> . Memo contra due by 5/11/2012. (mr1) (Entered: 05/08/2012)
05/09/2012	<u>48</u>	MOTION for Extension of Time New date requested 5/14/2012. TO RESPOND TO THE PLAINTIFFS' MOTION TO FILE SECOND AMENDED COMPLAINT by Defendant University of Cincinnati. (Gehring, Robert) (Entered: 05/09/2012)
05/10/2012		Notation Order: This matter is before the Court on Defendants' Motion for Extension of Time (Doc. <u>48</u>). For good cause shown, the motion is GRANTED. Defendants shall file their response on or before 5/14/12. IT IS SO ORDERED by Judge Timothy S. Black on 5/10/12. (mr1) (Entered: 05/10/2012)
05/10/2012		Per 5/10/12 Notation Order – Set/Reset Deadlines as to <u>47</u> MOTION for Leave to File <i>Second Amended Complaint</i> . Responses due by 5/14/2012. (mr1) (Entered: 05/10/2012)
05/10/2012	<u>49</u>	RESPONSE in Opposition re <u>37</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Plaintiffs Christopher Morbitzer, University of Cincinnati Chapter of Young Americans for Liberty. (Walters, Ryan) (Entered: 05/10/2012)
05/14/2012	<u>50</u>	MOTION to Vacate <i>March 13, 2012 Calendar Order</i> by Defendant Brittany Sisko. (Rabe, Lee Ann) (Entered: 05/14/2012)
05/14/2012	<u>51</u>	RESPONSE in Opposition re <u>47</u> MOTION for Leave to File <i>Second Amended Complaint</i> filed by Defendants Michael Cureton, Cathy Krumpelbeck, Corinn Shemak, Brittany Sisko, Gregory H Williams. (Hurley, Brian) (Entered: 05/14/2012)
05/14/2012	52	RESPONSE in Opposition re 50 MOTION to Vacate <i>March 13, 2012 Calendar Order</i> filed by Plaintiffs Christopher Morbitzer, University of Cincinnati Chapter

Case: 1:12-cv-155 As of: 01/05/2013 09:13 AM EST 10 of 13

		of Young Americans for Liberty. (Walters, Ryan) (Entered: 05/14/2012)
05/17/2012	<u>53</u>	REPLY to Response to Motion re <u>37</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Defendant Brittany Sisko. (Rabe, Lee Ann) (Entered: 05/17/2012)
05/17/2012	<u>54</u>	RESPONSE in Opposition re <u>43</u> MOTION for Partial Summary Judgment <i>of Plaintiffs</i> filed by Defendants Michael Cureton, Cathy Krumpelbeck, Corinn Shemak, Brittany Sisko, Gregory H Williams. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Affidavit, # <u>3</u> Affidavit, # <u>4</u> Affidavit, # <u>5</u> Affidavit, # <u>6</u> Affidavit, # <u>7</u> Exhibit) (Hurley, Brian) (Entered: 05/17/2012)
05/17/2012	<u>55</u>	NOTICE by Plaintiffs Christopher Morbitzer, University of Cincinnati Chapter of Young Americans for Liberty re <u>47</u> MOTION for Leave to File Second Amended Complaint Verification by Christopher Morbitzer (Walters, Ryan) (Entered: 05/17/2012)
05/17/2012	<u>56</u>	RESPONSE in Opposition re <u>44</u> MOTION for Summary Judgment filed by Plaintiffs Christopher Morbitzer, University of Cincinnati Chapter of Young Americans for Liberty. (Walters, Ryan) (Entered: 05/17/2012)
