

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MICHAEL GONIDAKIS,
6586 Baronscourt Loop
Dublin, OH 43016

MARY PARKER,
8925 Cupstone Drive
Galena, OH 43021

MARGARET CONDITT,
6959 Rock Springs Drive
Liberty Twp., OH 45011

BETH VANDERKOOI,
541 East Moler Street
Columbus, OH 43207

LINDA SMITH,
4998 Blendon Pond Drive
Westerville, OH 43081

DELBERT DUDUIT,
32 Greenbriar Road
Lucasville, OH 45648

THOMAS W. KIDD JR.,
10114 Brooks Carroll Road
Waynesville, OH 45068

DUCIA HAMM,
53 North Main Street
Ashland, OH 44805

Plaintiffs,

v.

FRANK LAROSE, in his official capacity,
22 N. Fourth St.
16th Floor
Columbus, OH 43215

Defendant.

Case No. 2:22-cv-773

Chief Judge Algernon L. Marbley

Magistrate Judge Elizabeth P. Deavers

Three-Judge Panel Requested

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**PLAINTIFFS' FIRST AMENDED COMPLAINT
FOR DECLARATORY AND INJUNCTIVE RELIEF**

1. Ohio's state legislative districts, under the United States Constitution and as confirmed by voters through amendments to the Ohio Constitution, must be substantially similar in population. But they are not right now. That is because the state legislative districts are based on 2010 census data instead of 2020 census data. And as the 2020 U.S. Census recently showed, much has changed in Ohio over the last ten years, including a net gain of more than 250,000 people and double-digit growth in many regions.

2. Ohio had a chance to bring these districts up to date. The Ohio Redistricting Commission (the "Redistricting Commission") passed two plans that met these requirements—and did so in time for candidates to declare for Ohio's primaries. But both plans were invalidated by the Ohio Supreme Court.

3. In fact, the February 2, 2022, filing deadline for partisan candidates was already in the rearview mirror before the Ohio Supreme Court rejected the Redistricting Commission's second plan on February 7, 2022.

4. The Redistricting Commission is now at an impasse after the Ohio Supreme Court ordered the Redistricting Commission to draw a third plan.

5. As a result, without new districts, Plaintiffs are cut out of the political process. Either the 2010 legislative districts apply, and their votes are diluted by the population growth reflected in the 2020 U.S. Census data. Or alternatively, they are not members of any state legislative district and cannot vote for state house of representatives or senate candidates. Regardless, the uncertainty has deprived Plaintiffs the opportunity to run for office, educate

themselves about candidates, support candidates, and associate with like-minded voters, among other things.

6. Therefore, this Court should declare that the current state legislative districts (or lack thereof) violate the U.S. Constitution and this Court should adopt the Second Plan previously adopted by the Redistricting Commission, attached as Exhibit B, for the 2022 election cycle.

THE PARTIES

7. Plaintiffs are Ohio voters that live in House and Senate Districts that were drawn in 2010:

- a. Plaintiff Michael Gonidakis resides in Dublin, Ohio at 6586 Baronscourt Loop in House District 21 and Senate District 16.
- b. Plaintiff Mary Parker resides in Galena, Ohio at 8925 Cupstone Drive in House District 68 and Senate District 19.
- c. Plaintiff Margaret Conditt resides in Liberty Township, Ohio at 6959 Rock Springs Drive in House District 52 and Senate District 4.
- d. Plaintiff Beth Vanderkooi resides in Columbus, Ohio at 541 East Moler Street in House District 18 and Senate District 15.
- e. Plaintiff Linda Smith resides in Westerville, Ohio at 4998 Blendon Pond Drive in House District 19 and Senate District 3.
- f. Plaintiff Delbert Duduit resides in Lucasville, Ohio at 32 Greenbriar Road in House District 90 and Senate District 14.
- g. Plaintiff Thomas W. Kidd Jr. resides in Waynesville, Ohio 45068 at 10114 Brooks Carroll Road in House District 62 and Senate District 7.

- h. Plaintiff Ducia Hamm resides in Savannah, Ohio at 53 North Main Street in House District 70 and Senate District 22.
8. Plaintiffs live in either malapportioned state legislative districts or non-existent state legislative districts, thus harming Plaintiffs.
9. Plaintiffs are also harmed right now because, until valid redistricting occurs, Ohioans, including Plaintiffs, cannot decide which candidates to support, cannot decide to run or to encourage candidates to run, cannot educate themselves or others on the positions of candidates in their districts and prepare to hold those candidates responsible, and cannot associate with others in their district.
10. Defendant is Secretary of State Frank LaRose in his official capacity. Secretary of State LaRose is the Chief Elections Officer of Ohio, with such powers and duties relating to the registration of voters and the conduct of elections. *See, e.g.*, O.R.C. § 3501.04.

JURISDICTION AND VENUE

11. Plaintiffs bring this action under 42 U.S.C. § 1983 to address the deprivation, under the color of state law, of rights secured by the United States Constitution. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1343 because the matters in controversy arise under the United States Constitution and the laws of the United States and involve the assertion of a deprivation, under color of state law, of rights under the Constitution of the United States. This Court has the authority to enter a declaratory judgment pursuant to 28 U.S.C. §§ 2201 and 2202, and order injunctive relief under Federal Rule of Civil Procedure 65.
12. This Court has personal jurisdiction over Defendant, Secretary of State Frank LaRose in his official capacity.

13. Venue is proper in the Southern District of Ohio, Eastern Division, because a substantial part of the events that give rise to Plaintiffs' claims have occurred and will occur in this District and Defendant's office is in this District.

14. A three-judge panel of this Court has jurisdiction to adjudicate this lawsuit because Plaintiffs are challenging the constitutionality of the apportionment of Ohio's statewide legislative body. *See* 28 U.S.C. § 2284(a).

STATEMENT OF FACTS

A. Ohio voters elect bicameral legislature.

15. The State of Ohio has a bicameral legislature, with a House of Representatives and a Senate.

16. Representatives are elected biennially by the electors of their respective house of representatives districts, with terms beginning on the first day of January and continuing for two years. *See* Ohio Constitution, Article II, Section 2.

17. Senators are elected by the electors of their respective senate districts. Their terms begin on the first day of January and continue for four years. *See* Ohio Constitution, Article II, Section 2.

18. The Ohio Constitution has historically provided for 99 Representatives and 33 Senators. *See* Ohio Constitution, Article XI, Section 2 (2010). The districts have been determined by using the federal decennial census to divide the total population of the state by 99 and 33, respectively. *Id.* Districts must be substantially equal in population. *See* Ohio Constitution, Article XI, Section 3 (2010).

B. New districts using federal census data in 2010 and approved by Ohio Supreme Court.

19. The 2010 decennial census found that Ohio had a population of 11,536,504 people. Two counties: Cuyahoga County and Franklin County had populations exceeding 1,000,000. Many others had populations of more than 300,000, including Hamilton, Montgomery, Summit, and Lorain, to name a few.

20. Following receipt of the 2010 census data, districts were created in accordance with the Ohio Constitution.

21. The Ohio Supreme Court subsequently confirmed the districts were apportioned consistent with the Ohio Constitution. *See Wilson v. Kasich*, 134 Ohio St.3d 221, 2012-Ohio-5367, 981 N.E.2d 814, ¶ 48.

C. Ohioans create new process for 2020 that still relies on federal census data.

22. In 2015, voters amended the Ohio Constitution with “Issue 1,” which created a bipartisan process for drawing new legislative districts that relied on the decennial census data.

23. Ohio voters were clear that, as before the amendment, the legislative districts were to be based on the population of the state as determined by the federal decennial census. *See* Ohio Constitution, Article XI, Section 3.¹

24. There were other changes as well, including the creation of the bipartisan Ohio Redistricting Commission. The Redistricting Commission was to be comprised of the governor, the auditor of state, the secretary of state, one person appointed by the speaker of the house of representatives, one person appointed by the legislative leader of the largest political party in the house of representatives of which the speaker of the house of representatives is not a member, one

¹ The Ohio Constitution, before and after 2015, also allows for use of alternative census information in the unlikely event the federal decennial census is unavailable.

person appointed by the president of the senate, and one person appointed by the legislative leader of the largest political party in the senate of which the president of the senate is not a member. *See* Ohio Constitution, Article XI, Section 1.

