

IN THE COURT OF COMMON PLEAS
ATHENS COUNTY, OHIO

BAILEY MARTIN, ET AL.	:	
	:	Case No.: 21CI0221
Plaintiffs,	:	
	:	JUDGE MCCARTHY
v.	:	
	:	
OHIO UNIVERSITY, ET AL.,	:	
	:	
Defendants.	:	
	:	

DEFENDANTS' SECOND NOTICE OF SUPPLEMENTAL AUTHORITY

Defendants hereby provide the Court with notice of the following supplemental authority in support of Defendants' motion to dismiss and Defendants' opposition to Plaintiffs' motion for preliminary injunction:

1. Effective March 21, 2022, Ohio University will no longer require weekly COVID-19 testing for any Ohio University community members. Instead, Ohio University "will request that individuals complete asymptomatic tests based on known or potential exposures, *regardless of vaccination status.*" See March 15, 2022 Public Health Update (emphasis added) (attached as Ex. 1).

Respectfully submitted,

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ATTORNEY GENERAL OF OHIO

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Smullen, Peggy Viehweger, and Matthew Evans*

CERTIFICATE OF SERVICE

I certify that, pursuant to Civ.R. 5(B)(2)(f), a copy of the foregoing DEFENDANTS' SECOND NOTICE OF SUPPLEMENTAL AUTHORITY was served on March 16, 2022 by e-mail on:

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OHIO UNIVERSITY Public health update: March 15, 2022

The following message was shared with the OHIO community on March 1, 2022.

Dear OHIO community members,

Welcome back from spring break. I hope everyone had the opportunity to get some fresh air and recharge for the rest of Spring Semester.

As spring break approached, Ohio University's campuses were experiencing a significant decline in COVID-19 cases, which allowed us to relax some of the public health measures the Delta and Omicron surges made necessary.

The consistent decline in COVID-19 cases on OHIO campuses allows us to scale back another prevention measure: required weekly asymptomatic testing. With the low incidence of disease among our highly vaccinated OHIO community, we can move to an exposure-based testing strategy rather than a general screening strategy. This targeted approach will allow for efficient use of our testing resources.

Effective Monday, March 21, weekly testing will no longer be required for any OHIO community members, including those on the Weekly Testing Pathway. Instead, we will request that individuals complete asymptomatic tests based on known or potential exposures, regardless of vaccination status. If the University learns that you may have been exposed to COVID-19, you will receive an email from COVID Operations with instructions on how and where to complete a test.

Spring break testing available

With so many Ohio University community members traveling during spring break, there is increased potential for accidentally bringing COVID-19 back to OHIO campuses. To maintain our downward cases trend we encourage all students, faculty, and staff to complete an asymptomatic COVID-19 test this week:

- On the Athens campus, schedule a test at [CVS](#) or [Vault Health](#)
- On regional campuses, [pick up a Vault Health test kit](#)

While awaiting test results, using infection prevention measures such as masking in public places and avoiding crowded spaces will help prevent unintentional spread of the virus.

As the University continues to respond to the ever-changing conditions of the COVID-19 pandemic, I feel grateful for our University community's commitment to maintaining a healthy campus. So many individual actions have contributed to our collective successes during these challenging times – together we have shifted in response to change and uncertainty. I look forward to all the good things we will enjoy together in our collective future.

Dr. Gillian Ice

Special Assistant to the President for Public Health Operations

Tags: [Coronavirus](#) | [public health](#)

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