05/18/2012	<u>57</u>	NOTICE by Plaintiffs Christopher Morbitzer, University of Cincinnati Chapter of Young Americans for Liberty re <u>56</u> Response in Opposition to Motion <i>Responses to Defendants' Proposed Undisputed Facts</i> (Attachments: # <u>1</u> Certificate of Service) (Walters, Ryan) (Entered: 05/18/2012)
05/18/2012	<u>58</u>	ORDER – Defendant Brittany Sisko's Motion to Vacate (Doc. <u>50</u>) is GRANTED in PART. The Calendar Order (Doc. <u>12</u>) is VACATED. The Court hereby sets ORAL ARGUMENT (only) on all pending motions on 5/30/12 at 10:30 a.m. in Cincinnati Courtroom #3. Signed by Judge Timothy S. Black on 5/18/12. (mr1) (Entered: 05/18/2012)
05/22/2012		NOTICE of Hearing: Oral Argument set for 5/30/2012 at 10:30 a.m. will now be held in Cincinnati Courtroom 4, Room 842 before Judge Timothy S. Black. (mr1) (Entered: 05/22/2012)
05/22/2012	<u>59</u>	NOTICE by Defendant University of Cincinnati re <u>54</u> Response in Opposition to Motion, <i>Notice of Filing of Supplemental Affidavit of Mary Beth McGrew in Opposition to Plaintiffs Motion for Partial Summary Judgment</i> (Attachments: # <u>1</u> Affidavit Affidavit of Mary Beth McGrew (Exhibit 1 Attached)) (Gehring, Robert) (Entered: 05/22/2012)
05/23/2012	<u>60</u>	REPLY to Response to Motion re <u>44</u> MOTION for Summary Judgment <i>and in support of Motion for Summary Judgment</i> filed by Defendants Michael Cureton, Cathy Krumpelbeck, Corinn Shemak, Brittany Sisko, Gregory H Williams. (Attachments: # <u>1</u> Exhibit) (Hurley, Brian) (Entered: 05/23/2012)
05/23/2012	<u>61</u>	REPLY to Response to Motion re <u>43</u> MOTION for Partial Summary Judgment filed by Plaintiffs Christopher Morbitzer, University of Cincinnati Chapter of Young Americans for Liberty. (Walters, Ryan) (Entered: 05/23/2012)
05/25/2012	<u>62</u>	MOTION for Leave to File <i>TO USE AND INTRODUCE ATTACHED EXHIBIT AT HEARING</i> by Defendant University of Cincinnati. (Attachments: # <u>1</u> Affidavit Affidavit of Jeffrey Weimer (Exhibit 1 Attached)) (Gehring, Robert) (Entered: 05/25/2012)
05/29/2012	<u>63</u>	MOTION for Leave to File <i>And Introduce At Hearing Attached Exhibits</i> by Defendants Michael Cureton, Cathy Krumpelbeck, Corinn Shemak, Brittany Sisko, Gregory H Williams. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit) (Hurley, Brian) (Entered: 05/29/2012)
05/29/2012	<u>64</u>	NOTICE by Plaintiffs Christopher Morbitzer, University of Cincinnati Chapter of Young Americans for Liberty re <u>56</u> Response in Opposition to Motion, <u>61</u> Reply to Response to Motion, <u>43</u> MOTION for Partial Summary Judgment <i>Notice of Filing of Supplemental Declaration of Paul Johnson</i> (Attachments: #1 Affidavit Declaration of Paul Johnson, #2 Exhibit May 3 email) (Walters, Ryan) (Entered: 05/29/2012)

