

**IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
CIVIL DIVISION**

OHIO DEMOCRATIC PARTY <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	Case No. 20CV-5634
	:	
vs.	:	(JUDGE FRYE)
	:	
FRANK LAROSE,	:	
Secretary of State of Ohio,	:	
	:	
Defendant.	:	

JOURNAL ENTRY
GRANTING, IN PART, REQUEST TO INTERVENE;
(Motion filed August 31, 2020)
GRANTING DEFENDANT LaROSE’S MOTION FOR LEAVE TO FILE;
(Motion filed August 31, 2020)
SCHEDULING PRELIMINARY INJUNCTION HEARING;
and
OTHER PRE-TRIAL ORDERS.

I. Motions to Intervene.

On August 31, 2020, Donald J. Trump for President, Inc., the Ohio Republican Party, the Republican National Committee, and the National Republican Congressional Committee moved to intervene as a matter of right. The motions were addressed on the record at a conference with counsel held on September 2, 2020.

Pursuant to Civ. R. 24(A), intervention is **GRANTED** to the Ohio Republican Party. [“ORP”].

Intervention, both as of right and permissively, is **DENIED** as to Donald J. Trump for President, Inc., the Republican National Committee, and the National Republican Congressional Committee. Their interest in the matters raised by plaintiffs is too attenuated and will, in any event, be fully protected by the ORP. The ORP shall file their responsive pleading no later than **Tuesday, September 8, 2020.**

II. Motion for Leave to File.

On August 31, 2020, defendant Frank LaRose moved for leave to file a combined Motion to Dismiss and Opposition to Plaintiffs' Motion for Temporary Restraining Order in excess of page limitations prescribed by Local Rule 12.01. As discussed with counsel at the September 2, 2020 status conference, it will assist the court and best expedite the case to have defendant file an Answer which also sets forth reasons he believes outright dismissal is justified, as well as other matters normally covered in an Answer. Defendant LaRose shall file this single responsive pleading by **Tuesday, September 8, 2020**.

The court lifts the page limitation on briefs for all parties, but urges them to focus their arguments as tightly as possible. In filing briefs, counsel may disregard mere "boilerplate" legal issues such as the standard for issuance of a preliminary injunction. Since the exact scope of the evidence that will be adduced at the Preliminary Injunction hearing is not yet clear, supplemental post-hearing briefing will be permitted for all parties. However, due to the claimed urgency of this matter that briefing will probably be simultaneous, and received relatively quickly after the hearing.

III. Preliminary Injunction Hearing.

As indicated on the record at the September 2 conference, and without apparent objection by any party, the court **DENIED** a Temporary Restraining Order. An emergency short-term TRO is unlikely to assist in ultimate resolution of the case.

The preliminary injunction hearing is **SCHEDULED** to commence on **Friday, September 11, 2020 at 10:00 a.m.** in **Courtroom 5F**, 345 South High Street, Columbus. Counsel should make every reasonable effort to have all evidence heard by the close of business that day, as the court anticipates starting a felony jury trial on Monday morning September 13.

As discussed on September 2, counsel should continue to confer on exactly which witnesses must be deposed; whether any testimony or other evidence will be submitted by affidavit; whether witnesses will testify by ZOOM or other electronic means at the Preliminary Injunction hearing; and on any other matters that will assist in completing the record for the preliminary injunction hearing in an expedited fashion. Any disputes over discovery or other pre-hearing matters should be brought to the court's attention as promptly as possible after counsel have exhausted their own discussions.

The court strongly encourages counsel to stipulate to authenticity of documents, and all background facts that are not genuinely disputed. If a witness will testify remotely, please advise Chambers 5F as soon as possible of the estimated time for that presentation (on September 11) to facilitate completing arrangements here at court.

Because of the time urgency, testimony from any witness, including expert witnesses and public officials, may be submitted by deposition. No expert reports are required. Counsel should consult and schedule any depositions as quickly as possible. It will expedite any depositions and assist the court if counsel stipulate to use a current resumé or curriculum vitae to speed up any expert witness' testimony; and if the resumé or curriculum vitae is provided to the court in advance of the September 11 hearing.

Exhibits used during any deposition shall use the same numbers as used in all other depositions. That is, once any document has been marked (say as Exhibit "10") the same document shall be referenced in any later part of the case as Exhibit "10" rather than re-marked as something else. This will facilitate matching testimony of various witnesses about the same Exhibit.

No later than 24 hours prior to the preliminary injunction hearing, counsel shall endeavor to exchange complete, pre-marked sets of their Exhibits (and eliminate or re-mark duplicate Exhibits as Joint Exhibits); again discuss stipulations of authenticity of documents, background dates and other facts that can be jointly submitted to enhance the court's understanding, and eliminate redundancy or delay; confirm their proposed order of calling witnesses, and address any anticipated scheduling issues; and discuss any other issues that will keep the September 11 proceedings as efficient as possible.

At the hearing, and because of COVID-19 social distancing concerns, no more than two lawyers may appear for any party absent prior leave of court.

The court will host further status conferences with counsel before the September 11 hearing upon request, should developments warrant.

IT IS SO ORDERED.

Franklin County Court of Common Pleas

Date: 09-03-2020
Case Title: OHIO DEMOCRATIC PARTY ET AL -VS- FRANK LAROSE
Case Number: 20CV005634
Type: JOURNAL ENTRY

It Is So Ordered.

A handwritten signature in cursive script, "Richard A. Frye", is written over a circular, textured seal. The seal appears to be the official seal of the Franklin County Court of Common Pleas.

/s/ Judge Richard A. Frye

Court Disposition

Case Number: 20CV005634

Case Style: OHIO DEMOCRATIC PARTY ET AL -VS- FRANK LAROSE

Motion Tie Off Information:

1. Motion CMS Document Id: 20CV0056342020-08-3199970000
Document Title: 08-31-2020-MOTION FOR LEAVE TO FILE -
DEFENDANT: FRANK LAROSE
Disposition: MOTION GRANTED
2. Motion CMS Document Id: 20CV0056342020-08-3199900000
Document Title: 08-31-2020-MOTION TO INTERVENE -
PLAINTIFF: OHIO DEMOCRATIC PARTY
Disposition: MOTION GRANTED IN PART