

**IN THE SUPREME COURT OF OHIO**

CHARLES E. WILSON, et al.,	:	
	:	Case No. 2012-0019
Relators,	:	
	:	
v.	:	Original Action
	:	
GOVERNOR JOHN KASICH, et al.,	:	
	:	
Respondents.	:	

**ANSWER OF RESPONDENTS GOVERNOR JOHN KASICH, SENATE  
PRESIDENT THOMAS E. NIEHAUS AND AUDITOR DAVID YOST**

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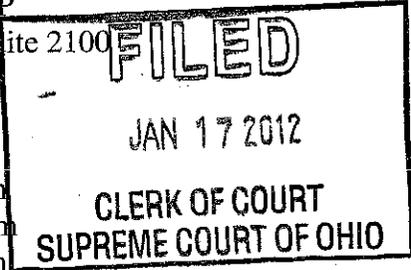
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**ANSWER OF RESPONDENTS GOVERNOR JOHN KASICH, SENATE  
PRESIDENT THOMAS E. NIEHAUS AND AUDITOR DAVID YOST**

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For their answer to Relators' Complaint in Original Action ("Complaint"), Respondents Governor John Kasich, Senate President Thomas E. Niehaus, and Auditor David Yost ("Respondents Kasich, Niehaus and Yost") state as follows:

1. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1 of the Complaint, and, therefore, deny the same.
2. Paragraph 2 of the Complaint contains only legal conclusions or argument to which no response is required. To the extent paragraph 2 of the Complaint contains any factual allegations, Respondents Kasich, Niehaus and Yost deny any such allegations.
3. Respondents Kasich, Niehaus and Yost deny the first sentence of paragraph 3 of the Complaint. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the allegations in the second sentence of paragraph 3 of the Complaint, and, therefore, deny the same.
4. Paragraph 4 of the Complaint contains only legal conclusions or argument to which no response is required. To the extent paragraph 4 of the Complaint contains any factual allegations, Respondents Kasich, Niehaus and Yost deny any such allegations.
5. Respondents Kasich, Niehaus and Yost deny the first sentence of paragraph 5 of the Complaint. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the allegations in the second sentence of paragraph 5 of the Complaint, and, therefore, deny the same.

6. Respondents Kasich, Niehaus and Yost admit that the Court has jurisdiction over Cause of Actions One through Thirty-Six. Respondents Kasich, Niehaus and Yost deny that the Court has jurisdiction over Cause of Action Thirty-Seven. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 6 of the Complaint, and, therefore, deny the same.

7. Respondents Kasich, Niehaus and Yost admit the allegations in paragraph 7 of the Complaint.

8. Respondents Kasich, Niehaus and Yost deny that any districts were drawn in violation of the Ohio Constitution or the Sunshine Act. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 8 of the Complaint, and, therefore, deny the same.

9. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 9 of the Complaint, and, therefore, deny the same.

10. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 10 of the Complaint, and, therefore, deny the same.

11. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 11 of the Complaint, and, therefore, deny the same.

12. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 12 of the Complaint, and, therefore, deny the same.

13. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 13 of the Complaint, and, therefore, deny the same.

14. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 14 of the Complaint, and, therefore, deny the same.

15. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 15 of the Complaint, and, therefore, deny the same.

16. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 16 of the Complaint, and, therefore, deny the same.

17. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 17 of the Complaint, and, therefore, deny the same.

18. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 18 of the Complaint, and, therefore, deny the same.

19. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 19 of the Complaint, and, therefore, deny the same.

20. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 20 of the Complaint, and, therefore, deny the same.

21. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 21 of the Complaint, and, therefore, deny the same.

22. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 22 of the Complaint, and, therefore, deny the same.

23. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 23 of the Complaint, and, therefore, deny the same.

24. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 24 of the Complaint, and, therefore, deny the same.

25. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 25 of the Complaint, and, therefore, deny the same.

26. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 26 of the Complaint, and, therefore, deny the same.

27. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 27 of the Complaint, and, therefore, deny the same.

28. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 28 of the Complaint, and, therefore, deny the same.

29. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 29 of the Complaint, and, therefore, deny the same.

30. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 30 of the Complaint, and, therefore, deny the same.

31. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 31 of the Complaint, and, therefore, deny the same.

32. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 32 of the Complaint, and, therefore, deny the same.

33. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 33 of the Complaint, and, therefore, deny the same.

34. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 34 of the Complaint, and, therefore, deny the same.

35. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 35 of the Complaint, and, therefore, deny the same.

36. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 36 of the Complaint, and, therefore, deny the same.

37. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 37 of the Complaint, and, therefore, deny the same.

38. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 38 of the Complaint, and, therefore, deny the same.

39. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 39 of the Complaint, and, therefore, deny the same.

40. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 40 of the Complaint, and, therefore, deny the same.

41. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 41 of the Complaint, and, therefore, deny the same.

42. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 42 of the Complaint, and, therefore, deny the same.

43. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 43 of the Complaint, and, therefore, deny the same.

44. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 44 of the Complaint, and, therefore, deny the same.

45. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 45 of the Complaint. The Ohio Apportionment Board is not responsible for redistricting. Pursuant to Article XI of the Ohio Constitution, the Ohio Apportionment Board is responsible for the apportionment of this state for members of the general assembly.

46. In response to the allegations in paragraph 46 of the Complaint, Respondents Kasich, Niehaus and Yost state that Article XI of the Ohio Constitution speaks for itself.

47. In response to the allegations in paragraph 47 of the Complaint, Respondents Kasich, Niehaus and Yost state that Article XI of the Ohio Constitution speaks for itself.

48. In response to the allegations in paragraph 48 of the Complaint, Respondents Kasich, Niehaus and Yost state that Article XI of the Ohio Constitution speaks for itself.

49. In response to the allegations in paragraph 49 of the Complaint, Respondents Kasich, Niehaus and Yost state that Article XI of the Ohio Constitution speaks for itself. Further answering, the remaining allegations in paragraph 49 of the Complaint contain only legal conclusions or arguments to which no response is required.