25. Under this revised Ohio Constitution, the Redistricting Commission would be asked to draw new state legislative districts² tied to various factors, such as federal partisan election results. *See* Ohio Constitution, Article XI, Section 6.

26. A district plan approved by a bipartisan majority of the Redistricting Commission would be valid for ten years, while a district plan approved by a simple majority for would be valid for four years. *See* Ohio Constitution, Article XI, Sections 8(B) and 8(C)(1)(a).

D. The COVID-19 pandemic interrupts the 2020 decennial census.

27. The COVID-19 pandemic, which halted much of ordinary life during March 2020, also impacted the 2020 decennial census.

28. The Census Bureau usually relies on an army of door-knockers and phone bank employees to supplement the households that fill out forms.

29. The Census Bureau's tactic of utilizing door-knockers and phone bank employees was made impractical because of the pandemic.

30. This led to delay by the Census Bureau and litigation ensued because of the delay.

31. Ohio eventually sued the Census Bureau and secured a settlement that ensured a still delayed, yet more timely, delivery of the information needed by the Redistricting Commission.

32. The 2020 U.S. Census data shows that Ohio's population increased to 11,799,448 people, an addition of hundreds of thousands of people over ten years.

² The Redistricting Commission also draws congressional districts, which are not at issue in this Complaint.

33. Many political subdivisions grew by double-digits, including Franklin County, Delaware County, Warren County, and Union County, to name a few.

34. For Ohio's most populous counties, Franklin, Cuyahoga, and Hamilton, there was a total shift of more than 200,000 people.

E. The Redistricting Commission adopts its first plan using the most recent census data in September 2021 ("First Plan").

35. With 2020 decennial census data finally in hand, the Redistricting Commission adopted an initial proposed state legislative district plan on September 9, 2021.

36. After the adoption of the September 9, 2021, proposed state legislative district plan, the Redistricting Commission held public meetings throughout Ohio on September 12, 13, and 14, 2021.

37. Shortly after midnight on September 16, 2021, the Redistricting Commission voted five to two to adopt an amended version of the initial plan, or the First Plan.

38. A copy of the First Plan is attached as Exhibit A to the Complaint.

39. Shortly thereafter, at least three organizations filed complaints in the Ohio Supreme Court challenging the Redistricting Commission's First Plan.

40. The cases were brought pursuant to Article XI, Section 9 of the Ohio Constitution, and challenged the constitutionality of the Redistricting Commission's First Plan.

F. Three months later, in January 2022, the Ohio Supreme Court rejects the First Plan.

41. On January 12, 2022, nearly three and a half months after the organizations initially challenged the Redistricting Commission's First Plan, the Ohio Supreme Court invalidated the First Plan. *See League of Women Voters of Ohio v. Ohio Redistricting Comm.*, 2022-Ohio-65, ¶ 138.

42. The Ohio Supreme Court ordered the Redistricting Commission to be reconstituted under Article XI, Section 1, to “convene, and to ascertain and adopt a General Assembly – district plan in conformity with the Ohio Constitution” and directed the Redistricting Commission to adopt a new plan within ten days. *Id.* at ¶ 139.

G. The Redistricting Commission adopts a Second Plan, again using the most recent census data.

43. The Redistricting Commission adopted a second state legislative district plan on January 22, 2022, the Second Plan, by a five to two vote.

44. A copy of the Second Plan is attached as Exhibit B to the Complaint.

45. Because the Redistricting Commission’s Second Plan did not have the bipartisan support required under Article XI, Section 8(B) of the Ohio Constitution, the Second Plan could remain in effect for no more than four years.

46. The Redistricting Commission’s Second Plan changed five House districts from the Redistricting Commission’s First Plan from Republican-leaning to Democratic-leaning and changed three Senate districts from Republican-leaning to Democratic-leaning.

47. This represents a greater than 6% increase in the number of Democratic-leaning districts from the Redistricting Commission’s First Plan.

48. Nevertheless, the same organizations who challenged the Redistricting Commission’s First Plan again filed objections.

H. Primary deadline passes in February 2022 for candidates while the Redistricting Commission’s Second Plan is considered.

49. While the Redistricting Commission’s Second Plan sat before the Ohio Supreme Court, the deadline for partisan candidates came and went.

50. On February 2, 2022, the deadline for partisan candidates to declare their candidacy passed.

51. On February 14, 2022, the deadline for local Boards of Elections to certify the validity and sufficiency of partisan candidates' petitions also passed.

I. Ohio Supreme Court rejects Second Plan and orders Third Plan.

52. On February 7, 2022, the Ohio Supreme Court sustained objections relating to the Redistricting Commission's Second Plan and invalidated the revised plan in its entirety. *See, League of Women Voters of Ohio v. Ohio Redistricting Comm.*, 2022-Ohio-342, ¶ 67.

53. After invalidating the Redistricting Commission's Second Plan, the Ohio Supreme Court ordered the Redistricting Commission to adopt a Third Plan, and to file a copy of the Third Plan with the secretary of state no later than February 17, 2022, and with the Court by 9:00 am on February 18, 2022.

J. Redistricting Commission declares impasse and cannot issue Third Plan.

54. Consistent with the Ohio Supreme Court's order, the Redistricting Commission met a third time.

55. However, the Redistricting Commission could not reach an agreement that followed the U.S. Constitution, Ohio Constitution, the Ohio Supreme Court, and the applicable federal data.

56. Accordingly, on February 17, 2022, the Redistricting Commission declared an "impasse" and determined it could not issue a Third Plan.

57. The Ohio Supreme Court received notice of this impasse the next day, on February 18, 2022.

58. A copy of the as-filed Notice of Impasse is attached as Exhibit C.

K. Plaintiffs are now stuck in malapportioned districts (or no district at all).

59. It is a near certainty that the February 22, 2022, deadline for write-in candidates to declare their intent for the May 3, 2022, primary election and the Secretary of State's deadline to certify to boards of elections the form of the official May 3, 2022, ballot will pass before a resolution is achieved regarding Ohio's legislative district maps.

60. Without legislative districts, Plaintiffs cannot decide which candidates to support, cannot decide to run for elected office or to encourage candidates to run, cannot educate themselves or others on the positions of candidates in their districts and prepare to hold those candidates responsible, and cannot associate with others in their district.

61. Plaintiffs are in districts based on census data that is more than ten years old instead of districts based on the 2020 decennial census. As a result, Plaintiffs live in malapportioned districts, with variance greater than 10%. For example, Mr. Gonidakis, Ms. Vanderkooi, and Ms. Smith live in Franklin County, which has gained more than 150,000 people since the last census, and their respective cities have experienced more than 10% in population gains, diluting their votes within their voting districts. The same is true for Ms. Parker, Mr. Kidd, and Ms. Conditt, whose areas (and therefore districts) have also grown exponentially in population. Conversely, individuals in areas of Ohio that lost population, such as Scioto County, have seen their voting power increase because their population decreased.

62. As a result, Plaintiffs' districts (using the 2010 legislative district maps), including House Districts 18, 19, 21, 52, 62, 68, 70, and 90 and Senate Districts 3, 4, 7, 14, 15, 16, 19, and 22, are malapportioned, as they now are outside the permissible 5% variance of the target population.

63. Because Plaintiffs' districts are malapportioned and require adjustment, and the adjustment can only come from other state legislative districts, all of Ohio's districts are malapportioned or otherwise impacted by malapportionment and requirement adjustment.

64. Alternatively, the 2010 state legislative districts have expired, and Plaintiffs' rights have been violated because they have no state legislative districts at all.

