

**IN THE
SUPREME COURT OF OHIO**

LEAGUE OF WOMEN VOTERS OF OHIO, *et al.*,

Relators,

v.

OHIO REDISTRICTING COMMISSION, *et al.*,

Respondents.

Case No. 2021-1193

**RESPONDENT THE OHIO REDISTRICTING COMMISSION'S MEMORANDUM IN
RESPONSE TO RELATORS' MOTION TO COMPEL EXPEDITED DISCOVERY**

Freda J. Levenson (0045916)
Counsel of Record
ACLU of Ohio Foundation, Inc.
4506 Chester Avenue
Cleveland, Ohio 44103
T: 614-586-1972 x 125
flevenson@acluohio.org

David J. Carey (0088787)
ACLU of Ohio Foundation, Inc.
1108 City Park Avenue, Suite 203
Columbus, OH 43206
T: (614) 586-1972 x2004
dcarey@acluohio.org

Alora Thomas*
Julie A. Ebenstein*
Kelsey Miller*
American Civil Liberties Union
125 Broad Street
New York, NY 10004
T: (212) 519-7866
athomas@aclu.org

Robert D. Fram*
Donald Brown*
Joshua González*
Juliana Goldrosen* (PHV 25193 - 2021)

DAVE YOST
OHIO ATTORNEY GENERAL

Erik J. Clark (0078732)
Counsel of Record
Ashley Merino (0096853)
ORGAN LAW LLP
1330 Dublin Road
Columbus, Ohio 43215
T: (614) 481-0900
F: (614) 481-0904
ejclark@organlegal.com
amerino@organlegal.com

Special Counsel to Attorney General Dave
Yost

*Counsel for Respondent The Ohio
Redistricting Commission*

DAVE YOST
OHIO ATTORNEY GENERAL
Bridget C. Coontz (0072919)
Counsel of Record
Julie M. Pfeiffer (006762)
Michael A. Walton (0092201)
Constitutional Offices Section

David Denuyl*
Salesforce Tower
415 Mission Street, Suite 5400
San Francisco, CA 94105-2533
T: (415) 591 6000
rfram@cov.com

James Smith*
Megan C. Keenan*
L. Brady Bender (PHV 25192 - 2021)
Alexander Thomson*
One CityCenter
850 Tenth Street, NW
Washington, DC 20001-4956
T: (202) 662-6000
mkeenan@cov.com

Anupam Sharma*
James Hovard*
Yale Fu*
3000 El Camino Real
5 Palo Alto Square, 10th Floor
Palo Alto, CA 94306-2112
T: (650) 632-4700
asharma@cov.com

Madison Arent*
The New York Times Building
620 Eighth Avenue
New York, NY 10018-1405
T: (212) 841 1000
marent@cov.com

* *Pro Hac Vice Motion Forthcoming*

30 E. Broad Street, 16th Floor
Columbus, Ohio 43215
Tel: (614) 466-2872
Fax: (614)782-7592
Bridget.Coontz@OhioAGO.gov
Julie.Pfeiffer@OhioAGO.gov
Michael.Walton@OhioAGO.gov

*Counsel for Respondents Ohio Governor
DeWine, Ohio Secretary of State LaRose,
and Ohio Auditor Faber*

W. Stuart Dornette (0002955)
Beth A. Bryan (0082076)
Philip D. Williamson (0097174)
TAFT STETTINIUS & HOLLISTER LLP
425 Walnut St., Suite 1800
Cincinnati, OH 45202-3957
T: (513) 381-2838
F: (513) 381-0205
dornette@taftlaw.com
bryan@taftlaw.com
pwilliamson@taftlaw.com

Phillip J. Strach †
Thomas A. Farr
John E. Branch, III
Alyssa M. Riggins †
NELSON MULLINS RILEY & SCARBOROUGH
LLP
4140 Parklake Avenue, Suite 200
Raleigh, NC 27612
T: (919) 329-3800
F: (919) 329-3799
phil.strach@nelsonmullins.com
tom.farr@nelsonmullins.com
john.branch@nelsonmullins.com
allyssa.riggins@nelsonmullins.com

*Counsel for Respondents Matt Huffman,
President of the Ohio Senate, and Robert R.
Cupp, Speaker of the Ohio House of
Representatives*

Diane Menashe (0070305)

Counsel of Record

John Gilligan (0024542)

ICE MILLER LLP

250 West Street, Suite 700

Columbus, Ohio 43215

T: (614) 462-6500

F: (614) 222-3468

Diane.Menashe@icemiller.com

John.Gilligan@icemiller.com

*Counsel for Respondents Senator Vernon
Sykes and House Minority Leader Emilia
Sykes*