50. In response to the allegations in paragraph 50 of the Complaint, Respondents Kasich, Niehaus and Yost state that Article XI of the Ohio Constitution speaks for itself. Further answering, the remaining allegations in paragraph 50 of the Complaint contain only legal conclusions or arguments to which no response is required.

51. In response to the allegations in the first sentence of paragraph 51 of the Complaint, Respondents Kasich, Niehaus and Yost state that Article XI of the Ohio Constitution speaks for itself. Further answering, the remaining allegations in paragraph 51 of the Complaint contain only legal conclusions or arguments to which no response is required.

52. In response to the allegations in paragraph 52 of the Complaint, Respondents Kasich, Niehaus and Yost state that Article XI of the Ohio Constitution speaks for itself. Further answering, the remaining allegations in paragraph 49 of the Complaint contain only legal conclusions or arguments to which no response is required.

53. In response to the allegations in paragraph 53 of the Complaint, Respondents Kasich, Niehaus and Yost state that The Sunshine Act (O.R.C. § 121.22) speaks for itself.

54. Paragraph 54 of the Complaint contains only legal conclusions or argument to which no response is required.

55. The first sentence of paragraph 55 of the Complaint contains only legal conclusions or argument to which no response is required. In response to the allegations in the

second sentence of paragraph 55 of the Complaint, Respondents Kasich, Niehaus and Yost state that Ohio Admin.Code § 011-1003 speaks for itself.

56. Respondents Kasich, Niehaus and Yost admit the allegations in paragraph 56 of the Complaint.

57. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 57 of the Complaint.

58. Respondents Kasich, Niehaus and Yost deny that the reapportionment plan adopted by the Ohio Apportionment Board on September 30, 2011 violates Article XI of the Ohio Constitution, and, therefore, deny the remaining allegations in paragraph 58 of the Complaint.

59. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 59 of the Complaint.

60. In response to the allegations in paragraph 60 of the Complaint, Respondents Kasich, Niehaus and Yost deny that the "Apportionment Board's Republican majority had secretly developed" any apportionment plan. Further answering, Respondents Kasich, Niehaus and Yost state that Ms. Mann sent an email on September 18, 2011 but answer further that such email was not sent to any member of the Ohio Apportionment Board, or any of their staff, and, therefore, Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the meaning or purpose of the email described in paragraph 60 of the Complaint, and, therefore, deny the same.

61. In response to the allegations in paragraph 61 of the Complaint, Respondents Kasich, Niehaus and Yost admit that Mr. DiRossi sent an email on September 16, 2011, but further admit that such email was not sent to any member of the Ohio Apportionment Board, or

any of their staff, and, therefore, Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the meaning or purpose of the email described in paragraph 60 of the Complaint, and, therefore, deny the same.

62. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 62 of the Complaint.

63. In response to the allegations in paragraph 63 of the Complaint, Respondents Kasich, Niehaus and Yost admit only that the plan adopted by the Ohio Apportionment Board was drafted by the Board's Joint Secretaries, that the plan was initially adopted on a 4-1 party line vote on September 28, 2011, but was adopted with final amendments on September 30, 2011 on a 4-0 vote. Respondents Kasich, Niehaus and Yost deny the remaining allegations in paragraph 63 of the Complaint.

64. In response to the allegations in paragraph 64 of the Complaint, Respondents Kasich, Niehaus and Yost admit that at the August 4, 2011 public Ohio Apportionment Board meeting they, along with Secretary Husted, proposed and seconded motions regarding the scheduling for the next meeting of the Ohio Apportionment Board to be held on September 26, 2011, and for regional public hearings be held throughout the state of Ohio from August 22 through August 26, 2011. Respondents Kasich, Niehaus and Yost further admit that they were provided with a script agenda in advance of the August 4, 2011 Ohio Apportionment Board meeting and that the script, a copy of which is attached to the Affidavit of Michael P. McDonald submitted by Relators, speaks for itself. Respondents Kasich, Niehaus and Yost further admit that similar scripts were provided for each public meeting of the Ohio Apportionment Board. Further answering, Respondents Kasich, Niehaus and Yost state that these script agendas were used as a matter of convenience to help the meetings run smoothly and efficiently and that

members of the Ohio Apportionment Board were not required to follow and often deviated from the script agendas during the Ohio Apportionment Board meetings. Respondents Kasich, Niehaus and Yost deny the remaining allegations in paragraph 64 of the Complaint.

65. Respondents Kasich, Niehaus and Yost deny the first sentence in paragraph 65 of the Complaint. Respondents Kasich, Niehaus and Yost admit that plans were formally presented to the Ohio Apportionment Board on September 23, 2011. Respondents Kasich, Niehaus and Yost deny the remaining allegations in paragraph 65 of the Complaint.

66. In response to the allegations in paragraph 66 of the Complaint, Respondents Kasich, Niehaus and Yost admit that the reapportionment plan adopted by the Ohio Apportionment Board was drafted by the Joint Secretaries. Respondents Kasich, Niehaus and Yost deny the remaining allegations in paragraph 66 of the Complaint.

67. In response to the allegations in paragraph 67 of the Complaint, Respondents Kasich, Niehaus and Yost admit that on or about July 1, 2011, Ms. Mann sent emails to staff members for Governor Kasich and Auditor Yost, and on or about July 1, 2011, either sent an email or contacted by telephone staff members of Secretary Husted, regarding a meeting with Mark Braden, and John Morgan, a consultant hired by Mr. Braden. Respondents Kasich, Niehaus, and Yost deny the remaining allegations in paragraph 67 of the Complaint.

68. Respondents Kasich, Niehaus and Yost admit the allegations in the first sentence of paragraph 68 of the Complaint. Respondents Kasich, Niehaus and Yost further admit that Mr. Braden was involved in reapportionment and redistricting strategy in his capacity as legal counsel to the Ohio Apportionment Board and the Legislative Task Force on Redistricting, Reapportionment, and Demographic Research, and that the Ohio Apportionment Board's Joint Secretaries would generally review portions of the reapportionment plan with Mr. Braden.

Respondents Kasich, Niehaus and Yost deny the remaining allegations in paragraph 68 of the Complaint.