65. The plans adopted by the Redistricting Commission and rejected by the Ohio Supreme Court, attached as Exhibits A and B, properly distribute voting power and are based on 2020 census data.

66. Additionally, because litigation regarding the Redistricting Commission's approved legislative district plans has been pending before the Ohio Supreme Court for nearly five months, it is likely no resolution will be achieved regarding Ohio's state legislative district maps before the April 4, 2022, voter registration deadline for the May 3, 2022, primary election.

COUNT I: LEGISLATIVE MALAPPORTIONMENT

67. The Fourteenth Amendment of the U.S. Constitution requires that no state shall deny any person within its jurisdiction the equal protection of its laws. This requires that both houses of a bicameral legislature be apportioned on a population basis. In other words, an individual's right to vote for state legislatures is unconditionally impaired when the weight of the individual's vote is substantially diluted when compared with citizens that in other parts of the state.

68. The 2020 U.S. Census revealed significant changes to Ohio's population.

69. But Ohio does not currently have districts modified to fit these most recent changes.

70. As a result, if elections are allowed to take place before the legal sufficiency of districts are resolved, votes in overpopulated districts, such as Plaintiffs, will suffer from vote dilution. This means a deprivation of political power and resources.

71. Additionally, the ongoing uncertainty for the 2022 election cycle prevents voters, including Plaintiffs, from knowing their voting district, engaging with candidates, holding representatives accountable, and associating and organizing with their favored candidates.

72. Plaintiffs are suffering this harm on an ongoing basis.

COUNT II, ALTERNATIVE: DENIAL OF RIGHT TO VOTE

73. The Fourteenth Amendment of the U.S. Constitution requires that no state shall deny any person within its jurisdiction the equal protection of its laws without due process. This requires allowing an elector the opportunity to vote for a candidate for a state legislative district.

74. There are currently no state legislative districts, and the deadline for declaring partisan candidacy has passed.

75. Because there are no state legislative districts, Plaintiffs cannot exercise their right to vote for a candidate for a state legislative district in violation of the Equal Protection Clause and the Due Process Clause.

76. Additionally, the ongoing uncertainty for the 2022 election cycle prevents voters, including Plaintiffs, from knowing their voting district, engaging with candidates, holding representatives accountable, and associating and organizing with their favored candidates.

77. Plaintiffs are suffering this harm on an ongoing basis.

COUNT III: DEPRIVATION OF FREEDOM OF ASSOCIATION

78. The First Amendment of the U.S. Constitution protects the freedom of association and applies to the states via the Fourteenth Amendment.

79. Unnecessary uncertainty about the 2022 election impedes candidates' abilities to run for office, and restricts Plaintiffs' First Amendment right to association because it restricts an individual's ability to assess candidate positions and qualifications, advocate for candidates, and associate with like-minded voters.

80. Because of the malapportioned districts or the lack of districts, there is imminent risk of confusion and ongoing denial of Plaintiffs' freedom of association.

81. There is no compelling reason to deny Plaintiffs' freedom of association.

82. Plaintiffs are suffering these harms on an ongoing basis.

COUNT IV: PRELIMINARY INJUNCTION

83. Because Plaintiffs have no state legislative districts or their state legislative districts are malapportioned, they are very likely to succeed on the merits of their claim.

84. Because the Plaintiffs are being denied the right to vote in violation of the U.S. Constitution, they are suffering an irreparable injury.

85. Because voting is a fundamental right, the public interest favors restoring the voting rights of Plaintiffs and other Ohioans.

86. There is no harm in the Redistricting Commission following the U.S. Constitution and Plaintiffs receiving the right to vote.

REQUEST FOR THREE-JUDGE PANEL

87. Plaintiffs request a three-judge panel to adjudicate this lawsuit because Plaintiffs are challenging the constitutionality of the apportionment of Ohio's statewide legislative body. *See* 28 U.S.C. § 2284(a).

WHEREFORE, Plaintiffs respectfully request that this Court:

- i. Declare that the current configurations of Ohio's state legislative districts (or lack thereof) violate the First and Fourteenth Amendments to the U.S. Constitution;
- ii. Permanently enjoin Defendant and all persons acting on his behalf or in concert with him from implementing, enforcing, or conducting any elections under Ohio's current state legislative districts;
- iii. Establish a schedule that will enable the Court to adopt a timely enacted and lawful plan and implement the new plan for Ohio's state legislative districts, specifically the Second Plan, attached as Exhibit B;
- iv. Issue an order, as needed, staying the necessary election-related deadlines as they pertain to the state legislative districts pending this Court's implementation of interim redistricting plans;
- v. Retain jurisdiction while Defendant enacts plans by this Court's deadline;
- vi. Award Plaintiffs' attorneys' fees and costs in this action; and
- vii. Grant such other and further relief as this Court deems just and proper in the circumstances.

Respectfully submitted,

Isaac Wiles & Burkholder LLC

/s/ Donald C. Brey

Donald C. Brey (0021965)

Brian M. Zets (0066544)

Matthew R. Aumann (0093612)

Ryan C. Spitzer (0093515)

Two Miranova Place, Suite 700

Columbus, Ohio 43215

Tel: 614-221-2121; Fax: 614-365-9516

dbrey@isaacwiles.com
bzets@isaacwiles.com
maumann@isaacwiles.com
rspitzer@isaacwiles.com
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on February 22, 2022, a copy of the foregoing was filed electronically.
Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.
Parties may access this filing through the Court's system.

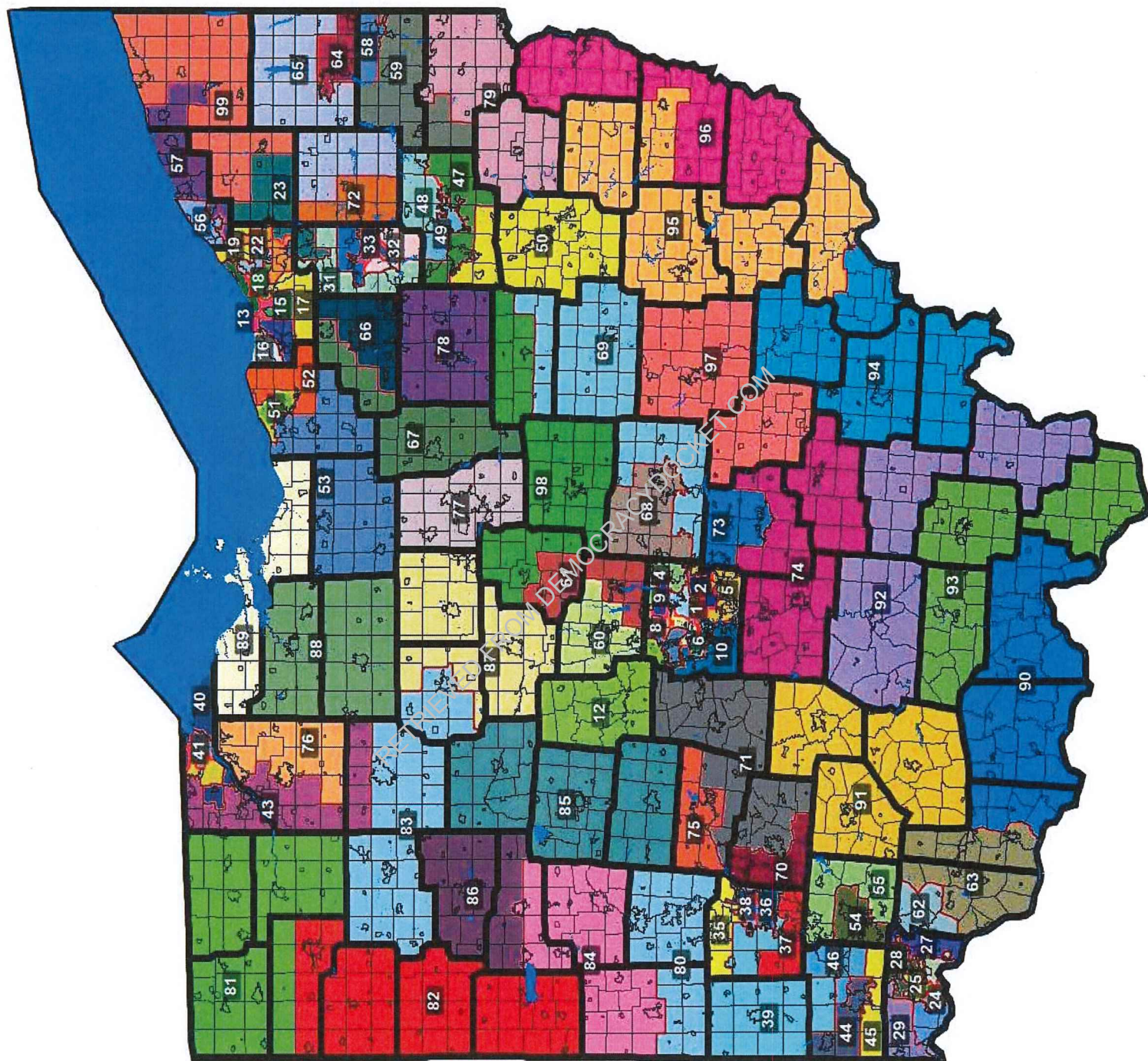
/s/Donald C. Brey
Donald C. Brey (0021965)

