

IN THE SUPREME COURT OF OHIO

Bria Bennett, et al.,

Petitioners,

v.

Ohio Redistricting Commission, et al.,

Respondents.

Case No. 2021-1198

Original Action Filed Pursuant to Ohio
Constitution, Article XI, Section 9(A)

*[Apportionment Case Pursuant to S. Ct.
Prac. R. 14.03]*

PETITIONERS' MOTION FOR SCHEDULING ORDER

Abha Khanna (PHV 2189-2023)
Ben Stafford (PHV 25433-2023)
ELIAS LAW GROUP LLP
1700 Seventh Avenue, Suite 2100
Seattle, WA 98101
T: (206) 656-0176
F: (206) 656-0180
akhanna@elias.law
bstafford@elias.law

Jyoti Jasrasaria (PHV 25401-2023)
Spencer W. Klein (PHV 25432-2023)
ELIAS LAW GROUP LLP
250 Massachusetts Avenue, Suite 400
Washington, DC 20001
T: (202) 968-4490
F: (202) 968-4498
jjasrasaria@elias.law
sklein@elias.law

Donald J. McTigue* (0022849)
**Counsel of Record*
MCTIGUE COLOMBO & CLINGER LLC
545 East Town Street
Columbus, OH 43215
T: (614) 263-7000
F: (614) 368-6961
dmctigue@electionlawgroup.com

Counsel for Petitioners

Dave Yost
OHIO ATTORNEY GENERAL

Erik J. Clark (0078732)
Ashley Merino (0096853)
ORGAN LAW LLP
1330 Dublin Road
Columbus, OH 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

Julie M. Pfeiffer (0069762)
Jonathan D. Blanton (0070035)
Deputy Attorney General
Michael A. Walton (0092201)
Michael J. Hendershot (0081842)
Deputy Solicitor
OFFICE OF THE OHIO ATTORNEY
GENERAL

30 E. Broad Street, 16th Floor
Columbus, Ohio 43215
T: (614) 466-2872
F: (614) 782-7592
Julie.Pfeiffer@OhioAGO.gov
Michael.Walton@OhioAGO.gov
Michael.Hendershot@OhioAGO.gov
Jonathan.Blanton@ohioAGO.gov

David A. Lockshaw, Jr. (0082403)
Terrence O'Donnell (0074213)
Manuel D. Cardona (0098079)
DICKINSON WRIGHT, PLLC
180 East Broad Street, Suite 3400
Columbus, Ohio 43215
T: (614) 744-2570
F: (844) 670-6009
dlockshaw@dickinson-wright.com
todonnell@dickinson-wright.com
mcardona@dickinson-wright.com

Special Counsel to Attorney General
Dave Yost

*Counsel for Respondent Secretary of State
Frank LaRose*

John W. Zeiger (0010707)
Marion H. Little, Jr. (0042679)
Christopher J. Hogan (0079829)
ZEIGER, TIGGES & LITTLE LLP
3500 Huntington Center
41 South High Street
Columbus, Ohio 43215
T: (614) 365-9900
zeiger@litohio.com
little@litohio.com

*Counsel for Respondent Governor Mike
DeWine*

Brodi J. Conover (0092082)
BRICKER & ECKLER LLP
2 East Mulberry Street
Lebanon, Ohio 45036
T: (513) 670-6693

F: (513) 670-0999
bconover@bricker.com

Anne Marie Sferra (0030855)
BRICKER & ECKLER LLP
100 South Third Street
Columbus, Ohio 43215
T: (614) 227-2300
F: (614) 227-2390
asferra@bricker.com

*Counsel for Respondent Auditor of State
Keith Faber*

W. Stuart Dornette (0002955)
Beth A. Bryan (0082076)
Philip D. Williamson (0097174)
TAFT STETTINUS & HOLLISTER LLP
425 Walnut St., Suite 1800
Cincinnati OH 45202-3957
T: (513) 381-2838
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 Ave., Suite 200
Raleigh, NC 27612
T: (919) 329-3812
phil.strach@nelsonmullins.com
tom.farr@nelsonmullins.com
john.branch@nelsonmullins.com
alyssa.riggins@nelsonmullins.com