69. Respondents Kasich, Niehaus and Yost admit the first sentence of paragraph 69 of the Complaint. Respondents Kasich, Niehaus and Yost are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 69 of the Complaint, and, therefore, deny the same.

70. In response to the allegations in paragraph 70 of the Complaint, Respondents Kasich and Niehaus admit that beginning on or about July 11, 2011, Ms. Mann and Mr. DiRossi began attempting to hold weekly meetings regarding both Congressional redistricting and the reapportionment process with staff members of Governor Kasich and Senate President Niehaus. Answering further, Respondents Kasich and Niehaus aver that the vast majority of these weekly meetings were cancelled. Respondent Yost is without information or knowledge sufficient to form a belief as to the truth of the allegations in paragraph 70, and, therefore denies the same. Respondents Kasich, Niehaus and Yost deny the remaining allegations in paragraph 70 of the Complaint.

71. In response to the allegations in paragraph 71 of the Complaint, Respondents Kasich, Niehaus and Yost admit that they were aware that Ms. Mann and Mr. DiRossi leased a hotel room at the Doubletree hotel in downtown Columbus to serve as an office for the reapportionment process, and that Mr. DiRossi occasionally referred to the space as the "bunker" or "off-site." Respondents Kasich, Niehaus and Yost are without knowledge or information regarding the specific dates the hotel room at the Doubletree hotel was leased. Respondent Kasich further denies that he ever made an appearance at the hotel room. Respondents Kasich, Niehaus and Yost deny the remaining allegations in paragraph 71 of the Complaint.

72. In response to the allegations in paragraph 72 of the Complaint, Respondents Kasich, Niehaus and Yost admit that all reapportionment plans were submitted to the Ohio Apportionment Board, including the reapportionment plan drafted by the Ohio Apportionment Board's Joint Secretaries, on September 23, 2011, and that all of the submitted plans were provided to designated agents of each Ohio Apportionment Board member on that date in accordance with the rules adopted by the Ohio Apportionment Board on August 4, 2011. Respondents Kasich, Niehaus and Yost further admit that the first time the public saw the Ohio Apportionment Board's Joint Secretaries' reapportionment plan was on September 23, 2011. Respondents Kasich, Niehaus and Yost deny the remaining allegations in paragraph 72 of the Complaint.

73. Respondents Kasich and Niehaus and Yost deny the allegations in paragraph 73 of the Complaint.

74. In response to the allegations in paragraph 74 of the Complaint, Respondents Kasich, Niehaus and Yost admit that the reapportionment plan was initially approved by the Ohio Apportionment Board on September 28, 2011 on a 4-1 vote, but the final plan with all amendments was adopted on September 30, 2011 with a 4-0 vote.

75. Respondents Kasich, Niehaus and Yost admit the allegations in paragraph 75 of the Complaint.

76. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 76 of the Complaint.

#### **FIRST CAUSE OF ACTION – Violation of Article XI**

77. Respondents Kasich, Niehaus and Yost re-state their responses to paragraphs 1-76 of the Complaint as if fully restated herein.

78. Respondents Kasich, Niehaus and Yost admit that the only governmental unit divided by the Ohio Apportionment Board in House District 17 is the City of Columbus, Ward 31. The remaining governmental units identified in paragraph 78 of the Complaint are non-contiguous, and, thus, were not divided by the Ohio Apportionment Board. As such, Respondents Kasich, Niehaus and Yost deny the remaining allegation in paragraph 78 as misleading.

79. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 79 of the Complaint.

80. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 80 of the Complaint.

81. Respondents Kasich, Niehaus and Yost deny that the reapportionment plan adopted by the Ohio Apportionment Board on September 30, 2011 violates Article XI of the Ohio Constitution, and, therefore, deny the remaining allegations in paragraph 81 of the Complaint.

#### **SECOND CAUSE OF ACTION – Violation of Article XI**

82. Respondents Kasich, Niehaus and Yost re-state their responses to paragraphs 1-81 of the Complaint as if fully restated herein.

83. Respondents Kasich, Niehaus and Yost admit that the only governmental unit divided by the Ohio Apportionment Board in House District 18 is the City of Columbus, Ward 31. The remaining governmental units identified in paragraph 83 of the Complaint are non-contiguous, and, thus, were not divided by the Ohio Apportionment Board. As such, Respondents Kasich, Niehaus and Yost deny the remaining allegation in paragraph 83 as misleading.

84. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 84 of the Complaint.

85. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 85 of the Complaint.

86. Respondents Kasich, Niehaus and Yost deny that the reapportionment plan adopted by the Ohio Apportionment Board on September 30, 2011 violates Article XI of the Ohio Constitution, and, therefore, deny the remaining allegations in paragraph 86 of the Complaint.

### **THIRD CAUSE OF ACTION – Violation of Article XI**

87. Respondents Kasich, Niehaus and Yost re-state their responses to paragraphs 1-86 of the Complaint as if fully restated herein.

88. Respondents Kasich, Niehaus and Yost admit that the only governmental unit divided by the Ohio Apportionment Board in House District 19 is the City of Columbus, Ward 81. The remaining governmental units identified in paragraph 88 of the Complaint are non-contiguous, and, thus, were not divided by the Ohio Apportionment Board. As such, Respondents Kasich, Niehaus and Yost deny the remaining allegation in paragraph 88 as misleading.

89. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 89 of the Complaint.

90. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 90 of the Complaint.

91. Respondents Kasich, Niehaus and Yost deny that the reapportionment plan adopted by the Ohio Apportionment Board on September 30, 2011 violates Article XI of the

Ohio Constitution, and, therefore, deny the remaining allegations in paragraph 91 of the Complaint.

**FOURTH CAUSE OF ACTION – Violation of Article XI**

92. Respondents Kasich, Niehaus and Yost re-state their responses to paragraphs 1-91 of the Complaint as if fully restated herein.

93. Respondents Kasich, Niehaus and Yost admit that the only governmental unit divided by the Ohio Apportionment Board in House District 20 is the City of Columbus, Ward 45. The remaining governmental units identified in paragraph 93 of the Complaint are non-contiguous, and, thus, were not divided by the Ohio Apportionment Board. As such, Respondents Kasich, Niehaus and Yost deny the remaining allegation in paragraph 93 as misleading.

94. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 94 of the Complaint.

95. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 95 of the Complaint.

96. Respondents Kasich, Niehaus and Yost deny that the reapportionment plan adopted by the Ohio Apportionment Board on September 30, 2011 violates Article XI of the Ohio Constitution, and, therefore, deny the remaining allegations in paragraph 96 of the Complaint.

**FIFTH CAUSE OF ACTION – Violation of Article XI**

97. Respondents Kasich, Niehaus and Yost re-state their responses to paragraphs 1-96 of the Complaint as if fully restated herein.

98. Respondents Kasich, Niehaus and Yost admit that the only governmental unit divided by the Ohio Apportionment Board in House District 21 is the City of Columbus. The remaining governmental units identified in paragraph 98 of the Complaint are non-contiguous, and, thus, were not divided by the Ohio Apportionment Board. As such, Respondents Kasich, Niehaus and Yost deny the remaining allegation in paragraph 98 as misleading.

99. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 99 of the Complaint.

100. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 100 of the Complaint.

101. Respondents Kasich, Niehaus and Yost deny that the reapportionment plan adopted by the Ohio Apportionment Board on September 30, 2011 violates Article XI of the Ohio Constitution, and, therefore, deny the remaining allegations in paragraph 101 of the Complaint.

#### **SIXTH CAUSE OF ACTION – Violation of Article XI**

102. Respondents Kasich, Niehaus and Yost re-state their responses to paragraphs 1-101 of the Complaint as if fully restated herein.

103. Respondents Kasich, Niehaus and Yost admit that the only governmental unit divided by the Ohio Apportionment Board in House District 22 is the City of Columbus, Ward 22. The remaining governmental units identified in paragraph 103 of the Complaint are non-contiguous, and, thus, were not divided by the Ohio Apportionment Board. As such, Respondents Kasich, Niehaus and Yost deny the remaining allegation in paragraph 103 as misleading.

104. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 104 of the Complaint.

105. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 105 of the Complaint.

106. Respondents Kasich, Niehaus and Yost deny that the reapportionment plan adopted by the Ohio Apportionment Board on September 30, 2011 violates Article XI of the Ohio Constitution, and, therefore, deny the remaining allegations in paragraph 106 of the Complaint.

#### **SEVENTH CAUSE OF ACTION – Violation of Article XI**

107. Respondents Kasich, Niehaus and Yost re-state their responses to paragraphs 1-106 of the Complaint as if fully restated herein.

108. Respondents Kasich, Niehaus and Yost admit that the only governmental unit divided by the Ohio Apportionment Board in House District 23 is the City of Columbus. The remaining governmental units identified in paragraph 108 of the Complaint are non-contiguous, and, thus, were not divided by the Ohio Apportionment Board. As such, Respondents Kasich, Niehaus and Yost deny the remaining allegation in paragraph 108 as misleading.

109. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 109 of the Complaint.

110. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 110 of the Complaint.

111. Respondents Kasich, Niehaus and Yost deny that the reapportionment plan adopted by the Ohio Apportionment Board on September 30, 2011 violates Article XI of the

Ohio Constitution, and, therefore, deny the remaining allegations in paragraph 111 of the Complaint.

**EIGHTH CAUSE OF ACTION – Violation of Article XI**

112. Respondents Kasich, Niehaus and Yost re-state their responses to paragraphs 1-111 of the Complaint as if fully restated herein.

113. Respondents Kasich, Niehaus and Yost admit that the only governmental unit divided by the Ohio Apportionment Board in House District 24 is the City of Columbus, Ward 22. The remaining governmental units identified in paragraph 113 of the Complaint are non-contiguous, and, thus, were not divided by the Ohio Apportionment Board. As such, Respondents Kasich, Niehaus and Yost deny the remaining allegation in paragraph 113 as misleading.

114. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 114 of the Complaint.

115. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 115 of the Complaint.

116. Respondents Kasich, Niehaus and Yost deny that the reapportionment plan adopted by the Ohio Apportionment Board on September 30, 2011 violates Article XI of the Ohio Constitution, and, therefore, deny the remaining allegations in paragraph 116 of the Complaint.

**NINTH CAUSE OF ACTION – Violation of Article XI**

117. Respondents Kasich, Niehaus and Yost re-state their responses to paragraphs 1-116 of the Complaint as if fully restated herein.

118. Respondents Kasich, Niehaus and Yost admit that the only governmental unit divided by the Ohio Apportionment Board in House District 27 is the City of Cincinnati. The remaining governmental units identified in paragraph 118 of the Complaint are non-contiguous, and, thus, were not divided by the Ohio Apportionment Board. As such, Respondents Kasich, Niehaus and Yost deny the remaining allegation in paragraph 118 as misleading.

119. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 119 of the Complaint.

120. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 120 of the Complaint.

121. Respondents Kasich, Niehaus and Yost deny that the reapportionment plan adopted by the Ohio Apportionment Board on September 30, 2011 violates Article XI of the Ohio Constitution, and, therefore, deny the remaining allegations in paragraph 121 of the Complaint.

#### **TENTH CAUSE OF ACTION – Violation of Article XI**

122. Respondents Kasich, Niehaus and Yost re-state their responses to paragraphs 1-121 of the Complaint as if fully restated herein.

123. Respondents Kasich, Niehaus and Yost deny that any governmental units were divided by the Ohio Apportionment Board in House District 28. The governmental units identified in paragraph 123 of the Complaint are all non-contiguous, and, thus, were not divided by the Ohio Apportionment Board.

124. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 124 of the Complaint.

125. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 125 of the Complaint.

126. Respondents Kasich, Niehaus and Yost deny that the reapportionment plan adopted by the Ohio Apportionment Board on September 30, 2011 violates Article XI of the Ohio Constitution, and, therefore, deny the remaining allegations in paragraph 126 of the Complaint.