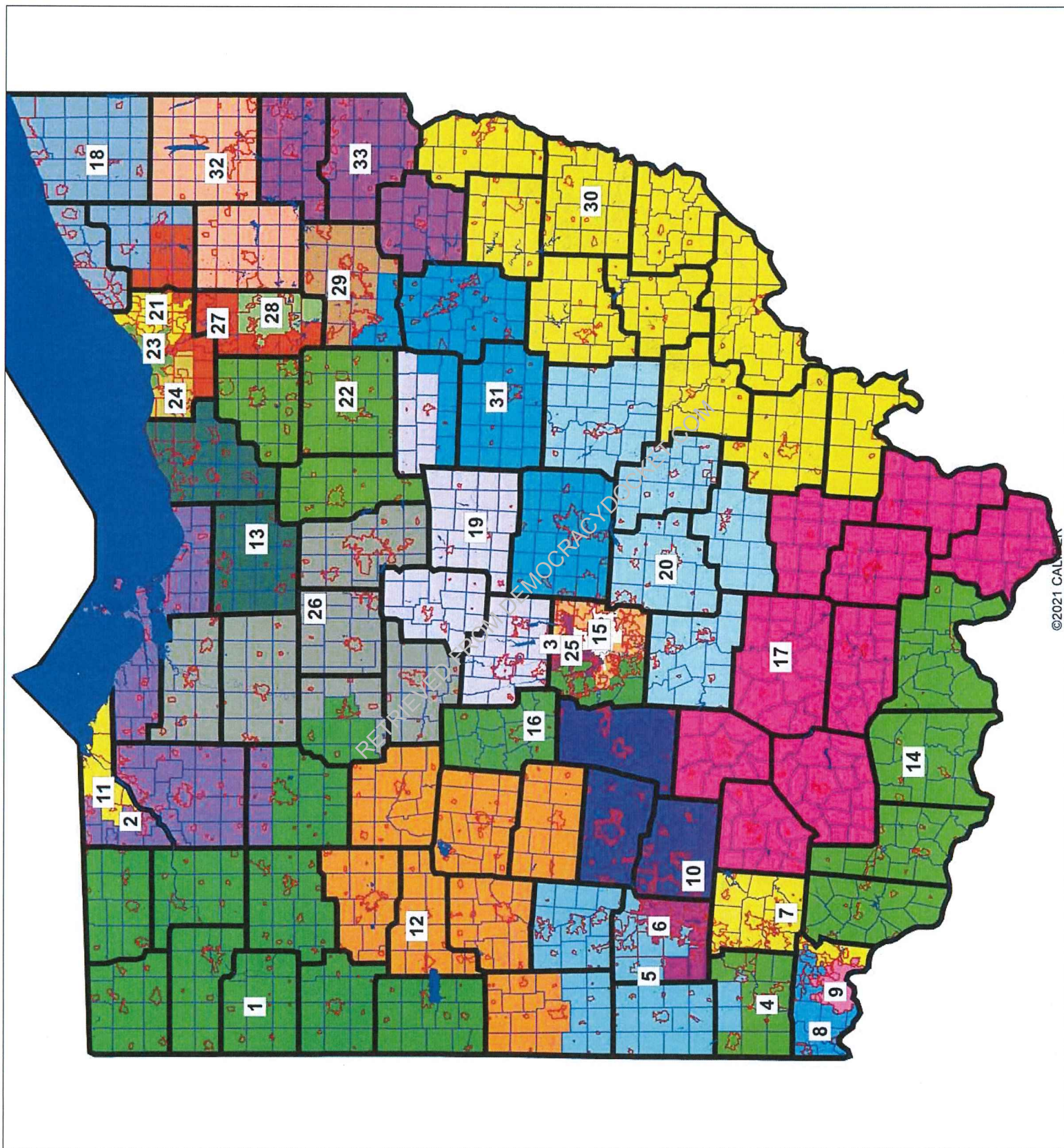
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EXHIBIT

A

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Pursuant to the 2020 U.S. Census, the population of Ohio as of April 1, 2020 was 11,799,448. The target population for each district is therefore 119,186.

Statistical Information – Proposed Ohio House Districts

House District	Population	Deviation
1	115,498	-3.09%
2	117,559	-1.37%
3	114,104	-4.26%
4	114,500	-3.93%
5	116,735	-2.06%
6	115,517	-3.08%
7	115,170	-3.37%
8	115,189	-3.35%
9	120,997	1.52%
10	113,326	-4.92%
11	114,236	-4.15%
12	113,760	-4.55%
13	124,554	4.50%
14	125,064	4.93%
15	125,088	4.95%
16	121,879	2.26%
17	124,819	4.73%
18	123,226	3.39%
19	124,679	4.61%
20	125,098	4.96%
21	122,023	2.38%
22	124,633	4.57%
23	122,775	3.01%
24	123,469	3.59%
25	123,568	3.68%
26	124,802	4.71%
27	116,286	-2.43%
28	114,050	-4.31%
29	114,653	-3.80%
30	113,811	-4.51%
31	124,467	4.43%
32	122,679	2.93%
33	123,791	3.86%

PROPOSED GENERAL ASSEMBLY DISTRICT PLAN (AS AMENDED)
SEPTEMBER 15, 2021

34	121,807	2.20%
35	121,171	1.67%
36	114,991	-3.52%
37	125,125	4.98%
38	122,075	2.42%
39	116,366	-2.37%
40	113,280	-4.96%
41	113,996	-4.35%
42	115,350	-3.22%
43	115,804	-2.84%
44	123,473	3.60%
45	123,472	3.60%
46	121,992	2.35%
47	115,745	-2.89%
48	113,975	-4.37%
49	124,555	4.50%
50	113,841	-4.48%
51	125,115	4.97%
52	124,642	4.58%
53	121,772	2.17%
54	121,704	2.11%
55	120,633	1.21%
56	124,454	4.42%
57	124,671	4.60%
58	116,292	-2.43%
59	123,105	3.29%
60	113,964	-4.38%
61	113,860	-4.47%
62	124,425	4.40%
63	113,544	-4.73%
64	124,731	4.65%
65	117,025	-1.81%
66	116,342	-2.39%
67	118,575	-0.51%
68	115,385	-3.19%
69	114,369	-4.04%
70	116,643	-2.13%
71	115,026	-3.49%

