

IN THE SUPREME COURT OF OHIO

League of Women Voters of Ohio, et al.,

Relators,

v.

Governor Mike DeWine, et al.,

Respondents.

Case No. 2021-1449

Original Action Filed Pursuant to Ohio
Constitution, Article XIX

**ANSWER AND AFFIRMATIVE DEFENSES OF
RESPONDENTS HUFFMAN AND CUPP**

Robert D. Fram (PHV 25414-2021)*
Donald Brown (PHV 25480-2021)*
Joshua González (PHV 25424-2021)*
David Denuyl (PHV 25452-2021)*
Juliana Goldrosen (PHV 25193-2021)*
Salesforce Tower
415 Mission Street, Suite 5400
San Francisco, CA 94105-2533
(415) 591-6000
rfram@cov.com

James Smith*
Sarah Suwanda*
Alex Thomson (PHV 25462-2021)*
L. Brady Bender (PHV 25192-2021)*
One CityCenter
850 Tenth Street, NW
Washington, DC 20001-4956
(202) 662-6000
jmsmith@cov.com

Anupam Sharma (PHV 25418-2021)*
Yale Fu (PHV 25419-2021)*
3000 El Camino Real
5 Palo Alto Square, 10th Floor
Palo Alto, CA 94306-2112
(650) 632-4700
asharma@cov.com

Dave Yost (0056290)
Bridget C. Coontz (0072919)
Julie M. Pfeiffer (0069762)
OHIO ATTORNEY GENERAL
30 E. Broad Street
Columbus, Ohio 43215
T: (614) 466-2872
F: (614) 728-7592

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

Phillip J. Strach (PHV 25444-2021)*
phillip.strach@nelsonmullins.com
Thomas A. Farr (PHV 25461-2021)*
tom.farr@nelsonmullins.com
John E. Branch, III (PHV 25460-2021)*
john.branch@nelsonmullins.com
Alyssa M. Riggins (PHV 25441-2021)*
alyssa.riggins@nelsonmullins.com
**NELSON MULLINS RILEY &
SCARBOROUGH LLP**
4140 Parklake Avenue, Suite 200
Raleigh, NC 27612
Telephone: 919-329-3800

W. Stuart Dornette (0002955)
dornette@taftlaw.com
Beth A. Bryan (0082076)

Freda J. Levenson (0045916)
Counsel of Record
ACLU of Ohio Foundation, Inc. 4506 Chester
Avenue
Cleveland, OH 44103
(614) 586-1972 x125 flevenson@acluohio.org
David J. Carey (0088787)
ACLU of Ohio Foundation, Inc. 1108 City
Park Avenue, Suite 203 Columbus, OH 43206
(614) 586-1972 x2004 dcarey@acluohio.org

Julie A. Ebenstein (PHV 25423-2021)*
American Civil Liberties Union
125 Broad Street
New York, NY 10004
(212) 519-7866
jebenstein@aclu.org

Counsel for Relators

bryan@taftlaw.com
Philip D. Williamson (0097174)
pwilliamson@taftlaw.com
TAFT STETTINUS & HOLLISTER LLP
425 Walnut St., Suite 1800
Cincinnati, OH 45202-3957
Telephone: 513-381-2838

Counsel for Respondents Huffman and Cupp
**Pro Hac Vice Motions Pending*

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By and through counsel, Respondents Senate President Matt Huffman and Speaker Robert R. Cupp (“Respondents”) answer the Relators’ Complaint as follows:

FIRST DEFENSE

1. Regarding the allegations in paragraphs 1-12 and 36-125, Respondents admit that the public record, any exhibits and any sections of the Ohio Constitution cited by Relators speak for themselves. To the extent paragraphs 1-12 and 36-125 contain legal conclusions, no response is required. In all other respects, Respondents deny the allegations of paragraphs 1-12 and 36-125.

2. Respondents are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraphs 13-35.

SECOND DEFENSE

2. Relators Complaint fails to state a claim upon which relief can be granted and should be dismissed pursuant to Ohio Rule of Civil Procedure 12(b)(6).

THIRD DEFENSE

3. Relators Complaint should be dismissed pursuant to Rules 12(b)(7) and 19 of the Ohio Rules of Civil Procedure for failure to join a necessary party in this case.

FOURTH DEFENSE

4. The 2021 Congressional Plan challenged by Relators complies with all of the applicable sections and subsections of Article XIX, of the Ohio Constitution, and any other requirements of the Ohio Constitution.

FIFTH DEFENSE

5. The General Assembly consideration of partisan factors did not prevail over the requirements of Article XIX.

SIXTH DEFENSE

6. This Court is obligated to defer to the General Assembly’s reasonable interpretation of Article XIX.

SEVENTH DEFENSE

7. Under applicable law, the 2021 Congressional Plan is presumed to be constitutional.

EIGHTH DEFENSE

8. Relators cannot prove that the 2021 Congressional Plan is unconstitutional beyond a reasonable doubt.

NINTH DEFENSE

9. The 2021 Congressional Plan does not unduly favor or disfavor a political party or its incumbents.

TENTH DEFENSE

10. The 2021 Congressional Plan does not unduly split governmental units and gave preference in keeping whole, in order, Counties, then townships and municipal corporations.

PRAYER FOR RELIEF

Respondents move the Court for an order that the Court dismiss Relators’ Complaint and award Respondents such other relief as may be just and equitable.

Respectfully submitted this the 2nd day of December, 2021.

/s/ Phillip J. Strach
Phillip J. Strach (PHV 25444-2021)*
phillip.strach@nelsonmullins.com
Thomas A. Farr (PHV 25461-2021)*
tom.farr@nelsonmullins.com
John E. Branch, III (PHV 25460-2021)*
john.branch@nelsonmullins.com
Alyssa M. Riggins (PHV 25441-2021)*

alyssa.riggins@nelsonmullins.com
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4140 Parklake Avenue, Suite 200
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Telephone: 919-329-3800

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

Counsel for Respondents Huffman and Cupp
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CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of December, 2021, I have served the foregoing document by email:

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David Denuyl (PHV 25452-2021)*
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Joshua Gonzalez (PHV 25424-2021)*
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jmsmith@cov.com

Anupam Sharma (PHV 25418-2021)*
Yale Fu (PHV 25419-2021)*
asharma@cov.com

Freda J. Levenson (0045916)
flevenson@acluohio.org

David J. Carey (0088797)
dcarey@acluohio.org

Julie A. Ebenstein (PHV 25423-2021)*
jebenstein@aclu.org

Counsel for Relators

Bridget C. Coontz (0072919)
Julie M. Pfeiffer (0069762)
OHIO ATTORNEY GENERAL
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Columbus, Ohio 43215
T: (614) 466-2872
F: (614) 728-7592
Bridget.Coontz@OhioAGO.gov
Julie.Pfeiffer@OhioAGO.gov
*Counsel for Secretary of State LaRose,
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/s/Phillip J. Strach
Phillip J. Strach