#### **ELEVENTH CAUSE OF ACTION – Violation of Article XI**

127. Respondents Kasich, Niehaus and Yost re-state their responses to paragraphs 1-126 of the Complaint as if fully restated herein.

128. Respondents Kasich, Niehaus and Yost admit that the only governmental unit divided by the Ohio Apportionment Board in House District 31 is the City of Cincinnati. The remaining governmental units identified in paragraph 128 of the Complaint are non-contiguous, and, thus, were not divided by the Ohio Apportionment Board. As such, Respondents Kasich, Niehaus and Yost deny the remaining allegation in paragraph 128 as misleading.

129. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 129 of the Complaint.

130. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 130 of the Complaint.

131. Respondents Kasich, Niehaus and Yost deny that the reapportionment plan adopted by the Ohio Apportionment Board on September 30, 2011 violates Article XI of the Ohio Constitution, and, therefore, deny the remaining allegations in paragraph 131 of the Complaint.

## **TWELFTH CAUSE OF ACTION – Violation of Article XI**

132. Respondents Kasich, Niehaus and Yost re-state their responses to paragraphs 1-131 of the Complaint as if fully restated herein.

133. Respondents Kasich, Niehaus and Yost admit that the only governmental unit divided by the Ohio Apportionment Board in House District 34 is the City of Akron, Ward 2. The remaining governmental units identified in paragraph 133 of the Complaint are non-contiguous, and, thus, were not divided by the Ohio Apportionment Board. As such, Respondents Kasich, Niehaus and Yost deny the remaining allegation in paragraph 133 as misleading.

134. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 134 of the Complaint.

135. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 135 of the Complaint.

136. Respondents Kasich, Niehaus and Yost deny that the reapportionment plan adopted by the Ohio Apportionment Board on September 30, 2011 violates Article XI of the Ohio Constitution, and, therefore, deny the remaining allegations in paragraph 136 of the Complaint.

## **THIRTEENTH CAUSE OF ACTION – Violation of Article XI**

137. Respondents Kasich, Niehaus and Yost re-state their responses to paragraphs 1-136 of the Complaint as if fully restated herein.

138. Respondents Kasich, Niehaus and Yost admit that the only governmental unit divided by the Ohio Apportionment Board in House District 35 is the City of Akron, Ward 2. The remaining governmental units identified in paragraph 138 of the Complaint are non-

contiguous, and, thus, were not divided by the Ohio Apportionment Board. As such, Respondents Kasich, Niehaus and Yost deny the remaining allegation in paragraph 138 as misleading.

139. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 139 of the Complaint.

140. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 140 of the Complaint.

141. Respondents Kasich, Niehaus and Yost deny that the reapportionment plan adopted by the Ohio Apportionment Board on September 30, 2011 violates Article XI of the Ohio Constitution, and, therefore, deny the remaining allegations in paragraph 141 of the Complaint.

#### **FOURTEENTH CAUSE OF ACTION – Violation of Article XI**

142. Respondents Kasich, Niehaus and Yost re-state their responses to paragraphs 1-141 of the Complaint as if fully restated herein.

143. Respondents Kasich, Niehaus and Yost admit that the only governmental unit divided by the Ohio Apportionment Board in House District 36 is the City of Cuyahoga Falls. The remaining governmental units identified in paragraph 143 of the Complaint are non-contiguous, and, thus, were not divided by the Ohio Apportionment Board. As such, Respondents Kasich, Niehaus and Yost deny the remaining allegation in paragraph 143 as misleading.

144. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 144 of the Complaint.

145. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 145 of the Complaint.

146. Respondents Kasich, Niehaus and Yost deny that the reapportionment plan adopted by the Ohio Apportionment Board on September 30, 2011 violates Article XI of the Ohio Constitution, and, therefore, deny the remaining allegations in paragraph 146 of the Complaint.

#### **FIFTEENTH CAUSE OF ACTION – Violation of Article XI**

147. Respondents Kasich, Niehaus and Yost re-state their responses to paragraphs 1-146 of the Complaint as if fully restated herein.

148. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 148 of the Complaint.

149. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 149 of the Complaint.

150. Respondents Kasich, Niehaus and Yost admit that the only governmental unit divided by the Ohio Apportionment Board in House District 38 is the City of Massillon. The remaining governmental units identified in paragraph 150 of the Complaint are non-contiguous, and, thus, were not divided by the Ohio Apportionment Board. As such, Respondents Kasich, Niehaus and Yost deny the remaining allegation in paragraph 150 as misleading.

151. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 151 of the Complaint.

152. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 152 of the Complaint.

153. Respondents Kasich, Niehaus and Yost deny that the reapportionment plan adopted by the Ohio Apportionment Board on September 30, 2011 violates Article XI of the Ohio Constitution, and, therefore, deny the remaining allegations in paragraph 153 of the Complaint.

**SIXTEENTH CAUSE OF ACTION – Violation of Article XI**

154. Respondents Kasich, Niehaus and Yost re-state their responses to paragraphs 1-153 of the Complaint as if fully restated herein.

155. Respondents Kasich, Niehaus and Yost admit that the only governmental unit divided by the Ohio Apportionment Board in House District 40 is the City of Dayton, Ward 3. The remaining governmental units identified in paragraph 155 of the Complaint are non-contiguous, and, thus, were not divided by the Ohio Apportionment Board. As such, Respondents Kasich, Niehaus and Yost deny the remaining allegation in paragraph 155 as misleading.

156. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 156 of the Complaint.

157. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 157 of the Complaint.

158. Respondents Kasich, Niehaus and Yost deny that the reapportionment plan adopted by the Ohio Apportionment Board on September 30, 2011 violates Article XI of the Ohio Constitution, and, therefore, deny the remaining allegations in paragraph 158 of the Complaint.

**SEVENTEENTH CAUSE OF ACTION – Violation of Article XI**

159. Respondents Kasich, Niehaus and Yost re-state their responses to paragraphs 1-158 of the Complaint as if fully restated herein.

160. Respondents Kasich, Niehaus and Yost admit that the only governmental unit divided by the Ohio Apportionment Board in House District 41 is the City of Dayton. The remaining governmental units identified in paragraph 160 of the Complaint are non-contiguous, and, thus, were not divided by the Ohio Apportionment Board. As such, Respondents Kasich, Niehaus and Yost deny the remaining allegation in paragraph 160 as misleading.

161. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 161 of the Complaint.

162. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 162 of the Complaint.

163. Respondents Kasich, Niehaus and Yost deny that the reapportionment plan adopted by the Ohio Apportionment Board on September 30, 2011 violates Article XI of the Ohio Constitution, and, therefore, deny the remaining allegations in paragraph 163 of the Complaint.

**EIGHTEENTH CAUSE OF ACTION – Violation of Article XI**

164. Respondents Kasich, Niehaus and Yost re-state their responses to paragraphs 1-163 of the Complaint as if fully restated herein.

165. Respondents Kasich, Niehaus and Yost admit that the only governmental unit divided by the Ohio Apportionment Board in House District 43 is the City of Dayton, Ward 3. The remaining governmental units identified in paragraph 165 of the Complaint are non-contiguous, and, thus, were not divided by the Ohio Apportionment Board. As such,

Respondents Kasich, Niehaus and Yost deny the remaining allegation in paragraph 165 as misleading.

166. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 166 of the Complaint.

167. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 167 of the Complaint.

168. Respondents Kasich, Niehaus and Yost deny that the reapportionment plan adopted by the Ohio Apportionment Board on September 30, 2011 violates Article XI of the Ohio Constitution, and, therefore, deny the remaining allegations in paragraph 168 of the Complaint.

#### **NINETEENTH CAUSE OF ACTION – Violation of Article XI**

169. Respondents Kasich, Niehaus and Yost re-state their responses to paragraphs 1-168 of the Complaint as if fully restated herein.

170. Respondents Kasich, Niehaus and Yost admit that the only governmental unit divided by the Ohio Apportionment Board in House District 45 is the City of Toledo. The remaining governmental units identified in paragraph 170 of the Complaint are non-contiguous, and, thus, were not divided by the Ohio Apportionment Board. As such, Respondents Kasich, Niehaus and Yost deny the remaining allegation in paragraph 170 as misleading.

171. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 171 of the Complaint.

172. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 172 of the Complaint.

173. Respondents Kasich, Niehaus and Yost deny that the reapportionment plan adopted by the Ohio Apportionment Board on September 30, 2011 violates Article XI of the Ohio Constitution, and, therefore, deny the remaining allegations in paragraph 173 of the Complaint.

**TWENTIETH CAUSE OF ACTION – Violation of Article XI**

174. Respondents Kasich, Niehaus and Yost re-state their responses to paragraphs 1-173 of the Complaint as if fully restated herein.

175. Respondents Kasich, Niehaus and Yost admit that the only governmental unit divided by the Ohio Apportionment Board in House District 48 is Plain Township. The remaining governmental units identified in paragraph 175 of the Complaint are non-contiguous, and, thus, were not divided by the Ohio Apportionment Board. As such, Respondents Kasich, Niehaus and Yost deny the remaining allegation in paragraph 175 as misleading.

176. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 176 of the Complaint.

177. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 177 of the Complaint.

178. Respondents Kasich, Niehaus and Yost deny that the reapportionment plan adopted by the Ohio Apportionment Board on September 30, 2011 violates Article XI of the Ohio Constitution, and, therefore, deny the remaining allegations in paragraph 178 of the Complaint.

**TWENTY-FIRST CAUSE OF ACTION – Violation of Article XI**

179. Respondents Kasich, Niehaus and Yost re-state their responses to paragraphs 1-178 of the Complaint as if fully restated herein.

180. Respondents Kasich, Niehaus and Yost admit that the only governmental unit divided by the Ohio Apportionment Board in House District 49 is Massillon City. The remaining governmental units identified in paragraph 180 of the Complaint are non-contiguous, and, thus, were not divided by the Ohio Apportionment Board. As such, Respondents Kasich, Niehaus and Yost deny the remaining allegation in paragraph 180 as misleading.

181. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 181 of the Complaint.

182. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 182 of the Complaint.

183. Respondents Kasich, Niehaus and Yost deny that the reapportionment plan adopted by the Ohio Apportionment Board on September 30, 2011 violates Article XI of the Ohio Constitution, and, therefore, deny the remaining allegations in paragraph 183 of the Complaint.

#### **TWENTY-SECOND CAUSE OF ACTION – Violation of Article XI**

184. Respondents Kasich, Niehaus and Yost re-state their responses to paragraphs 1-183 of the Complaint as if fully restated herein.

185. Respondents Kasich, Niehaus and Yost admit that the only governmental unit divided by the Ohio Apportionment Board in House District 55 is the City North Ridgeville, Ward 3. The remaining governmental units identified in paragraph 185 of the Complaint are non-contiguous, and, thus, were not divided by the Ohio Apportionment Board. As such, Respondents Kasich, Niehaus and Yost deny the remaining allegation in paragraph 185 as misleading.

186. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 186 of the Complaint.

187. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 187 of the Complaint.

188. Respondents Kasich, Niehaus and Yost deny that the reapportionment plan adopted by the Ohio Apportionment Board on September 30, 2011 violates Article XI of the Ohio Constitution, and, therefore, deny the remaining allegations in paragraph 188 of the Complaint.

**TWENTY-THIRD CAUSE OF ACTION – Violation of Article XI**

189. Respondents Kasich, Niehaus and Yost re-state their responses to paragraphs 1-188 of the Complaint as if fully restated herein.

190. Respondents Kasich, Niehaus and Yost admit that the only governmental unit divided by the Ohio Apportionment Board in House District 57 is the City of North Ridgeville, Ward 3. The remaining governmental units identified in paragraph 190 of the Complaint are non-contiguous, and, thus, were not divided by the Ohio Apportionment Board. As such, Respondents Kasich, Niehaus and Yost deny the remaining allegation in paragraph 190 as misleading.

191. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 191 of the Complaint.

192. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 192 of the Complaint.

193. Respondents Kasich, Niehaus and Yost deny that the reapportionment plan adopted by the Ohio Apportionment Board on September 30, 2011 violates Article XI of the

Ohio Constitution, and, therefore, deny the remaining allegations in paragraph 193 of the Complaint.