PROPOSED GENERAL ASSEMBLY DISTRICT PLAN (AS AMENDED)
SEPTEMBER 15, 2021

72	122,012	2.37%
73	123,971	4.01%
74	121,539	1.97%
75	116,122	-2.57%
76	116,323	-2.40%
77	124,936	4.82%
78	116,894	-1.92%
79	117,815	-1.15%
80	124,211	4.22%
81	113,487	-4.78%
82	122,541	2.81%
83	113,996	-4.35%
84	118,816	-0.31%
85	115,560	-3.04%
86	114,486	-3.94%
87	113,433	-4.83%
88	113,965	-4.38%
89	115,986	-2.68%
90	115,793	-2.85%
91	114,286	-4.11%
92	119,113	-0.06%
93	117,981	-1.01%
94	122,131	2.47%
95	124,027	4.06%
96	124,223	4.23%
97	121,818	2.21%
98	113,571	-4.71%
99	125,112	4.97%

PROPOSED GENERAL ASSEMBLY DISTRICT PLAN (AS AMENDED)
SEPTEMBER 15, 2021

Statistical Information – Proposed Ohio Senate Districts

Senate District	Population	Deviation
1	350,024	-2.11%
2	348,113	-2.64%
3	346,752	-3.02%
4	368,937	3.18%
5	361,748	1.17%
6	362,191	1.30%
7	358,623	0.30%
8	342,514	-4.21%
9	371,839	3.99%
10	347,791	-2.73%
11	342,626	-4.18%
12	348,862	-2.43%
13	371,529	3.91%
14	353,762	-1.06%
15	347,161	-2.91%
16	341,322	-4.54%
17	351,380	-1.73%
18	374,237	4.66%
19	341,395	-4.52%
20	367,328	2.73%
21	371,335	3.85%
22	351,811	-1.61%
23	372,878	4.28%
24	372,031	4.05%
25	351,356	-1.73%
26	352,334	-1.46%
27	372,061	4.06%
28	368,277	3.00%
29	354,275	-0.92%
30	370,381	3.59%
31	343,595	-3.91%
32	363,768	1.74%
33	357,212	-0.10%

PROPOSED GENERAL ASSEMBLY DISTRICT PLAN (AS AMENDED)
SEPTEMBER 15, 2021

Ohio's 33 Senate districts are comprised of the following Ohio House districts.

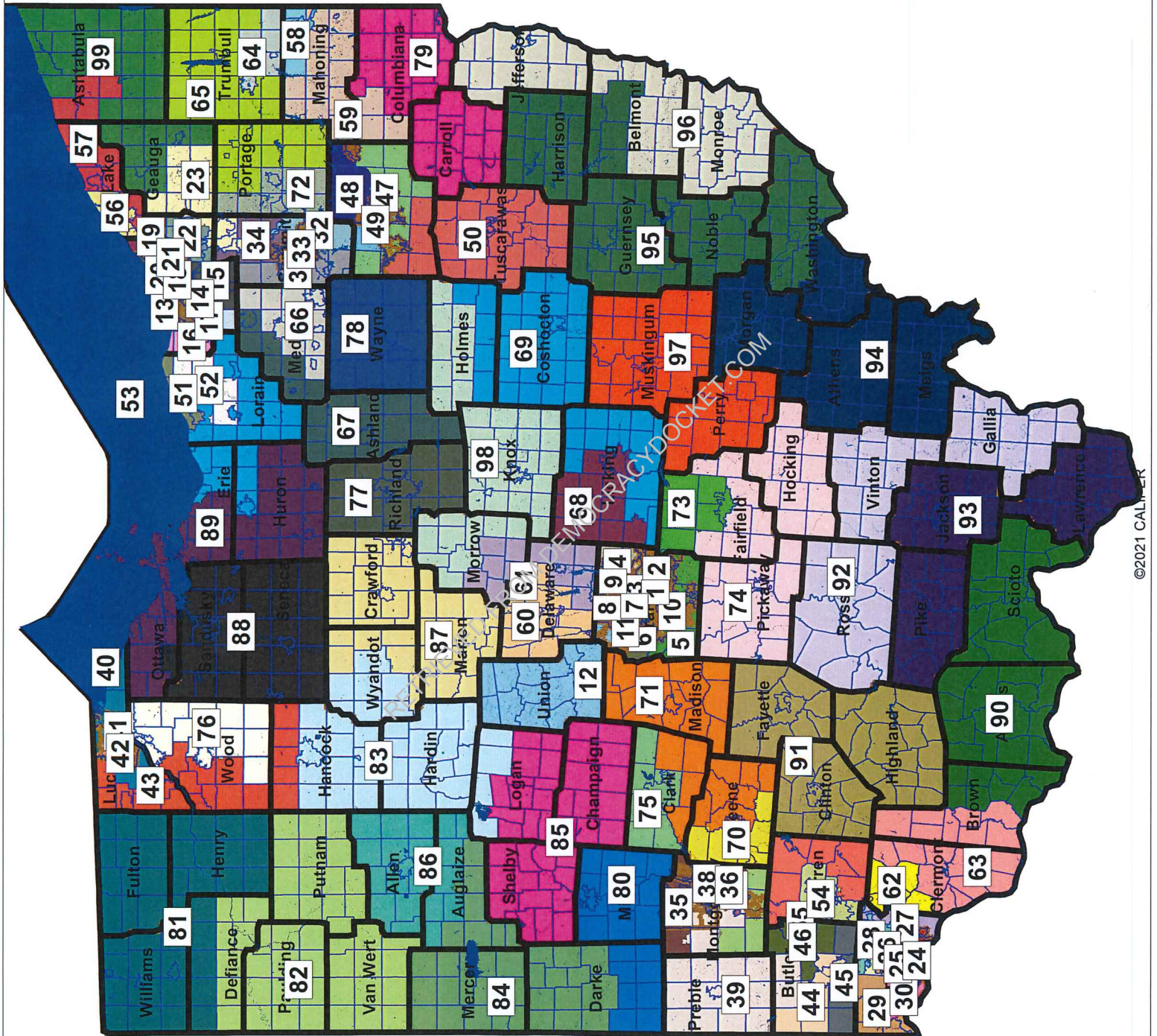
Senate District 1:	House Districts 81, 82, 83	
Senate District 2:	House Districts 43, 76, 89	
Senate District 3:	House Districts 4, 5, 6	
Senate District 4:	House Districts 44, 45, 46	
Senate District 5:	House Districts 35, 39, 80	
Senate District 6:	House Districts 36, 37, 38	
Senate District 7:	House Districts 27, 54, 55	
Senate District 8:	House Districts 28, 29, 30	
Senate District 9:	House Districts 24, 25, 26	
Senate District 10:	House Districts 70, 71, 75	
Senate District 11:	House Districts 40, 41, 42	
Senate District 12:	House Districts 84, 85, 86	
Senate District 13:	House Districts 51, 52, 53	
Senate District 14:	House Districts 62, 63, 90	
Senate District 15:	House Districts 1, 2, 3	
Senate District 16:	House Districts 10, 11, 12	
Senate District 17:	House Districts 91, 92, 93	
Senate District 18:	House Districts 56, 57, 99	Assigned to Senator Cirino
Senate District 19:	House Districts 60, 61, 98	
Senate District 20:	House Districts 73, 74, 97	
Senate District 21:	House Districts 19, 21, 22	
Senate District 22:	House Districts 66, 67, 78	Assigned to Senator Romanchuk
Senate District 23:	House Districts 13, 18, 20	
Senate District 24:	House Districts 14, 15, 16	Assigned to Senator Dolan
Senate District 25:	House Districts 7, 8, 9	
Senate District 26:	House Districts 77, 87, 88	Assigned to Senator Reineke
Senate District 27:	House Districts 17, 23, 31	
Senate District 28:	House Districts 32, 33, 34	
Senate District 29:	House Districts 47, 48, 49	
Senate District 30:	House Districts 94, 95, 96	
Senate District 31:	House Districts 50, 68, 69	
Senate District 32:	House Districts 64, 65, 72	Assigned to Senator O'Brien
Senate District 33:	House Districts 58, 59, 79	

All of the above assignments of Senators are made pursuant to Section 5, Article XI of the Ohio Constitution.

