

ORIGINAL

In the
Supreme Court of Ohio

STATE ex rel. LETOHIOVOTE.ORG, et al.,

Case No. 2009-1310

Relators,

Original Action in Mandamus

v.

OHIO SECRETARY OF STATE
JENNIFER BRUNNER, et al.

Respondents.

MOTION TO ADMIT J. MICHAEL JOHNSON PRO HAC VICE
TO REPRESENT AMICI CURIAE:

ATM EDUCATION, BUCKEYE CHRISTIAN SCHOOLS ASSOCIATION, CHURCH
COALITION FOR DECENCY, CITIZENS FOR COMMUNITY VALUES, CITIZENS MEDIA
GROUP/CHRISTIAN CITIZEN USA, CONSTITUTION PARTY OF OHIO, EAGLE FORUM
OF OHIO, EISCHEN FINANCIAL GROUP, EVANGELICAL FELLOWSHIP CHAPEL,
FAMILY FIRST PAC, GROVE CITY CHURCH OF THE NAZARENE, HOMEMAKERS
FOR AMERICA, INSTITUTE FOR PRINCIPLED POLICY, JOBS PLUS EMPLOYMENT
NETWORK, MISSION AMERICA, NEW HOPE CHRISTIAN CENTER, OHIO
GOVERNMENTAL PRAYER ALLIANCE, PASS THE SALT MINISTRIES, RICHLAND
COMMUNITY FAMILY COALITION, THE RIDGE PROJECT, INC., ROCKY FORK
FORMULAS, INC., SANCTITY OF LIFE FOUNDATION, TOUCH THE WORLD
MINISTRY, INC., VANDALIA UNITED METHODIST CHURCH, VICTORY IN TRUTH
MINISTRIES, WOMEN INFLUENCING THE NATION, PASTOR PETER J. FOXX, THE
HON. RONALD HOOD, FORMER MEMBER OF THE OHIO HOUSE OF
REPRESENTATIVES, STEPHEN J. KOOB, THE HON. TWYLA ROMAN, FORMER
MEMBER OF THE OHIO HOUSE OF REPRESENTATIVES,
AND PASTOR WAYNE W. SCOTT

[COUNSEL OF RECORD ON NEXT PAGE]

FILED
AUG 17 2009
CLERK OF COURT
SUPREME COURT OF OHIO

Matthew J. Burkhart (0068299)
COUNSEL OF RECORD
One Columbus
10 West Broad Street, 21st Floor
Columbus, Ohio 43215-3422
Telephone: (614) 229-3202
Telefax: (614) 221-0479
m2b.matt@gmail.com

J. Michael Johnson*
Alliance Defense Fund
P.O. Box 52954
Shreveport, Louisiana 71135
Telephone: (318) 603-1435
Telefax: (318) 603-1437
mjohnson@telladf.org
LA Bar Roll No. 26059
* Pro Hac Vice Application Pending

COUNSEL FOR AMICI CURIAE

Michael A. Carvin* (COUNSEL OF RECORD)
JONES DAY
51 Louisiana Avenue, N.W.
Washington, D.C. 20001-2113
Telephone: (202) 879-3939
Telefax: (202) 626-1700
macarvin@jonesday.com
*Pro Hac Vice Application Pending

Douglas R. Cole (0070665)
Chad A. Readler (0068394)
Jones Day
325 John H. McConnell Boulevard, Suite 600
P.O. Box 165017
Columbus, Ohio 43216-5017
Telephone: (614) 469-3939
Telefax: (614) 461-4198
drcole@jonesday.com
careadler@jonesday.com

David R. Langdon (0067046) (COUNSEL OF RECORD)
Thomas W. Kidd, Jr. (0066359)
Bradley M. Peppo (0083847)
Langdon Law LLC
11175 Reading Rd., Ste. 104
Cincinnati, Ohio 45241
Telephone: (513) 577-7380
Telefax: (513) 577-7383
dlangdon@langdonlaw.com
tkidd@langdonlaw.com
bpeppo@langdonlaw.com

COUNSEL FOR RELATORS LETOHIOVOTE.ORG,
THOMAS E. BRINKMAN, JR., DAVID HANSEN, AND
GENE PIERCE

Richard Cordray (0038034)
ATTORNEY GENERAL OF OHIO
Richard N. Coglianese (0066830) (COUNSEL OF RECORD)
Erick D. Gale (0075723)
Pearl M. Chin (0078810)
Assistant Attorneys General
Constitutional Offices Section
30 East Broad Street, 16th Floor
Columbus, Ohio 43215
Telephone: (614) 466-2872
Telefax: (614) 728-7592
richard.coglianese@ohioattorneygeneral.gov
erick.gale@ohioattorneygeneral.gov
pearl.chin@ohioattorneygeneral.gov

