

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

BASSIL ALLY	)	CASE NO. 4:09 CV 1144
	)	
Plaintiff	)	JUDGE PETER ECONOMUS
	)	
Vs.	)	REQUEST FOR CLARIFICATION
	)	OF OPINION AND ORDER
CITY OF YOUNGSTOWN, et al.	)	
	)	
Defendants.	)	

Now comes the Islamic Society of Greater Youngstown, Inc. and respectfully requests this Honorable Court for clarification of the Opinion and Order issued on February 13, 2012. The issue on which the Society seeks clarification is, can one of the original parties to the case currently disseminate materials obtained in the course of litigation to a third party, if they so choose, if those materials are not part of the sealed records previously filed with the Court. The Society's interpretation of the Order is that the Court has allowed parties to disseminate discovery materials to third parties if they so choose provided the party "redacts all information that is prohibited by Federal and State law or the Court's local rules from disclosure".

The Society is of the opinion that it was the Court's intent to allow the parties to disseminate discovery materials that are not records filed under seal with the Court as it appears the Court has ordered the parties only to file with the Court, documents that were filed under seal. From the Order, the Court will then make available on its docket, the redacted records, which appear to be the sealed records with redactions that were previously filed by the parties. It

does not appear as though the discovery materials are going to be filed with the Court with redaction.

The City of Youngstown and Jay Macejko's interpretation of the Order is that the discovery materials cannot be disseminated at this point, even with the redactions, until after the parties have filed the redacted sealed records with the Court and certified by affidavit that all appropriate redactions have been made.

In an effort to avoid unintentional violations of the Order, the Society is seeking clarification of the Order to ascertain at what point in time a party, if they so choose, is able to disseminate discovery materials that have been redacted according to the Court's Order.

In addition, the Society seeks clarification of the Order with regards to a series of documents that fall into a different category other than the document exchanged during the course of litigation and documents filed under seal. It appears, from review of the docket, that text messages were submitted to the Court throughout the proceedings for an in-camera inspection. It appears that these text messages, and any log provided along with those messages, are part of the Court record, but do not necessarily qualify as documents filed under seal and are not necessarily documents that were disseminated in the course of discovery. The Society is seeking the release of all documents that are part of the Court record, including these text messages and any logs associated with them. It is apparent from the records that some of these text messages were deemed to be relevant by Court Order and were ordered to be disseminated while others were not. As it is the Society's purpose in this case to seek the disclosure of any and all evidence of discrimination, the Society is only seeking the release of those text messages, with any logs identifying the sender and recipient, that were deemed relevant by the Court and does not seek the release of any series of documents in which the Court previously found there was no probative evidence in the case.

Respectfully submitted,

/s/Scott R. Cochran

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**CERTIFICATE OF SERVICE**

A copy of the foregoing was filed electronically with the Court. Notice of this filing will be sent to all counsel by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/Scott R. Cochran

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