

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

**NANCY MARTIN,
et al.,**

Plaintiffs,

vs.

**Case No. C2-89-362
Judge Edmund A. Sargus, Jr.
Magistrate Judge Norah McCann King**

**TED STRICKLAND,
et al.,**

Defendants.

ORDER

The Court is in receipt of the attached correspondence from counsel for the Plaintiff Class in the above-captioned case. The Clerk is **DIRECTED** to file the correspondence as a separate document. The Court treats the correspondence as a Motion for a Status Conference, and the Clerk shall so designate it on the docket. The Motion is **GRANTED**. This matter is scheduled for an in-chambers **STATUS CONFERENCE** on **MAY 21, 2009 at 10:00 A.M.**

In granting the Motion, however, the Court notes that, in 1995, it granted the a motion to intervene and certified a class of defendants comprised of all 88 county Boards of Mental Retardation and Developmental Disabilities ("MR/DD") in the State of Ohio, including Butler County. In 2000, the Plaintiff class reached a settlement agreement with the intervening-county boards, and dismissed them as a party defendants. The Court is not inclined at this juncture, on an undeveloped record, to revisit the order dismissing the intervening-county boards.¹

¹ The request for a status conference arises from an impasse related to the consent order in this case and the class members who were involved in *D.M. v. Butler County Bd. of MR/DD*, Case No. C2-08-0399. (S.D. Ohio). Plaintiffs request all parties, including the county intervenors, attend the status


Accordingly, while the Court cannot compel the appearance of the county boards, they nonetheless may attend the status conference.

The Clerk is **DIRECTED** to file this Order, and the Motion on the docket of *D.M. v. Butler County Board of Mental Retardation and Developmental Disabilities*, Case No. C2-08-0399.

IT IS SO ORDERED.

5-8-2009

DATED



EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE

conference.