

**In the  
Supreme Court of Ohio**

<b>REGINA C. ADAMS, et al.,</b>	:	
	:	
<i>Relators,</i>	:	<b>Case No. 2021-1428</b>
	:	
v.	:	<b>Original Action Pursuant to</b>
	:	<b>Ohio Const., Art. XIX, § 3(A)</b>
<b>GOVERNOR MIKE DEWINE, et al.,</b>	:	
	:	<b>Redistricting Case</b>
<i>Respondents.</i>	:	

---

**SECRETARY OF STATE FRANK LAROSE’S, GOVERNOR MIKE DeWINE’S AND  
AUDITOR KEITH FABER’S RESPONSE TO RELATORS’ MOTION TO COMPEL**

---

In response to Relators’ *Motion to Compel* Ohio Secretary of State Frank LaRose asserts that there is nothing to compel. In his capacity as Secretary of State, Respondent LaRose will respond to Relators’ narrowed discovery requests by 5 p.m. Wednesday December 8, 2021.

Governor Mike DeWine, Auditor Keith Faber and Secretary of State LaRose (“Statewide Commission Members”), in their respective capacities as Ohio Redistricting Commission Members, oppose Relators’ efforts to now convert discovery served on them into a third-party subpoena. As an initial matter, Relators cite no authority for the proposition that party discovery can be converted to a Civ. R. 45 subpoena once a party is dismissed from a case. Regardless, Relators chose to improperly name the Commission Members as parties in this case. Now that they have been dismissed, Relators are required to engage in third-party discovery in order to obtain documents from them. But Relators have not issued subpoenas to any of the Commission Members and are out of time to do so.

And, at this point in the litigation there are consequences associated with Relators’ request. Because if Relators’ *Requests for Production* are converted to Civ. R. 45(C) non-party subpoenas

with which Governor DeWine, Auditor Faber and Secretary LaRose are ordered to immediately comply, none of the Statewide Commission Members will be able to avail themselves of the protections afforded to non-parties under Civ. R. 45. Specifically, Civ. R. 45(C)(2) sets forth a process by which a non-party may object in writing to a subpoena and be relieved of the obligation to comply. It further allows a non-party to obtain protective order if a subpoena that provides insufficient time to comply or seeks privileged information. Civ. R. 45(C).

Relators want to deprive the Statewide Commission Members of their protections under Civ. R. 45. They want an order requiring the Statewide Commission Members to consider overly broad discovery requests to be equally overly broad subpoenas, and then reply in one business day. And, they do not want to afford the Statewide Commission Members any time to review those documents and object on the basis of privilege. Relators are not entitled to such extraordinary relief and the current schedule cannot accommodate it. Their Motion to Compel against the Statewide Commission Members should be denied.

Respectfully submitted,

DAVE YOST  
OHIO ATTORNEY GENERAL

*/s/ Bridget C. Coontz*

---

BRIDGET C. COONTZ (0072919)\*

*\*Counsel of Record*

JULIE M. PFEIFFER (0069762)  
MICHAEL A. WALTON (0092201)

Assistant Attorneys General  
Constitutional Offices Section  
30 E. Broad Street, 16<sup>th</sup> Floor  
Columbus, Ohio 43215

Tel: 614-466-2872 | Fax: 614-728-7592

Bridget.Coontz@OhioAGO.gov

Julie.Pfeiffer@OhioAGO.gov

Michael.Walton@OhioAGO.gov

*Counsel for Statewide Ohio Redistricting  
Commission Members*

**CERTIFICATE OF SERVICE**

I hereby certify that on December 6, 2021, the foregoing *Secretary Of State Frank Larose's, Governor Mike DeWine's And Auditor Keith Faber's Response To Relators' Motion To Compel* 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.

Donald J. McTigue\* (0022849)  
\*Counsel of Record  
Derek S. Clinger (0092075)  
MCTIGUE & COLOMBO LLC  
dmctigue@electionlawgroup.com  
dclinger@electionlawgroup.com

Abha Khanna (Pro Hac Vice Pending)  
Ben Stafford (Pro Hac Vice Pending)  
ELIAS LAW GROUP  
akhanna@elias.law  
bstafford@elias.law

Aria C. Branch (Pro Hac Vice Pending)  
Jyoti Jasrasaria (Pro Hac Vice Pending)  
Spencer W. Klein (Pro Hac Vice Pending)  
Harleen K. Gambhir (Pro Hac Vice Pending)  
ELIAS LAW GROUP  
abbranch@elias.law  
jjasrasaria@elias.law  
sklein@elias.law  
hgambhir@elias.law

*Counsel for Relators*

Phillip J. Strach (PHV-25444)  
Alyssa M. Riggins (PHV-25441)  
Thomas A. Farr (PHV-25461)  
John E. Branch, III (PHV-25460)  
NELSON MULLINS RILEY &  
SCARBOROUGH LLP  
phil.strach@nelsonmullins.com  
alyssa.riggins@nelsonmullins.com  
tom.farr@nelsonmullins.com  
john.branch@nelsonmullins.com

*Counsel for Respondents Huffman and Cupp*

/s/ Bridget C. Coontz

BRIDGET C. COONTZ (0072919)  
Assistant Attorney General