EXHIBIT

B

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Pursuant to the 2020 U.S. Census, the population of Ohio as of April 1, 2020 was 11,799,448. The target population for each district is therefore 119,186.

Statistical Information – Ohio House Districts
Revised January 22, 2022

House District	Population	Deviation
1	113,426	-4.83%
2	113,423	-4.84%
3	113,935	-4.41%
4	113,292	-4.95%
5	114,607	-3.84%
6	117,140	-1.72%
7	118,578	-0.51%
8	116,036	-2.64%
9	113,314	-4.93%
10	122,847	3.07%
11	116,233	-2.48%
12	113,760	-4.55%
13	125,080	4.95%
14	123,343	3.49%
15	124,886	4.78%
16	124,466	4.43%
17	120,136	0.80%
18	124,926	4.82%
19	124,679	4.61%
20	124,935	4.82%
21	123,674	3.77%
22	124,471	4.43%
23	123,242	3.40%
24	122,543	2.82%
25	120,544	1.14%
26	115,016	-3.50%
27	123,894	3.95%
28	120,869	1.41%
29	113,611	-4.68%
30	114,162	-4.22%
31	124,384	4.36%
32	119,235	0.04%
33	124,651	4.59%

GENERAL ASSEMBLY DISTRICT PLAN
REVISED JANUARY 22, 2022

House District	Population	Deviation
34	124,474	4.44%
35	121,171	1.67%
36	114,991	-3.52%
37	125,125	4.98%
38	122,075	2.42%
39	116,366	-2.37%
40	113,280	-4.96%
41	113,996	-4.35%
42	115,350	-3.22%
43	115,804	-2.84%
44	123,473	3.60%
45	123,472	3.60%
46	121,992	2.35%
47	115,745	-2.89%
48	113,975	-4.37%
49	124,555	4.50%
50	113,841	-4.48%
51	123,149	3.33%
52	123,593	3.70%
53	114,203	-4.18%
54	121,704	2.11%
55	120,633	1.21%
56	124,454	4.42%
57	124,671	4.60%
58	116,292	-2.43%
59	123,105	3.29%
60	113,964	-4.38%
61	113,860	-4.47%
62	124,425	4.40%
63	113,544	-4.73%
64	124,731	4.65%
65	117,025	-1.81%
66	116,342	-2.39%
67	118,575	-0.51%
68	115,385	-3.19%
69	114,369	-4.04%
70	116,643	-2.13%

GENERAL ASSEMBLY DISTRICT PLAN
REVISED JANUARY 22, 2022

House District	Population	Deviation
71	115,026	-3.49%
72	122,012	2.37%
73	123,971	4.01%
74	121,539	1.97%
75	116,122	-2.57%
76	116,323	-2.40%
77	124,936	4.82%
78	116,894	-1.92%
79	117,815	-1.15%
80	124,211	4.22%
81	113,487	-4.78%
82	114,464	-3.96%
83	120,963	1.49%
84	114,313	-4.09%
85	122,372	2.67%
86	113,287	-4.95%
87	113,433	-4.83%
88	116,875	-1.94%
89	123,660	3.75%
90	115,793	-2.85%
91	114,286	-4.11%
92	119,113	-0.06%
93	117,981	-1.01%
94	122,131	2.47%
95	124,027	4.06%
96	124,223	4.23%
97	121,818	2.21%
98	113,571	-4.71%
99	125,112	4.97%

GENERAL ASSEMBLY DISTRICT PLAN
REVISED JANUARY 22, 2022

Statistical Information – Ohio Senate Districts
Revised January 2022

Senate District	Population	Deviation
1	348,914	-2.42%
2	355,787	-0.50%
3	350,746	-1.91%
4	368,937	3.18%
5	361,748	1.17%
6	362,191	1.30%
7	366,231	2.43%
8	348,642	-2.49%
9	358,103	0.15%
10	347,791	-2.73%
11	342,626	-4.18%
12	349,972	-2.12%
13	360,945	0.95%
14	353,762	-1.06%
15	340,784	-4.69%
16	347,133	-2.92%
17	351,380	-1.73%
18	374,237	4.66%
19	341,395	-4.52%
20	367,328	2.73%
21	372,824	4.27%
22	351,811	-1.61%
23	374,941	4.86%
24	367,945	2.90%
25	347,928	-2.69%
26	355,244	-0.65%
27	372,602	4.21%
28	368,270	3.00%
29	354,275	-0.92%
30	370,381	3.59%
31	343,595	-3.91%
32	363,768	1.74%
33	357,212	-0.10%

GENERAL ASSEMBLY DISTRICT PLAN
REVISED JANUARY 22, 2022

Ohio's 33 Senate districts are comprised of the following Ohio House districts.

Senate District 1:	House Districts 81, 82, 83	
Senate District 2:	House Districts 43, 76, 89	Assigned to Senator Gavarone
Senate District 3:	House Districts 4, 5, 10	
Senate District 4:	House Districts 44, 45, 46	
Senate District 5:	House Districts 35, 39, 80	
Senate District 6:	House Districts 36, 37, 38	
Senate District 7:	House Districts 27, 54, 55	
Senate District 8:	House Districts 28, 29, 30	
Senate District 9:	House Districts 24, 25, 26	
Senate District 10:	House Districts 70, 71, 75	
Senate District 11:	House Districts 40, 41, 42	
Senate District 12:	House Districts 84, 85, 86	
Senate District 13:	House Districts 51, 52, 53	
Senate District 14:	House Districts 62, 63, 90	
Senate District 15:	House Districts 1, 2, 3	
Senate District 16:	House Districts 6, 11, 12	
Senate District 17:	House Districts 91, 92, 93	
Senate District 18:	House Districts 56, 57, 99	Assigned to Senator Cirino
Senate District 19:	House Districts 60, 61, 98	
Senate District 20:	House Districts 73, 74, 97	
Senate District 21:	House Districts 19, 21, 22	
Senate District 22:	House Districts 66, 67, 78	Assigned to Senator Romanchuk
Senate District 23:	House Districts 13, 18, 20	
Senate District 24:	House Districts 14, 16, 17	Assigned to Senator Dolan
Senate District 25:	House Districts 7, 8, 9	
Senate District 26:	House Districts 77, 87, 88	Assigned to Senator Reineke
Senate District 27:	House Districts 15, 23, 34	
Senate District 28:	House Districts 32, 33, 31	
Senate District 29:	House Districts 47, 48, 49	
Senate District 30:	House Districts 94, 95, 96	
Senate District 31:	House Districts 50, 68, 69	
Senate District 32:	House Districts 64, 65, 72	Assigned to Senator O'Brien
Senate District 33:	House Districts 58, 59, 79	

All of the above assignments of Senators are made pursuant to Section 5, Article XI of the Ohio Constitution.

EXHIBIT

C

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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

Original Action Pursuant to Ohio Const.,
Art. XI

Apportionment Case

BRIA BENNETT, *et al.*,

Relators,

v.

OHIO REDISTRICTING COMMISSION, *et al.*,

Respondents.

Case No. 2021-1198

Original Action Pursuant to Ohio Const.,
Art. XI

Apportionment Case

THE OHIO ORGANIZING COLLABORATIVE, *et al.*,

Relators,

v.

OHIO REDISTRICTING COMMISSION, *et al.*,

Respondents.

Case No. 2021-1210

Original Action Pursuant to Ohio Const.,
Art. XI

Apportionment Case

NOTICE OF IMPASSE OF RESPONDENT THE OHIO REDISTRICTING
COMMISSION

Freda J. Levenson (0045916)

Counsel of Record

ACLU OF OHIO FOUNDATION, INC.

