

ORIGINAL

BEFORE THE COMMISSION OF FIVE JUDGES  
APPOINTED BY  
THE OHIO SUPREME COURT

In re: )  
Judicial Campaign Complaint against: )  
Mark Davis )  
2535 Underhill )  
Toledo, Ohio 43615 )  
  
RESPONDENT )  
  
Ron Rothenbuhler )  
Lucas County Democratic Party )  
Toledo, Ohio )  
  
GRIEVANT )

Judicial Case No. 2011-1855  
  
**Memorandum in Opposition to Sur-Reply**

FILED  
DEC 07 2011  
CLERK OF COURT  
SUPREME COURT OF OHIO

In this matter, Grievant requests leave to file a sur-reply to correct alleged misstatements in the Respondent's reply brief.

It is true, that Respondent mistakenly referred to the Ohio Elections Commission as the Board of Elections and it is fair to correct that.

Otherwise, the sur-reply is unnecessary. Respondent accurately stated that three of the five commissions agreed with him that he had not misled voters and the complaint was therefore dismissed. See Respondent's Reply, p.2 ("In a 3-2 decision, three Commissioners agreed with Respondent that both the minor degrees and the Certificate in International Trade and Development fall within the definition of a degree and that the reasonable reader would understand them to be degrees. Accordingly, the Grievant's complaint filed before the Board of Elections was dismissed.")

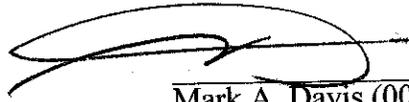
In the sur-reply, the Greivant claims the dismissal was not a ruling on the merits. This claim in the sur-reply is unnecessary because, in his Reply, Respondent merely claims that this

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honorable Court might find it persuasive. This honorable Court might find it persuasive because the Ohio Elections Commission deals with questions of candidate qualifications on a regular basis. Thus, the fact that three of the five Commissioners agreed that Respondent did not overstate his qualifications to mislead voters may assist, or may not assist, this Court.

For these reasons, Grievant's Sur-Reply is unnecessary and leave should therefore be denied.

Respectfully submitted

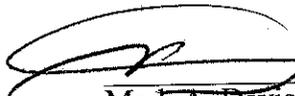


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Certification

The undersigned hereby certifies that he has forwarded a copy of the foregoing by first class US Mail on this 6th day of December, 2011 to

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