† *Pro Hac Vice Motion Pending*

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**MEMORANDUM IN RESPONSE TO RELATORS' MOTION TO COMPEL
EXPEDITED DISCOVERY**

In three separate actions pending before this Court, Relators have filed complaints challenging the constitutionality of apportionment maps for the Ohio House of Representatives and Ohio Senate approved last month by Respondent the Ohio Redistricting Commission (the "Commission"). See *League of Women Voters of Ohio v. Ohio Redistricting Commission* (Case No. 2021-1193); *Bennett v. Ohio Redistricting Commission* (Case No. 2021-1198); *The Ohio Organizing Collaborative v. Ohio Redistricting Commission* (Case No. 2021-1210). Relators in these cases have filed motions to compel expedited discovery. In each of these cases, Relators named as Respondents the Commission itself as well as each individual member of the Commission. In each of these cases, each individual member is represented by counsel separate from the Commission's own counsel.

The Commission itself is not in possession, custody, or control of any document or any information potentially responsive to discovery requests served in any of these matters that is not in the possession, custody, and control of one or more of its individual members. In two of these cases, Relators served discovery requests on individual members of the Commission, not on the Commission itself. In the third matter (Case No. 2021-1210), Relators served interrogatories on individual members, served identical interrogatories on the Commission itself, and served document requests upon the Commission that are duplicative of document requests served on individual members in other related matters. Accordingly, if discovery is ordered to proceed over some individual members' objections, the Commission's responses to the limited duplicative discovery request served on the Commission itself will depend on the individual members' own responses, by and through their own counsel.

For this reason, regarding Relators' motions to compel expedited discovery, the Commission defers to the responses of each individual Commission member, including on the threshold issue of whether discovery should proceed at all in these matters prior to submission of evidence, as well as on specific disputes regarding the scope of that discovery if discovery proceeds.

CONCLUSION

For the reasons set forth above, Respondent the Ohio Redistricting Commission defers to the responses of the Commission's individual members to Relators' motions to compel expedited discovery.

Dated: October 6, 2021

Respectfully submitted,

/s/ Erik J. Clark

DAVE YOST
OHIO ATTORNEY GENERAL

Erik J. Clark (0078732)
Counsel of Record
Ashley Merino (0096853)
ORGAN LAW LLP
1330 Dublin Road
Columbus, Ohio 43215
614.481.0900
614.481.0904 (facsimile)
ejclark@organlegal.com
amerino@organlegal.com

Special Counsel to Attorney General Dave
Yost

*Counsel for Respondent The Ohio
Redistricting Commission*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 6, 2021, a copy of the foregoing was served by electronic mail upon the following:

Freda J. Levenson
ACLU of Ohio Foundation, Inc.
flevenson@acluohio.org

David J. Carey
ACLU of Ohio Foundation, Inc.
dcarey@acluohio.org

Alora Thomas*
American Civil Liberties Union
athomas@aclu.org

Robert D. Fram*
rfram@cov.com

Megan C. Keenan*
mkeen@cov.com

Anupam Sharma*
asharma@cov.com

Madison Arent*
marent@cov.com

Counsel for Relators

** Pro Hac Vice Motion Forthcoming*

DAVE YOST
OHIO ATTORNEY GENERAL
Bridget C. Coontz
Bridget.Coontz@OhioAGO.gov

Julie M. Pfeiffer
Julie.Pfeiffer@OhioAGO.gov

Michael A. Walton
Michael.Walton@OhioAGO.gov

Counsel for Respondents Ohio Governor DeWine, Ohio Secretary of State LaRose, and Ohio Auditor Faber

W. Stuart Dornette
Beth A. Bryan
Philip D. Williamson
TAFT STETTINIUS & HOLLISTER LLP
dornette@taftlaw.com
bryan@taftlaw.com
pwilliamson@taftlaw.com

Phillip J. Strach †
Thomas A. Farr
John E. Branch, III
Alyssa M. Riggins †
NELSON MULLINS RILEY &
SCARBOROUGH LLP
phil.strach@nelsonmullins.com
tom.farr@nelsonmullins.com
john.branch@nelsonmullins.com
alyssa.riggins@nelsonmullins.com

Counsel for Respondents Matt Huffman, President of the Ohio Senate, and Robert R. Cupp, Speaker of the Ohio House of Representatives

Diane Menashe
John Gilligan
ICE MILLER LLP
250 West Street, Suite 700
Columbus, Ohio 43215
T: (614) 462-6500
F: (614) 222-3468
Diane.Menashe@icemiller.com
John.Gilligan@icemiller.com

*Counsel for Respondents Senator Vernon
Sykes and House Minority Leader Emilia
Sykes*

† *Pro Hac Vice Motion Pending*

/s Erik J. Clark

*One of the Attorneys for Respondent
The Ohio Redistricting Commission*

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