COUNSEL FOR RESPONDENT
HON. JENNIFER BRUNNER

Richard Cordray (0038034)
ATTORNEY GENERAL OF OHIO
Benjamin C. Mizer (0083089) (COUNSEL OF RECORD)
Alexandra T. Schimmer (0075732)
David M. Lieberman
William C. Becker (0013476)
30 East Broad St., 17th Floor
Columbus, Ohio 43215
Telephone: (614) 466-8980
Telefax: (614) 466-5087

COUNSEL FOR INTERVENOR-RESPONDENTS, J. PARI
SABETY AND MICHAEL A. DOLAN

Donald J. Mooney, Jr. (0014202)
Ulmer & Berne LLP
600 Vine Street, Suite 2800
Cincinnati, Ohio 45202
Telephone: (513) 698-5000
Telefax: (513) 698-5071
dmooney@ulmer.com

COUNSEL FOR AMICI CURIAE OHIO FEDERATION OF
TEACHERS, OHIO ASSOCIATION OF SCHOOL
BUSINESS OFFICIALS, OHIO ASSOCIATION OF
PUBLIC SCHOOL EMPLOYEES, JANE SIMON, AND
EVEN BOLTON

Maurice A. Thompson (0078548)
Buckeye Institute for Public Policy Solutions
88 East Broad Street, Suite 1120
Columbus, Ohio 43215
Telephone: (614) 224-4422
Telefax: (614) 224-4644
mthompson@buckeyeinstitute.com

COUNSEL FOR AMICI CURIAE BUCKEYE INSTITUTE
FOR PUBLIC POLICY SOLUTIONS, CITIZENS FOR
CHANGE, OHIO CITIZENS ACTION, OHIO FREEDOM
ALLIANCE, COALITION OPPOSED TO ADDITIONAL
SPENDING & TAXES

In accordance with the Supreme Court Practice Rule 1, Section 2, Matthew Burkhart (Ohio bar No. 0068299) moves the Court to admit J. Michael Johnson to appear on behalf of and represent pro hac vice in the above-captioned matter, the following Amici Curiae parties:

ATM EDUCATION, BUCKEYE CHRISTIAN SCHOOLS ASSOCIATION, CHURCH COALITION FOR DECENCY, CITIZENS FOR COMMUNITY VALUES, CITIZENS MEDIA GROUP/CHRISTIAN CITIZEN USA, CONSTITUTION PARTY OF OHIO, EAGLE FORUM OF OHIO, EISCHEN FINANCIAL GROUP, EVANGELICAL FELLOWSHIP CHAPEL, FAMILY FIRST PAC, GROVE CITY CHURCH OF THE NAZARENE, HOMEMAKERS FOR AMERICA, INSTITUTE FOR PRINCIPLED POLICY, JOBS PLUS EMPLOYMENT NETWORK, MISSION AMERICA, NEW HOPE CHRISTIAN CENTER, OHIO GOVERNMENTAL PRAYER ALLIANCE, PASS THE SALT MINISTRIES, RICHLAND COMMUNITY FAMILY COALITION, THE RIDGE PROJECT, INC., ROCKY FORK FORMULAS, INC., SANCTITY OF LIFE FOUNDATION, TOUCH THE WORLD MINISTRY, INC., VANDALIA UNITED METHODIST CHURCH, VICTORY IN TRUTH MINISTRIES, WOMEN INFLUENCING THE NATION, PASTOR PETER J. FOXX, THE HON. RONALD HOOD, FORMER MEMBER OF THE OHIO HOUSE OF REPRESENTATIVES, STEPHEN J. KOOB, THE HON. TWYLA ROMAN, FORMER MEMBER OF THE OHIO HOUSE OF REPRESENTATIVES, and PASTOR WAYNE W. SCOTT.

In support thereof, Mr. Burkhart hereby states the following grounds:

1. Mr. J. Michael Johnson is Senior Legal Counsel with the Alliance Defense Fund, practicing in the Shreveport, Louisiana Regional Service Center.
2. Mr. Johnson graduated from Louisiana State University Law School in 1998.

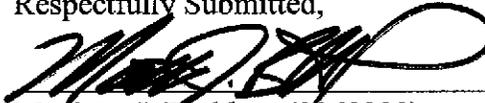
3. Mr. Johnson is a member in good standing of the bar of the state of Louisiana. He is assigned bar admission number 26059.

4. Mr. Johnson is also admitted to practice or admitted to practice pro hac vice in the U.S. District Court for the Southern District of Ohio, the U.S. District Court for the Eastern District of Louisiana, the U.S. District Court for the Middle District of Louisiana, the U.S. District Court for the Western District of Louisiana, the U.S. District Court for the Middle District of North Carolina, the U.S. District Court for the Western District of Wisconsin, the U.S. District Court for the Western District of New York, the U.S. Court of Appeals for the Fourth Circuit, the U.S. Court of Appeals for the Fifth Circuit, and the U.S. Court of Appeals for the Eleventh Circuit.