4506 Chester Avenue

Cleveland, Ohio 44103

614.586.1972. x125

flevenson@acluohio.org

Dave Yost

Ohio Attorney General

Erik J. Clark (0078732)

Counsel of Record

Ashley T. Merino (0096853)

ORGAN LAW LLP

1330 Dublin Road

David J. Carey (0088787)
ACLU OF OHIO FOUNDATION, INC.
1108 City Park Avenue, Suite 203
Columbus, Ohio 43206
614.586.1972. x2004
dcarey@aclu.org

T. Alora Thomas (PHV 22010)
Julie A. Ebenstein (PHV 25423)
AMERICAN CIVIL LIBERTIES UNION
125 Broad Street
New York, New York 10004
212.519.7866.
athomas@aclu.org
jebenstein@aclu.org

Robert D. Fram (PHV 25414-2021)
Joshua Gonzalez (PHV 25424-2021)
Juliana Goldrosen (PHV 25193-2021)
David Denuyl (PHV 25452-2021)
Donald Brown (PHV 25480-2021)
COVINGTON & BURLING LLP
Salesforce Tower
415 Mission Street, Suite 5400
San Francisco, California 94105-2533
415.591.6000
rfram@cov.com
JGonzalez@cov.com
jgoldrosen@cov.com
ddenuyl@cov.com
dwbrown@cov.com

Megan C. Keenan (PHV 25410-2021)
James Smith
Laura B. Bender (PHV 25192-2021)
Alexander Thomson (PHV 25462-2021)
COVINGTON & BURLING LLP
850 Tenth Street, NW
Washington, DC 20001-4956
202.662.6000
mkeen@cov.com
jmsmith@cov.com
bbender@cov.com
ajthomson@cov.com

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*

Dave Yost
Ohio Attorney General

Bridget C. Coontz (0072919)
Counsel of Record
Julie M. Pfeiffer (006762)
Michael A. Walton (0092201)
Michael J. Hendershot (0081842)
OFFICE OF THE OHIO ATTORNEY
GENERAL
30 E. Broad Street, 16th Floor
Columbus, Ohio 43215
614.466.2872
614.782.7592 (facsimile)
Bridget.Coontz@OhioAGO.gov
Julie.Pfeiffer@OhioAGO.gov
Michael.Walton@OhioAGO.gov
Michael.Hendershot@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, Ohio 45202-3957
513.381.2838
513.381.0205 (facsimile)
dornette@taftlaw.com
bryan@taftlaw.com
pwilliamson@taftlaw.com

Madison Arent
COVINGTON & BURLING LLP
The New York Times Building
620 Eighth Avenue
New York, New York 10018-1405
212.841.1000
marent@cov.com

Anupam Sharma (PHV 25418-2021)
James Hovard (PHV 25420-2021)
Yiye Fu (PHV 25419-2021)
COVINGTON & BURLING LLP
3000 El Camino Real
5 Palo Alto, Square, 10th Floor
Palo Alto, California 94306-2112
650.632.4700
650.632.4800 (facsimile)
asharma@cov.com
jhovard@cov.com
yfu@cov.com

*Counsel for Relators League of Women Voters
of Ohio, et al., in Case No. 2012-1193*

Donald J. McTigue (0022849)
Counsel of Record
Derek S. Clinger (0092075)
MCTIGUE & COLOMBO LLC
545 East Town Street
Columbus, Ohio 43215
614.263.7000
614.368.6961 (facsimile)
dmctigue@electionlawgroup.com
dclinger@electionlawgroup.com

Aria C. Branch (PHV 25435-2021)
Jyoti Jasrasaria (PHV 25401-2021)
Spencer W. Klein (PHV 25432-2021)
ELIAS LAW GROUP
10 G St NE, Suite 600
Washington, DC 20002
202.968.4490
202.968.4498 (facsimile)
abbranch@elias.law
jjasrasaria@elias.law
sklein@elias.law

Phillip J. Strach (PHV 2544-2021)
Thomas A. Farr (PHV 25461)
John E. Branch, III (PHV 25460)
Alyssa M. Riggins (PHV 25441-2021)
Greg McGuire (PHV 25483)
NELSON MULLINS RILEY &
SCARBOROUGH LLP
4140 Parklake Avenue, Suite 200
Raleigh, North Carolina 27612
919.329.3800
919.329.3799 (facsimile)
phil.strach@nelsonmullins.com
tom.farr@nelsonmullins.com
john.branch@nelsonmullins.com
alyssa.riggins@nelsonmullins.com
greg.mcguire@nelsonmullins.com

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

House Minority Leader Allison Russo (pro
se)
77 South High Street
10th Floor
Columbus, OH 43215
614.466.8012
Allison.Russo@ohiohouse.gov

Senator Vernon Sykes (pro se)
1 Capitol Square
Ground Floor
Columbus, OH 43215
614.466.7041
Vernon.Sykes@ohiosenate.gov

Abha Khanna (PHV 2189-2021)
William B. Stafford (PHV 25433-2021)
ELIAS LAW GROUP
1700 Seventh Ave, Suite 2100
Seattle, Washington 98101
206.656.0176
206.656.0180 (facsimile)
akhanna@elias.law
bstafford@elias.law

*Counsel for Relators Bria Bennett, et al., in
Case No. 2021-1198*

Peter M. Ellis (0070264)
Counsel of Record
M. Patrick Yingling (PHV 10145-2021)
Natalie R. Salazar
REED SMITH LLP
10 South Wacker Drive, 40th Floor
Chicago, Illinois 60606
312.207.1000
312.207.6400 (facsimile)
pellis@reedsmith.com
mpyingling@reedsmith.com
nsalazar@reedsmith.com

Alicia L. Bannon (PHV 25409-2021)
Yurij Rudensky (PHV 25422-2021)
Michael Li (PHV 25430-2021)
Ethan Herenstein (PHV 25429-2021)
BRENNAN CENTER FOR JUSTICE
AT NYU SCHOOL OF LAW
120 Broadway, Suite 1750
New York, New York 10271
646.292.8310
212.463.7308 (facsimile)
alicia.bannon@nyu.edu
rudenskyy@brennan.law.nyu.edu
herensteine@brennan.law.nyu.edu

Ben R. Fliegel (PHV 25411-2021)
REED SMITH LLP
355 South Grand Avenue, Suite 2900

Los Angeles, California 90071
213.457.8000
213.457.8080 (facsimile)
bfliegel@reedsmith.com

Brad A. Funari (PHV 3139-2021)
Danielle L. Stewart (0084086)
REED SMITH LLP
225 Fifth Avenue
Pittsburgh, Pennsylvania 15222
412.288.4583
412.288.3063 (facsimile)
bfunari@reedsmith.com
dstewart@reedsmith.com

Brian A. Sutherland (PHV 25406-2021)
REED SMITH LLP
101 Second Street, Suite 1800
San Francisco, California 94105
415.543.8700
415.391.8269 (facsimile)
bsutherland@reedsmith.com

*Counsel for Relators Ohio Organizing
Collaborative, et al., in Case No. 2021-1210*

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NOTICE OF IMPASSE

On February 7, 2022, this Court invalidated the Revised General-Assembly Plan (“Revised Plan”) adopted by Respondent The Ohio Redistricting Commission (the “Commission”) on January 22, 2022. The Court further ordered that the Commission adopt an entirely new General-Assembly plan that conforms with the Ohio Constitution, file it with the Secretary of State by February 17, 2022, and file a copy of that plan with this Court by 9:00 a.m. today, February 18, 2022.

On February 17, 2022, the Commission met. House Minority Leader Allison Russo moved the Commission to adopt a plan submitted by her and Senator Vernon Sykes. The Commission discussed that proposed plan. Other commission members, including Senate President Matt Huffman and Auditor Keith Faber, raised concerns and stated that the proposed plan did not comply with the Ohio Constitution, including Article XI, Sections 6(A) and 6(C); violated racial-gerrymandering rules under federal law; and was flawed for other reasons. Minority Leader Russo stated that the proposed plan was constitutional, did not violate federal law, and should be adopted. Ultimately, the Commission voted not to adopt the proposed plan. Leader Russo and Senator Sykes voted to adopt the plan, and the remaining five members of the Commission voted not to adopt the plan.