Case: 1:12-cv-155 As of: 01/05/2013 09:13 AM EST 11 of 13

05/30/2012		Notation Order: This case is before the Court on Defendants' Motion for Leave to Use and Introduce the Attached Exhibit (Doc. <u>62</u>) at the scheduled oral argument on Wednesday, May 30, 2012. For good cause shown, the Motion is GRANTED. IT IS SO ORDERED by Judge Timothy S. Black on 5/30/12. (mr1) (Entered: 05/30/2012)
05/30/2012		Minute Entry: This case came before the Court for oral argument on all pending motions on 5/30/12 at 10:30 a.m. Attorneys attending included: Maurice Thompson and Curt Hartman for the Plaintiffs; Brian Hurley and Robert Gehring for the Defendants being sued in their official capacity; and Lee Ann Rabe and Mia Yaniko for Defendant Sisko. University of Cincinnati Assistant General Counsel Douglas Nienaber and Senior Associate Vice President, Campus Services Steven Sayers, were also present. Arguments were presented to the Court. (Court Reporter Jodie Perkins (Official).) (mr1) (Entered: 05/30/2012)
06/12/2012	<u>65</u>	ORDER GRANTING IN PART PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION, ENJOINING ENFORCEMENT OF CERTAIN NOTICE AND LOCATION REQUIREMENTS OF THE UNIVERSITY OF CINCINNATI'S FREE SPEECH POLICIES AS APPLIED TO STUDENTS. Signed by Judge Timothy S. Black on 6/12/12. (mr1) (Entered: 06/12/2012)
06/12/2012	<u>66</u>	ORDER GRANTING PLAINTIFFS' MOTION FOR LEAVE TO FILE THE SECOND AMENDED COMPLAINT (DOC. <u>47</u>). Signed by Judge Timothy S. Black on 6/12/12. (mr1) (Entered: 06/12/2012)
06/12/2012	<u>67</u>	ORDER DENYING AS MOOT DEFENDANT BRITTANY SISKO'S MOTION TO DISMISS (DOC. 37) ANDPLAINTIFFS MOTION FOR PARTIAL SUMMARY JUDGMENT (DOC. 43). Signed by Judge Timothy S. Black on 6/12/12. (mr1) (Entered: 06/12/2012)
06/12/2012	<u>68</u>	ORDER: All parties shall meet and confer within 10 days of the date of this Order and jointly propose to the Court a new Calendar Order. The parties shall submit their proposed Calendar Order via email to black_chambers@ohsd.uscourts.gov. Signed by Judge Timothy S. Black on 6/12/12. (mr1) (Entered: 06/12/2012)
06/12/2012	<u>69</u>	AMENDED COMPLAINT Second Amended Verified Complaint against All Defendants, filed by Christopher Morbitzer, University of Cincinnati Chapter of Young Americans for Liberty. (Attachments: #1 Affidavit Verification of Christopher Morbitzer, #2 Certificate of Service) (Walters, Ryan) (Entered: 06/12/2012)
06/19/2012	<u>70</u>	MOTION for Extension of Time New date requested 7/10/2012. <i>for Responsive Pleading and For Entry of a New Scheduling Order</i> by Defendant Brittany Sisko. (Rabe, Lee Ann) (Entered: 06/19/2012)
06/20/2012		Notation Order: This matter is before the Court on Defendant Brittany Sisko's Motion for an Extension of Time (Doc. 70). In consideration of the approaching deadline to file a responsive pleading, Plaintiff shall file its Response in Opposition to Defendant Sisko's Motion, if any, by 6/22/12. The Court also notes that it will not grant any extension to its previous order that the parties submit by email to chambers a proposed calendar order by 6/22/12. If the parties are unable to reach an agreement on a proposed calendar, they shall each present a separate proposed calendar by 6/22/12. IT IS SO ORDERED by Judge Timothy S. Black on 6/20/12. (mr1) (Entered: 06/20/2012)
06/21/2012	71	MOTION for Permanent Injunction MOTION TO CONVERT THIS COURTS JUNE 12, 2012 PRELIMINARY INJUNCTION TO A PERMANENT INJUNCTION AGAINST STATE DEFENDANTS by Plaintiffs Christopher Morbitzer, University of Cincinnati Chapter of Young Americans for Liberty. Responses due by 7/16/2012 (Walters, Ryan) (Entered: 06/21/2012)
06/22/2012	72	RESPONSE in Opposition re <u>70</u> MOTION for Extension of Time New date requested 7/10/2012. <i>for Responsive Pleading and For Entry of a New Scheduling Order</i> filed by Plaintiffs Christopher Morbitzer, University of Cincinnati Chapter of Young Americans for Liberty. (Walters, Ryan) (Entered: 06/22/2012)
06/25/2012	73	CALENDAR ORDER: Defendant Sisko's Motion for Extension of Time (Doc. <u>70</u>) is GRANTED IN PART and the Court hereby enters the following Calendar Order:

Case: 1:12-cv-155 As of: 01/05/2013 09:13 AM EST 12 of 13

		Defendants' Answers and responsive pleadings to the Second Amended Complaint: 7/6/2012; Defendants' Response in Opposition to Plaintiffs' Motion for a Permanent Injunction: 7/12/12; Plaintiffs' Reply in support of the Motion for a Permanent Injunction: 7/19/2012; Plaintiffs' Response in opposition to any Motion to Dismiss: 7/20/2012; Reply in support of any Motion to dismiss: 7/27/2012. Signed by Judge Timothy S. Black on 6/25/12. (mr1) (Entered: 06/25/2012)
06/27/2012	<u>74</u>	ORDER – The Court concludes that no bond is appropriate in this case. Signed by Judge Timothy S. Black on 6/27/12. (mr1) (Entered: 06/27/2012)
06/27/2012	<u>75</u>	Joint MOTION Mediation <i>and Related Relief</i> by Defendants Michael Cureton, John Doe, Cathy Krumpelbeck, Corinn Shemak, Brittany Sisko, University of Cincinnati, Gregory H Williams. (Hurley, Brian) (Entered: 06/27/2012)
06/29/2012	<u>76</u>	ORDER – The Court sua sponte orders Plaintiffs to respond to Defendants' second set of interrogatories no later than July 5, 2012, one week before Defendants; memorandum in opposition is due. Signed by Judge Timothy S. Black on 6/28/12. (mr1) (Entered: 06/29/2012)
07/06/2012	<u>77</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM and Qualified Immunity by Defendant Brittany Sisko. (Rabe, Lee Ann) (Entered: 07/06/2012)
07/06/2012	<u>78</u>	NOTICE of Appearance by Todd Robert Marti for Defendants Williams, Shemak, Krumplebeck and Cureton (Marti, Todd) Modified to include all party names on 7/10/2012 (mr1). (Entered: 07/06/2012)
07/06/2012	<u>79</u>	RESPONSE in Opposition re <u>75</u> Joint MOTION Mediation <i>and Related Relief</i> filed by Plaintiffs Christopher Morbitzer, University of Cincinnati Chapter of Young Americans for Liberty. (Walters, Ryan) (Entered: 07/06/2012)
07/06/2012	<u>80</u>	Defendants' ANSWER to 69 Amended Complaint, filed by Michael Cureton, Cathy Krumpelbeck, Corinn Shemak, Brittany Sisko, Gregory H Williams. (Hurley, Brian) (Entered: 07/06/2012)
07/12/2012	81	RESPONSE to Motion re 71 MOTION for Permanent Injunction MOTION TO CONVERT THIS COURTS JUNE 12, 2012 PRELIMINARY INJUNCTION TO A PERMANENT INJUNCTION AGAINST STATE DEFENDANTS filed by Defendants Michael Cureton, Cathy Krumpelbeck, Corinn Shemak, Brittany Sisko, Gregory H Williams. (Hurley, Brian) (Entered: 07/12/2012)
07/12/2012	<u>82</u>	REPLY to Response to Motion re <u>75</u> Joint MOTION Mediation <i>and Related Relief</i> filed by Defendants Michael Cureton, Cathy Krumpelbeck, Corinn Shemak, Brittany Sisko, Gregory H Williams. (Hurley, Brian) (Entered: 07/12/2012)
07/19/2012	83	REPLY to Response to Motion re 71 MOTION for Permanent Injunction MOTION TO CONVERT THIS COURTS JUNE 12, 2012 PRELIMINARY INJUNCTION TO A PERMANENT INJUNCTION AGAINST STATE DEFENDANTS filed by Plaintiffs Christopher Morbitzer, University of Cincinnati Chapter of Young Americans for Liberty. (Walters, Ryan) (Entered: 07/19/2012)
07/20/2012	84	RESPONSE in Opposition re 77 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>and Qualified Immunity</i> filed by Plaintiffs Christopher Morbitzer, University of Cincinnati Chapter of Young Americans for Liberty. (Walters, Ryan) (Entered: 07/20/2012)
07/25/2012	<u>85</u>	REPLY to Response to Motion re <u>77</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>and Qualified Immunity</i> filed by Defendant Brittany Sisko. (Rabe, Lee Ann) (Entered: 07/25/2012)
08/22/2012	<u>86</u>	ORDER GRANTING DEFENDANT BRITTANY SISKO'S MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM (Doc. 77). Signed by Judge Timothy S. Black on 8/22/12. (mr1) (Entered: 08/22/2012)
08/22/2012	<u>87</u>	ORDER GRANTING PLAINTIFFS' MOTION TO CONVERT THE PRELIMINARY INJUNCTION INTO A PERMANENT INJUNCTION (DOC. 71). Signed by Judge Timothy S. Black on 8/22/12. (mr1) (Entered: 08/22/2012)

Case: 1:12-cv-155 As of: 01/05/2013 09:13 AM EST 13 of 13

08/22/2012	<u>88</u>	FINAL JUDGMENT OF PERMANENT INJUNCTION. Signed by Judge Timothy S. Black on 8/22/12. (mr1) (Entered: 08/22/2012)
08/30/2012	<u>89</u>	Joint MOTION for Extension of Time to File New date requested 10/5/2012. for Plaintiffs to file any motion for attorney fees and new date request 10/19//2012 for Defendants to file any notice of appeal by Defendants Michael Cureton, John Doe, Cathy Krumpelbeck, Corinn Shemak, Brittany Sisko, University of Cincinnati, Gregory H Williams, Plaintiffs Christopher Morbitzer, University of Cincinnati Chapter of Young Americans for Liberty. (Hartman, Curt) (Entered: 08/30/2012)
08/31/2012	<u>90</u>	ORDER granting Joint Motion to Extend Time (Doc. <u>89</u>). Plaintiffs shall file any motion for attorneys' fees on or before October 5, 2012. The Official Capacity Defendants may file any notice of appeal on or before October 19, 2012. Signed by Judge Timothy S. Black on 8/31/2012. (mr1) (Entered: 08/31/2012)
10/01/2012	91	STIPULATION of Dismissal <i>With Prejudice</i> by Defendants Michael Cureton, Cathy Krumpelbeck, Corinn Shemak, Brittany Sisko, Gregory H Williams, Plaintiffs Christopher Morbitzer, University of Cincinnati Chapter of Young Americans for Liberty. (Hurley, Brian) (Entered: 10/01/2012)