5. Mr. Johnson has participated in cases on behalf of clients in both state and federal courts.

WHEREFORE, Matthew Burkhart respectfully requests that this Court admit J. Michael Johnson pro hac vice for purposes of representing the above-named amici curiae parties in the above-captioned matter.

Respectfully Submitted,



Matthew J. Burkhart (0068299)

COUNSEL OF RECORD

One Columbus

10 West Broad Street, 21st Floor

Columbus, Ohio 43215-3422

Telephone: (614) 229-3202

Telefax: (614) 221-0479

m2b.matt@gmail.com

J. Michael Johnson*

Alliance Defense Fund

P.O. Box 52954

Shreveport, Louisiana 71135

Telephone: (318) 603-1435

Telefax: (318) 603-1437

mjohnson@talladf.org

LA Bar Roll No. 26059

* Pro Hac Vice Application Pending

COUNSEL FOR AMICI CURIAE

CERTIFICATE OF SERVICE

I hereby certify that on August 17, 2009, a copy of the foregoing amicus brief was served by electronic mail upon the following counsel:

Michael A. Carvin* (COUNSEL OF RECORD)

JONES DAY

51 Louisiana Avenue, N.W.

Washington, D.C. 20001-2113

Telephone: (202) 879-3939

Telefax: (202) 626-1700

macarvin@jonesday.com

*Pro Hac Vice Application Pending

Douglas R. Cole (0070665)

Chad A. Readler (0068394)

Jones Day

325 John H. McConnell Boulevard, Suite 600

P.O. Box 165017

Columbus, Ohio 43216-5017

Telephone: (614) 469-3939

Telefax: (614) 461-4198

drcole@jonesday.com careadler@jonesday.com

David R. Langdon (0067046)

Thomas W. Kidd, Jr. (0066359)

Bradley M. Peppo (0083847)

Langdon Law LLC

11175 Reading Rd., Ste. 104

Cincinnati, Ohio 45241

Telephone: (513) 577-7380

Telefax: (513) 577-7383

dlangdon@langdonlaw.com

tkidd@langdonlaw.com

bpeppo@langdonlaw.com

COUNSEL FOR RELATORS LETOHIOVOTE.ORG,
THOMAS E. BRINKMAN, JR., DAVID HANSEN, AND
GENE PIERCE

Richard Cordray (0038034)

ATTORNEY GENERAL OF OHIO

Richard N. Coglianesse (0066830) (COUNSEL OF RECORD)

Erick D. Gale (0075723)

Pearl M. Chin (0078810)

Assistant Attorneys General

Constitutional Offices Section

30 East Broad Street, 16th Floor

Columbus, Ohio 43215

Telephone: (614) 466-2872

Telefax: (614) 728-7592

Richard.Coglianesse@ohioattorneygeneral.gov

Erick.Gale@ohioattorneygeneral.gov

Pearl.Chin@ohioattorneygeneral.gov

COUNSEL FOR RESPONDENT

HON. JENNIFER BRUNNER

Richard Cordray (0038034)

ATTORNEY GENERAL OF OHIO

Benjamin C. Mizer (0083089) (COUNSEL OF RECORD)

Alexandra T. Schimmer (0075732)

David M. Lieberman

William C. Becker (0013476)

30 East Broad St., 17th Floor

Columbus, Ohio 43215

Telephone: (614) 466-8980

Telefax: (614) 466-5087

COUNSEL FOR INTERVENOR-RESPONDENTS, J. PARI

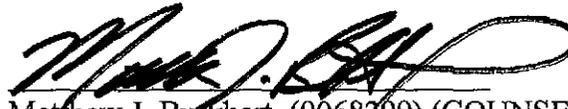
SABETY AND MICHAEL A. DOLAN

Donald J. Mooney, Jr. (0014202)
Ulmer & Berne LLP
600 Vine Street, Suite 2800
Cincinnati, Ohio 45202
Telephone: (513) 698-5000
Telefax: (513) 698-5071
dmooney@ulmer.com

COUNSEL FOR AMICI CURIAE OHIO FEDERATION OF
TEACHERS, OHIO ASSOCIATION OF SCHOOL
BUSINESS OFFICIALS, OHIO ASSOCIATION OF
PUBLIC SCHOOL EMPLOYEES, JANE SIMON, AND
EVEN BOLTON

Maurice A. Thompson (0078548)
Buckeye Institute for Public Policy Solutions
88 East Broad Street, Suite 1120
Columbus, Ohio 43215
Telephone: (614) 224-4422
Telefax: (614) 224-4644
mthompson@buckeyeinstitute.com

COUNSEL FOR AMICI CURIAE BUCKEYE INSTITUTE
FOR PUBLIC POLICY SOLUTIONS, CITIZENS FOR
CHANGE, OHIO CITIZENS ACTION, OHIO FREEDOM
ALLIANCE, COALITION OPPOSED TO ADDITIONAL
SPENDING & TAXES



Matthew J. Burkhart (0068299) (COUNSEL OF RECORD)
COUNSEL FOR AMICI CURIAE