

**In The
Ohio Supreme Court**

LEAGUE OF WOMEN VOTERS OF OHIO, et al.,	:	
	:	
<i>Relators,</i>	:	Case No. 2021-1193
	:	
v.	:	Original Action Pursuant to
	:	Ohio Const., Art. XI
OHIO REDISTRICTING COMMISSION, et al.,	:	
	:	
<i>Respondents.</i>	:	

**RESPONSE TO RELATORS' MOTION FOR SCHEDULING ORDER
BY RESPONDENTS DEWINE, LAROSE AND FABER**

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**RESPONSE TO RELATORS’ MOTION FOR SCHEDULING ORDER
BY RESPONDENTS DEWINE, LAROSE AND FABER**

The Statewide Elected Officials’ Proposed Scheduling Order.

Respondents Governor DeWine, Ohio Secretary of State LaRose, and Ohio Auditor Faber (Statewide Elected Officials) received the League of Women Voters of Ohio (LWV) Relators’ Motion for Scheduling Order during the afternoon of Thursday, September 23, 2021. The motion contained no description of the scope of discovery that the LWV Relators intend to seek, such as the number and length of depositions, additional experts and lay witnesses, and additional written discovery such as interrogatories and demands for documents. In an email correspondence from yesterday evening, the LWV Relators indicated that they intend to take no less than eight depositions, including all seven of the Commission members. The LWV Relators also identified four experts for which they alone will rely upon in prosecuting their claims.

Since the LWV Relators filed their Complaint, two more groups of Relators have filed Complaints challenging the Commission-approved general assembly district maps: *Bennett et al. v. Ohio Redistricting Commission et al.*, No. 2021-1198 and *Ohio Organizing Collaborative et al. v. Ohio Redistricting Commission et al.*, No. 2021-1210. The Bennett Relators’ Motion for

Discovery and Scheduling Order filed on Monday, September 27, 2021 is devoid of any description of the scope and extent of discovery that they intend to seek. Likewise, the Statewide Elected Officials have no knowledge of the scope and extent of discovery that the Ohio Organizing Collaborative Relators will undoubtedly seek.

The Statewide Elected Officials agree that Relators' Complaints require speedy adjudication. The Statewide Elected Officials agree that given the current February 2, 2022 candidate filing deadline, the new districts need to be in place in time for candidates to know the districts in which they live or in which they wish to run for election. If the Ohio General Assembly does not pass a congressional redistricting bill with the required vote totals by the end of tomorrow, September 30, 2021, then the Ohio Constitution demands that the Respondents must now attempt to reach bipartisan agreement on a ten-year Congressional map by October 31, 2021. Ohio Const., Art. XIX, § 1. This means that in October, the Statewide Elected Officials must not only fulfill the duties of their respective current offices, but they must also devote considerable time working on a congressional redistricting plan. Responding to what also could be extensive discovery from three separate groups of Relators in October could divert a large amount of time and attention from the Respondents working on the congressional district plan. The LWV and Bennet Relators' proposed scheduling order also deviates from this Court's more traditional scheduling orders in expedited elections cases and the few apportionment cases in the last several years because it contains numerous (and unnecessary) internal discovery deadlines. The Statewide Elected Officials propose that a master commissioner be utilized to handle any unresolved discovery matters that may arise during the discovery period.

For all of these reasons, the Statewide Elected Officials offer the following schedule for evidence and briefs: (1) Responses to Complaints, if any, due **October 11, 2021**; (2) Expert

Reports and Attachments due **November 1, 2021**; (3) Non-expert evidence due **November 19, 2021**; (4) Relators' Merit Briefs due **November 29, 2021**; (5) Respondents' Merit Briefs due **December 9, 2021**; (6) Relators' Reply Briefs due **December 14, 2021**.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 28, 2021, the foregoing *Response To Relators' Motion For Scheduling Order By Respondents DeWine, LaRose And Faber* was filed electronically. I further certify that a copy of the foregoing has been served via the electronic mail upon the following counsel for Relators.

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