After voting on the proposed plan that Leader Russo moved into consideration, a majority of the Commission members were unable to adopt a new General-Assembly Plan. Among other discussion, President Huffman stated that the Commission was at an impasse, as the Commission is unable to ascertain and determine a plan that complies with the Court’s order and the Ohio Constitution. Governor Mike DeWine stated that it was not possible to comply with at least portions of the Court’s order, including drawing an entirely new map in ten days, but added that the Commission should attempt to adopt a new map that complies with the Court’s order as much

as possible. Leader Russo stated that it was possible to adopt a new constitutional map, and the Commission should do so.

Accordingly, a majority of the Commission has not been able to adopt a new plan, and the Commission is thus unable to file a copy of a new plan with this Court by the Court's deadline of 9:00 a.m. today.

Dated: February 18, 2022

Respectfully submitted,

Dave Yost
Ohio Attorney General

/s Erik J. Clark
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 February 18, 2022, a copy of the foregoing was served by electronic mail upon the following:

Freda J. Levenson, Esq.
Counsel of Record
ACLU OF OHIO FOUNDATION, INC.
4506 Chester Avenue
Cleveland, Ohio 44103
614.586.1972. x125
flevenson@acluohio.org

David J. Carey, Esq.
ACLU OF OHIO FOUNDATION, INC.
1108 City Park Avenue, Suite 203
Columbus, Ohio 43206
614.586.1972. x2004
dcarey@aclu.org

Alora Thomas, Esq.
Julie A. Ebenstein, Esq.
AMERICAN CIVIL LIBERTIES UNION
125 Broad Street
New York, New York 10004
212.519.7866.
athomas@aclu.org
jebenstein@aclu.org

Robert D. Fram, Esq.
Joshua Gonzalez, Esq.
Juliana Goldrosen, Esq.
David Denuyl, Esq.
Donald Brown, Esq.
COVINGTON & BURLING LLP
415 Mission Street, Suite 5400
San Francisco, California 94105-2533
rfram@cov.com
JGonzalez@cov.com
jgoldrosen@cov.com
ddenuyl@cov.com
dwbrown@cov.com

Megan C. Keenan, Esq.

Dave Yost
Ohio Attorney General

Bridget C. Coontz, Esq.
Counsel of Record
Julie M. Pfeiffer, Esq.
Michael A. Walton, Esq.
Michael J. Hendershot, Esq.
OFFICE OF THE OHIO ATTORNEY
GENERAL
30 E. Broad Street, 16th Floor
Columbus, Ohio 43215
614.466.2872
614.782.7592 (facsimile)
Bridget.Coontz@OhioAGO.gov
Julie.Pfeiffer@OhioAGO.gov
Michael.Walton@OhioAGO.gov
Michael.Henderson@OhioAGO.gov

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

W. Stuart Dornette, Esq.
Beth A. Bryan, Esq.
Philip D. Williamson, Esq.
TAFT STETTINIUS & HOLLISTER LLP
425 Walnut St., Suite 1800
Cincinnati, Ohio 45202-3957
513.381.2838
513.381.0205 (facsimile)
dornette@taftlaw.com
bryan@taftlaw.com
pwilliamson@taftlaw.com

Phillip J. Strach, Esq.
Thomas A. Farr, Esq.
John E. Branch, III, Esq.
Alyssa M. Riggins, Esq.
Greg McGuire, Esq.

James Smith, Esq.
L. Brady Bender, Esq.
Alexander Thomson, Esq.
COVINGTON & BURLING LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001-4956
202.662.6000
mkeen@cov.com
jmsmith@cov.com
bbender@cov.com
ajthomson@cov.com

Madison Arent, Esq.
COVINGTON & BURLING LLP
The New York Times Building
620 Eighth Avenue
New York, New York 10018-1405
212.841.1000
marent@cov.com

Anupam Sharma, Esq.
James Hovard, Esq.
Yiye Fu, Esq.
COVINGTON & BURLING LLP
3000 El Camino Real
5 Palo Alto, Square, 10th Floor
Palo Alto, California 94306-2112
650.632.4700
asharma@cov.com
jhovard@cov.com
yfu@cov.com

*Counsel for Relators League of Women Voters
of Ohio, et al., in Case No. 2021-1193*

Donald J. McTigue, Esq.
Counsel of Record
Derek S. Clinger, Esq.
MCTIGUE & COLOMBO LLC
545 East Town Street
Columbus, Ohio 43215
614.263.7000
614.368.6961 (facsimile)
dmctigue@electionlawgroup.com

NELSON MULLINS RILEY &
SCARBOROUGH LLP
4140 Parklake Avenue, Suite 200
Raleigh, North Carolina 27612
919.329.3800
919.329.3799 (facsimile)
phil.strach@nelsonmullins.com
tom.farr@nelsonmullins.com
john.branch@nelsonmullins.com
alyssa.riggins@nelsonmullins.com
greg.mcguire@nelsonmullins.com

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

House Minority Leader Allison Russo (pro
se)
77 South High Street
10th Floor
Columbus, OH 43215
614.466-8012
Allison.Russo@ohiohouse.gov

Senator Vernon Sykes (pro se)
1 Capitol Square
Ground Floor
Columbus, OH 43215
(614) 466-7041
Vernon.Sykes@ohiosenate.gov

dclinger@electionlawgroup.com

Aria C. Branch, Esq.
Jyoti Jasrasaria, Esq.
Spencer W. Klein, Esq.
ELIAS LAW GROUP
10 G St NE, Suite 600
Washington, DC 20002
202.968.4490
202.968.4498 (facsimile)
abbranch@elias.law
jjasrasaria@elias.law
sklein@elias.law

Abha Khanna, Esq.
William B. Stafford, Esq.
ELIAS LAW GROUP
1700 Seventh Ave, Suite 2100
Seattle, Washington 98101
206.656.0176
206.656.0180 (facsimile)
akhanna@elias.law
bstafford@elias.law

*Counsel for Relators Bria Bennett, et al., in
Case No. 2021-1198*

Peter M. Ellis, Esq.
Counsel of Record
M. Patrick Yingling, Esq.
Natalie R. Salazar, Esq.
REED SMITH LLP
10 South Wacker Drive, 40th Floor
Chicago, Illinois 60606
312.207.1000
312.207.6400 (facsimile)
pellis@reedsmith.com
mpyingling@reedsmith.com
nsalazar@reedsmith.com

Alicia L. Bannon, Esq.
Yurij Rudensky, Esq.
Michael Li, Esq.
Ethan Herenstein, Esq.
BRENNAN CENTER FOR JUSTICE
AT NYU SCHOOL OF LAW

120 Broadway, Suite 1750
New York, New York 10271
646.292.8310
212.463.7308 (facsimile)
alicia.bannon@nyu.edu
rudensky@brennan.law.nyu.edu
herensteine@brennan.law.nyu.edu

Ben R. Fliegel, Esq.
REED SMITH LLP
355 South Grand Avenue, Suite 2900
Los Angeles, California 90071
213.457.8000
213.457.8080 (facsimile)
bfliegel@reedsmith.com

Brad A. Funari, Esq.
Danielle L. Stewart, Esq.
REED SMITH LLP
225 Fifth Avenue
Pittsburgh, Pennsylvania 15222
412.288.4583
412.288.3063 (facsimile)
bfunari@reedsmith.com
dstewart@reedsmith.com

Brian A. Sutherland, Esq.
REED SMITH LLP
101 Second Street, Suite 1800
San Francisco, California 94105
415.543.8700
415.391.8269 (facsimile)
bsutherland@reedsmith.com

*Counsel for Relators Ohio Organizing
Collaborative, et al., in Case No. 2021-1210*

/s Erik J. Clark

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