

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Reverend Kenneth L. Simon, et al.,)	CASE NO.: 4:22CV612
)	
Plaintiffs,)	JUDGE JOHN ADAMS
)	
v.)	<u>ORDER</u>
)	
Mike DeWine, et al.,)	
)	
Defendants.)	

Pending before the Court is Plaintiffs’ motion requesting that the panel take judicial notice of an article titled Strangers in District 6 written by David Niven. Doc. 51. Defendants have opposed the motion. Upon review, the motion is DENIED.

Federal Rule of Evidence 201 governs judicial notice of adjudicative facts. The rule, in relevant part, provides:

- (a) Scope of the rule. This rule governs judicial notice of an adjudicative fact only, not a legislative fact.

- (b) Kinds of Facts That May Be Judicially Noticed. The court may judicially notice a fact that is not subject to reasonable dispute because it: (1) is generally known within the trial court’s territorial jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.

Under Rule 201, however, a fact is not the proper subject of judicial notice if the notice is sought for a purpose that is “not relevant or necessary to resolve th[e] action.” *Cece v. Wayne County*, 758 F. App’x 418, 425 (6th Cir. 2018). Similarly, a fact is not the proper subject of judicial notice if “there is considerable dispute over the significance” of the fact. *See United States v. Bonds*, 12 F. 3d 540, 553 (6th Cir. 1993).

The article at issue appears to attempt to detail differences that exist within the borders of Ohio Sixth Congressional District. For example, the article details that the Sixth District includes fans of three different Major League Baseball teams and is served by four different media markets.

The article also discusses that the border of the Sixth District cuts through portions of certain municipalities such as Massillon and Gnadenhutten. Following those discussions, the article argues that there are numerous disadvantages resulting from the manner in which the Sixth District was drawn.

While there may be a limited set of facts within the article that are generally known within the Northern District of Ohio and capable of accurate and ready determination by resort to other sources, there are no facts contained within the article that are relevant to the panel's determination of Defendant's to dismiss. Neither the baseball rooting interest of voters, nor the media market that serves them can impact the validity, or lack thereof, of Plaintiffs' claims.

In short, while the article poses questions about the sociological, and to a lesser extent the political impact of the Sixth District, it offers no facts that would impact the legal analysis of Plaintiffs' claims. As the article contains no relevant information for the panel's consideration, the motion to take judicial notice is DENIED.

IT IS SO ORDERED.

July 1, 2024

/s/ John R. Adams
JUDGE JOHN R. ADAMS
UNITED STATES DISTRICT COURT

/s/ Solomon Oliver
JUDGE SOLOMON OLIVER
UNITED STATES DISTRICT COURT

/s/ Joan L. Larsen
JUDGE JOAN L. LARSEN
SIXTH CIRCUIT COURT OF APPEALS