



U.S. Department of Justice
Civil Division
Federal Programs Branch

March 17, 2021

Via CM/ECF

The Honorable Thomas M. Rose
U.S. District Judge
Southern District of Ohio
Walter H. Rice Federal Building and U.S. Courthouse
Room 910
200 West Second Street
Dayton, OH 45402

Re: *Ohio v. Raimondo, et al.*, 3:21-cv-00064-TMR (S.D. Ohio)

Dear Judge Rose:

After today's teleconference with the Court, the parties conferred and now write to jointly propose a path for further proceedings. To ease the burden on the Court and the parties, and to facilitate an expeditious resolution of Ohio's pending motion, the parties propose that the Court bifurcate resolution of that motion by first considering and deciding the legal issues of jurisdiction and liability on the papers and record currently before it. If Ohio prevails on both jurisdiction and liability on the current record, the parties will promptly confer and propose dates to schedule a hearing with the Court to determine an appropriate remedy.

The parties can be prepared to present oral argument on March 19, 2021 regarding the legal issues of jurisdiction and liability if the Court wishes to hold such argument, but the parties do not object to the Court deciding those issues solely on the papers and record currently before it.

Respectfully submitted,

/s/ Stephen Ehrlich

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