**TWENTY-FOURTH CAUSE OF ACTION – Violation of Article XI**

194. Respondents Kasich, Niehaus and Yost re-state their responses to paragraphs 1-193 of the Complaint as if fully restated herein.

195. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 195 of the Complaint.

196. Respondents Kasich, Niehaus and Yost deny that the reapportionment plan adopted by the Apportionment Board on September 30, 2011 violates Article XI of the Ohio Constitution, and, therefore, deny the remaining allegations in paragraph 196 of the Complaint.

**TWENTY-FIFTH CAUSE OF ACTION – Violation of Article XI**

197. Respondents Kasich, Niehaus and Yost re-state their responses to paragraphs 1-196 of the Complaint as if fully restated herein.

198. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 198 of the Complaint.

199. Respondents Kasich, Niehaus and Yost deny that the reapportionment plan adopted by the Ohio Apportionment Board on September 30, 2011 violates Article XI of the Ohio Constitution, and, therefore, deny the remaining allegations in paragraph 199 of the Complaint.

**TWENTY-SIXTH CAUSE OF ACTION – Violation of Article XI**

200. Respondents Kasich, Niehaus and Yost re-state their responses to paragraphs 1-199 of the Complaint as if fully restated herein.

201. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 201 of the Complaint.

202. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 202 of the Complaint.

203. Respondents Kasich, Niehaus and Yost admit that the only governmental unit divided by the Ohio Apportionment Board in House District 60 is the City of Mentor. The remaining governmental units identified in paragraph 203 of the Complaint are non-contiguous, and, thus, were not divided by the Ohio Apportionment Board. As such, Respondents Kasich, Niehaus and Yost deny the remaining allegation in paragraph 203 as misleading.

204. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 204 of the Complaint.

205. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 205 of the Complaint.

206. Respondents Kasich, Niehaus and Yost deny that the reapportionment plan adopted by the Ohio Apportionment Board on September 30, 2011 violates Article XI of the Ohio Constitution, and, therefore, deny the remaining allegations in paragraph 206 of the Complaint.

**TWENTY-SEVENTH CAUSE OF ACTION – Violation of Article XI**

207. Respondents Kasich, Niehaus and Yost re-state their responses to paragraphs 1-206 of the Complaint as if fully restated herein.

208. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 208 of the Complaint.

209. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 209 of the Complaint.

210. Respondents Kasich, Niehaus and Yost admit that the only governmental unit divided by the Ohio Apportionment Board in House District 61 is the City of Mentor. The remaining governmental units identified in paragraph 210 of the Complaint are non-contiguous, and, thus, were not divided by the Ohio Apportionment Board. As such, Respondents Kasich, Niehaus and Yost deny the remaining allegation in paragraph 210 as misleading.

211. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 211 of the Complaint.

212. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 212 of the Complaint.

213. Respondents Kasich, Niehaus and Yost deny that the reapportionment plan adopted by the Ohio Apportionment Board on September 30, 2011 violates Article XI of the Ohio Constitution, and, therefore, deny the remaining allegations in paragraph 213 of the Complaint.

#### **TWENTY-EIGHTH CAUSE OF ACTION – Violation of Article XI**

214. Respondents Kasich, Niehaus and Yost re-state their responses to paragraphs 1-213 of the Complaint as if fully restated herein.

215. Respondents Kasich, Niehaus and Yost admit that the only governmental unit divided by the Ohio Apportionment Board in House District 69 is the City of Brunswick. The remaining governmental units identified in paragraph 215 of the Complaint are non-contiguous, and, thus, were not divided by the Ohio Apportionment Board. As such, Respondents Kasich, Niehaus and Yost deny the remaining allegation in paragraph 215 as misleading.

216. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 216 of the Complaint.

217. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 217 of the Complaint.

218. Respondents Kasich, Niehaus and Yost deny that the reapportionment plan adopted by the Ohio Apportionment Board on September 30, 2011 violates Article XI of the Ohio Constitution, and, therefore, deny the remaining allegations in paragraph 218 of the Complaint.

**TWENTY-NINTH CAUSE OF ACTION – Violation of Article XI**

219. Respondents Kasich, Niehaus and Yost re-state their responses to paragraphs 1-218 of the Complaint as if fully restated herein.

220. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 220 of the Complaint.

221. Respondents Kasich, Niehaus and Yost admit that the only governmental unit divided by the Ohio Apportionment Board in House District 70 is the City of Brunswick. The remaining governmental units identified in paragraph 221 of the Complaint are non-contiguous, and, thus, were not divided by the Ohio Apportionment Board. As such, Respondents Kasich, Niehaus and Yost deny the remaining allegation in paragraph 221 as misleading.

222. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 222 of the Complaint.

223. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 223 of the Complaint.

224. Respondents Kasich, Niehaus and Yost deny that the reapportionment plan adopted by the Ohio Apportionment Board on September 30, 2011 violates Article XI of the Ohio Constitution, and, therefore, deny the remaining allegations in paragraph 224 of the Complaint.

**THIRTIETH CAUSE OF ACTION – Violation of Article XI**

225. Respondents Kasich, Niehaus and Yost re-state their responses to paragraphs 1-224 of the Complaint as if fully restated herein.

226. Respondents Kasich, Niehaus and Yost deny that the Ohio Apportionment Board divided any governmental units in House District 71. The governmental units identified in paragraph 226 of the Complaint are non-contiguous, and, thus, were not divided by the Ohio Apportionment Board.

227. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 227 of the Complaint.

228. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 228 of the Complaint.

229. Respondents Kasich, Niehaus and Yost deny that the reapportionment plan adopted by the Ohio Apportionment Board on September 30, 2011 violates Article XI of the Ohio Constitution, and, therefore, deny the remaining allegations in paragraph 229 of the Complaint.

**THIRTY-FIRST CAUSE OF ACTION – Violation of Article XI**

230. Respondents Kasich, Niehaus and Yost re-state their responses to paragraphs 1-229 of the Complaint as if fully restated herein.

231. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 231 of the Complaint.

232. Respondents Kasich, Niehaus and Yost deny that the Ohio Apportionment Board divided any governmental units in House District 78. The governmental unit identified in paragraph 232 of the Complaint is non-contiguous, and, thus, was not divided by the Ohio Apportionment Board.

233. Respondents Kasich, Niehaus and Yost deny that the reapportionment plan adopted by the Ohio Apportionment Board on September 30, 2011 violates Article XI of the Ohio Constitution, and, therefore, deny the remaining allegations in paragraph 233 of the Complaint.

#### **THIRTY-SECOND CAUSE OF ACTION – Violation of Article XI**

234. Respondents Kasich, Niehaus and Yost re-state their responses to paragraphs 1-233 of the Complaint as if fully restated herein.

235. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 235 of the Complaint.

236. Respondents Kasich, Niehaus and Yost deny that the Ohio Apportionment Board divided any governmental units in House District 84. The governmental units identified in paragraph 236 of the Complaint are non-contiguous, and, thus, were not divided by the Ohio Apportionment Board.

237. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 237 of the Complaint.

238. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 238 of the Complaint.

239. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 239 of the Complaint.

240. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 240 of the Complaint.

241. Respondents Kasich, Niehaus and Yost deny that the reapportionment plan adopted by the Ohio Apportionment Board on September 30, 2011 violates Article XI of the Ohio Constitution, and, therefore, deny the remaining allegations in paragraph 241 of the Complaint.

**THIRTY-THIRD CAUSE OF ACTION – Violation of Article XI**

242. Respondents Kasich, Niehaus and Yost re-state their responses to paragraphs 1-241 of the Complaint as if fully restated herein.

243. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 243 of the Complaint.

244. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 244 of the Complaint.

245. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 245 of the Complaint.

246. Respondents Kasich, Niehaus and Yost deny that the reapportionment plan adopted by the Ohio Apportionment Board on September 30, 2011 violates Article XI of the Ohio Constitution, and, therefore, deny the remaining allegations in paragraph 246 of the Complaint.

**THIRTY-FOURTH CAUSE OF ACTION – Violation of Article XI**

247. Respondents Kasich, Niehaus and Yost re-state their responses to paragraphs 1-246 of the Complaint as if fully restated herein.

248. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 248 of the Complaint.

249. Respondents Kasich, Niehaus and Yost admit that the only governmental unit divided by the Ohio Apportionment Board in House District 94 is the City of Marietta. The remaining governmental units identified in paragraph 249 of the Complaint are non-contiguous, and, thus, were not divided by the Ohio Apportionment Board. As such, Respondents Kasich, Niehaus and Yost deny the remaining allegation in paragraph 249 as misleading.

250. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 250 of the Complaint.

251. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 251 of the Complaint.

252. Respondents Kasich, Niehaus and Yost deny that the reapportionment plan adopted by the Ohio Apportionment Board on September 30, 2011 violates Article XI of the Ohio Constitution, and, therefore, deny the remaining allegations in paragraph 252 of the Complaint.

**THIRTY-FIFTH CAUSE OF ACTION – Violation of Article XI**

253. Respondents Kasich, Niehaus and Yost re-state their responses to paragraphs 1-252 of the Complaint as if fully restated herein.

254. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 254 of the Complaint.

255. Respondents Kasich, Niehaus and Yost admit that the only governmental unit divided by the Ohio Apportionment Board in House District 95 is the City of Marietta. The remaining governmental units identified in paragraph 255 of the Complaint are non-contiguous, and, thus, were not divided by the Ohio Apportionment Board. As such, Respondents Kasich, Niehaus and Yost deny the remaining allegation in paragraph 255 as misleading.

256. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 256 of the Complaint.

257. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 257 of the Complaint.

258. Respondents Kasich, Niehaus and Yost deny that the reapportionment plan adopted by the Ohio Apportionment Board on September 30, 2011 violates Article XI of the Ohio Constitution, and, therefore, deny the remaining allegations in paragraph 258 of the Complaint.

#### **THIRTY-SIXTH CAUSE OF ACTION – Violation of Article XI**

259. Respondents Kasich, Niehaus and Yost re-state their responses to paragraphs 1-258 of the Complaint as if fully restated herein.

260. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 260 of the Complaint.

#### **THIRTY-SEVENTH CAUSE OF ACTION – Violation of O.R.C. § 121.22**

261. Respondents Kasich, Niehaus and Yost re-state their responses to paragraphs 1-260 of the Complaint as if fully restated herein.

262. Paragraph 262 of the Complaint contains only legal conclusions to which no response is required. Further answering, Respondents Kasich, Niehaus and Yost state that Ohio Admin.Code § 011-1-03 speaks for itself.

263. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 263 of the Complaint.

264. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 264 of the Complaint.

265. Respondents Kasich, Niehaus and Yost deny the allegations in paragraph 265 of the Complaint.

266. Respondents Kasich, Niehaus and Yost deny each and every allegation in the Complaint not expressly admitted herein as true.

#### **AFFIRMATIVE DEFENSES**

1. This Court lacks subject matter jurisdiction for one or more of Relators' claims.
2. Relators fail to state a claim upon which relief can be granted.
3. Relators fail to name a necessary and indispensable party.
4. One or more of Relators' claims are barred by the doctrine of laches, waiver, and estoppel.
5. The apportionment plan adopted by the Ohio Apportionment Board on September 30, 2011 complies with Article XI of the Ohio Constitution.
6. Article XI of the Ohio Constitution does not require the Ohio Apportionment Board to connect non-contiguous governmental units for purposes of reapportionment.

WHEREFORE, Respondents Kasich, Niehaus and Yost respectfully request that Relators' Complaint be dismissed with prejudice at Relators' cost.

Respectfully Submitted,

MICHAEL DeWINE  
Ohio Attorney General



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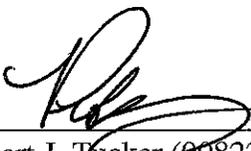
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served upon the following this 17th day of January, 2012 by United States mail, postage prepaid, and electronic mail:

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Robert J. Tucker (0082205)