*Counsel for Respondents Senate President Matt
Huffman, House Speaker Jason Stephens,
Senator Robert McColley, and Representative
Jeffrey LaRe*

C. Benjamin Cooper (0093103)
Charles H. Cooper, Jr. (0037295)

Chelsea C. Weaver (0096850)
COOPER & ELLIOTT, LLC
305 West Nationwide Boulevard
Columbus, Ohio 43215
T: (614) 481-6000
benc@cooperelliott.com
chipc@cooperelliott.com
chelseaw@cooperelliott.com

*Counsel for Respondents Senate Minority
Leader Nickie Antonio and House Minority
Leader Allison Russo*

RETRIEVED FROM DEMOCRACYDOCKET.COM

Petitioners Bria Bennett, *et al.* hereby move this Court for an order adopting a schedule to review any new General Assembly-district plan for compliance with the requirements of the Ohio Constitution, including Article XI, Sections 6(A) and 6(B).

The Court is familiar with this case’s background, which Petitioners will not repeat. But given the long period of time that has elapsed since the Court’s last opinion, Petitioners briefly recount where the General Assembly redistricting process left off to provide important context for this motion: On May 25, 2022, this Court entered an order sustaining Petitioners’ objections to “Map 3” and ordered that plan “invalid in its entirety.” *League of Women Voters of Ohio v. Ohio Redistricting Comm.* (“LWV V”), Slip Opinion No. 2022-Ohio-1727, ¶ 5. The Court further ordered the Ohio Redistricting Commission “to be reconstituted, to convene, and to draft and adopt an entirely new General Assembly–district plan that meets the requirements of the Ohio Constitution, including Article XI, Sections 6(A) and 6(B).” *Id.* It set deadlines for filing of the district plan, any objections to that plan, and any responses to such objections—all for June 2022. *Id.* ¶ 6. It also retained jurisdiction for the purpose of reviewing the new plan. *Id.* The Ohio Redistricting Commission, however, was not reconstituted until this month, on September 13, 2023, more than fifteen months after it was ordered to do so and after all of the deadlines under the Court’s governing order have passed. *See Ex. 1.* The Commission has not yet adopted a new plan or announced precisely when it will do so.

Now that the process of drafting and adopting a new General Assembly-district plan has begun, Petitioners move this Court for a new schedule that will facilitate, if necessary, this Court’s orderly review of the new plan under its retained jurisdiction. In particular, Petitioners move this Court to order that:

- (1) The Ohio Redistricting Commission shall file the district plan with the Court on the

same date that the plan is adopted;

(2) Petitioners shall file objections, if any, to the new plan, by 5:00 p.m., five days after the new plan is filed with the Court;

(3) Respondents shall file responses by 5:00 p.m., three days after any objections are filed; and

(4) If the deadline for objections or responses falls on a Saturday, Sunday, or holiday, then the objections or response shall be filed by 5:00 p.m. on the next business day thereafter.

Petitioners reached out to all Respondents for their position on this motion, but Respondents were unable to reach a consensus response.

Dated: September 25, 2023

Respectfully submitted,

/s/ Donald J. McTigue

Donald J. McTigue* (0022849)

**Counsel of Record*

MCTIGUE COLOMBO & CLINGER LLC

545 East Town Street

Columbus, OH 43215

T: (614) 263-7000

F: (614) 368-6961

dmctigue@electionlawgroup.com

Abha Khanna (PHV 2189-2023)

Ben Stafford (PHV 25433-2023)

ELIAS LAW GROUP LLP

1700 Seventh Ave, Suite 2100

Seattle, WA 98101

T: (206) 656-0176

F: (206) 656-0180

akhanna@elias.law

bstafford@elias.law

Jyoti Jasrasaria (PHV 25401-2023)

Spencer W. Klein (PHV 25432-2023)

ELIAS LAW GROUP LLP

250 Massachusetts Avenue, Suite 400

Washington, DC 20001

T: (202) 968-4490

F: (202) 968-4498
jjasrasaria@elias.law
sklein@elias.law

Counsel for Petitioners

RETRIEVED FROM DEMOCRACYDOCKET.COM

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was sent via email this 25th day of September, 2023 to the following:

Dave Yost
OHIO ATTORNEY GENERAL

Erik J. Clark (0078732)
Ashley Merino (0096853)
ORGAN LAW LLP
1330 Dublin Road
Columbus, OH 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

Julie M. Pfeiffer (0069762)
Jonathan D. Blanton (0070035)
Deputy Attorney General
Michael A. Walton (0092201)
Michael J. Hendershot (0081842)
Deputy Solicitor
OFFICE OF THE OHIO ATTORNEY GENERAL
30 E. Broad Street, 16th Floor
Columbus, Ohio 43215
T: (614) 466-2872
F: (614) 782-7592
Julie.Pfeiffer@OhioAGO.gov
Michael.Walton@OhioAGO.gov
Michael.Hendershot@OhioAGO.gov
Jonathan.Blanton@ohioAGO.gov

David A. Lockshaw, Jr. (0082403)
Terrence O'Donnell (0074213)
Manuel D. Cardona (0098079)
DICKINSON WRIGHT, PLLC
180 East Broad Street, Suite 3400

Columbus, Ohio 43215
T: (614) 744-2570
F: (844) 670-6009
dlockshaw@dickinson-wright.com
todonnell@dickinson-wright.com
mcardona@dickinson-wright.com

Special Counsel to Attorney General Dave Yost

Counsel for Respondent Secretary of State Frank LaRose

John W. Zeiger (0010707)
Marion H. Little, Jr. (0042679)
Christopher J. Hogan (0079829)
ZEIGER, TIGGES & LITTLE LLP
3500 Huntington Center
41 South High Street
Columbus, Ohio 43215
T: (614) 365-9900
zeiger@litohio.com
little@litohio.com

Counsel for Respondent Governor Mike DeWine

Brodi J. Conover (0092082)
BRICKER & ECKLER LLP
2 East Mulberry Street
Lebanon, Ohio 45036
T: (513) 670-6693
F: (513) 670-0999
bconover@bricker.com

Anne Marie Sferra (0030855)
BRICKER & ECKLER LLP
100 South Third Street
Columbus, Ohio 43215
T: (614) 227-2300
F: (614) 227-2390
asferra@bricker.com

Counsel for Respondent Auditor of State Keith 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
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 Ave., Suite 200
Raleigh, NC 27612
T: (919) 329-3812
phil.strach@nelsonmullins.com
tom.farr@nelsonmullins.com
john.branch@nelsonmullins.com
alyssa.riggins@nelsonmullins.com

Counsel for Respondents Senate President Matt Huffman, House Speaker Jason Stephens, Senator Robert McColley, and Representative Jeffrey LaRe

C. Benjamin Cooper (0093103)
Charles H. Cooper, Jr. (0037295)
Chelsea C. Weaver (0096850)
COOPER & ELLIOTT, LLC
305 West Nationwide Boulevard
Columbus, Ohio 43215
T: (614) 481-6000
benc@cooperelliott.com
chipc@cooperelliott.com
chelseaw@cooperelliott.com

Counsel for Respondents Senate Minority Leader Nickie Antonio and House Minority Leader Allison Russo

/s/ Donald J. McTigue
Donald J. McTigue* (0022849)

Exhibit 1

RETRIEVED FROM DEMOCRACYDOCKET.COM



MIKE DEWINE
GOVERNOR
STATE OF OHIO

**OFFICIAL NOTICE OF THE CONVENING OF THE RECONSTITUTED OHIO
REDISTRICTING COMMISSION**

Pursuant to Article XI, Section 1 and Section 9 of the Ohio Constitution, Governor Mike DeWine will convene the first meeting of the reconstituted Ohio Redistricting Commission.

When:

Wednesday, September 13, 2023 at 10:00 AM

Where:

James A. Rhodes State Office Tower
Lobby Hearing Room
30 East Broad Street
Columbus, OH 43221

General Order of Business:

Governor DeWine will convene the first meeting of the reconstituted Ohio Redistricting Commission. The appointments of any appointed members of the commission will be entered into the record, the administration of the Oath of Office will occur, the roll will be called, the co-chairpersons will be formally entered into the record, and the meeting will be turned over to the co-chairpersons.