

ORIGINAL

IN THE SUPREME COURT OF OHIO

HEALTHY FAMILIES OHIO, INC.
545 East Town Street
Columbus, Ohio 43215,

Case No. 12-0070

and

GARRETT M. DOUGHERTY
3495 Bear Pointe Circle
Powell, Ohio 43065

CHALLENGE TO INITIATIVE
PETITION PURSUANT TO OHIO
CONSTITUTION ARTICLE II,
SECTION 1g

Relators,

and

v.

ORIGINAL ACTION IN MANDAMUS
AND PROHIBITION

THE OHIO BALLOT BOARD
180 East Broad Street, 16th Floor
Columbus, Ohio 43215

and

HON. JOHN HUSTED
Ohio Secretary of State
180 East Broad Street, 16th Floor
Columbus, Ohio 43215

ORIGINAL ACTION UNDER
OHIO REV. CODE 3519.01

HON. MIKE DeWINE
Ohio Attorney General
30 East Broad Street, 14th Floor
Columbus, Ohio 43215

ANSWER TO COMPLAINT
ON BEHALF OF RESPONDENTS
PERSONHOOD OHIO, JAMES
PATRICK JOHNSTON, FRANK
WEIMER, DAVID DAUBENMIRE,
AND TOM RADDELL

PERSONHOOD OHIO
James P. Johnston, Agent
5063 Dresden Court
Zanesville, Ohio 43701

JAMES PATRICK JOHNSTON
5063 Dresden Court
Zanesville, Ohio 43701

FRANK WEIMER
4999 Bott Road
Belleville, Ohio 44813

DAVID DAUBENMIRE
50 Woody Kroll
Thornville, Ohio 43076

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TOM RADDELL :
134 East 212th Street :
Euclid, Ohio 44123 :

Respondents.

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Respondents Personhood Ohio, James Patrick Johnston, Frank Weimer, David Daubenmire, and Tom Raddell (collectively “Personhood Ohio” or “these Respondents”), by and through counsel and pursuant to S.Ct. Prac. R. 10.5(A), file this Answer to Relators’ Petition.

1. Paragraph 1 is Relators’ recitation of what their lawsuit is about, and does not require a response from Personhood Ohio. To the extent a response is required, Personhood Ohio denies the allegations in paragraph 1.
2. Personhood Ohio denies the allegations in paragraph 2, and affirmatively states that its Proposed Amendment by its terms amends only Article I, Section 16 of the Ohio Constitution.
3. Paragraph 3 of the Petition is Relators’ recitation of their prayer for relief, and does not require a response from Personhood Ohio. To the extent a response is required, Personhood Ohio states that Relators’ claims are wholly without merit and should be denied.
4. Personhood Ohio is without knowledge or information sufficient either to admit or to deny the allegations in paragraph 4 regarding Relators’ assertions as to the diligence with which

they have acted in bringing this action, and therefore denies them. Personhood Ohio admits that this action was timely filed, but denies the remainder of the allegations in paragraph 4.

5. Personhood Ohio admits the allegations in paragraph 5 of the Complaint, but specifically avers that it was not served by the Court until January 18, 2012.

6. Personhood Ohio denies the allegations in paragraph 6 of the Complaint.

7. Personhood Ohio is without knowledge or information sufficient either to admit or to deny the allegations in paragraph 7 of the Complaint, and therefore denies them.

8. Personhood Ohio is without knowledge or information sufficient either to admit or to deny the allegations in paragraph 8 of the Complaint, and therefore denies them.

9. Personhood Ohio admits the allegations contained in the first sentence of paragraph 9.

Upon information and belief, Personhood Ohio also admits the allegations in the second sentence of paragraph 9.

10. Personhood Ohio admits the allegations in paragraph 10 of the Complaint.

11. Personhood Ohio admits the allegations contained in the first sentence of paragraph 11.

Upon information and belief, Personhood Ohio also admits the allegations in the second sentence of paragraph 11.

12. Personhood Ohio admits the allegations in paragraph 12 of the Complaint.

13. Personhood Ohio admits the allegations in paragraph 13 of the Complaint.

14. Personhood Ohio admits the allegations in paragraph 14 of the Complaint.

15. Personhood Ohio admits the allegations in paragraph 15 of the Complaint.

16. Personhood Ohio admits the allegations in paragraph 16 of the Complaint.

17. Personhood Ohio admits the allegations in paragraph 17 of the Complaint.

18. Personhood Ohio admits the allegations in paragraph 18 of the Complaint.

19. Personhood Ohio admits the allegations in paragraph 19 of the Complaint.
20. Upon information and belief, Personhood Ohio admits the allegations in the first two sentences of paragraph 20 of the Complaint. Personhood Ohio is without knowledge or information sufficient either to admit or to deny the allegations in the third sentence of paragraph 20, and therefore denies them.
21. Personhood Ohio admits the allegations in paragraph 21 of the Complaint.
22. Personhood Ohio admits the allegations in paragraph 22 of the Complaint.
23. Personhood Ohio incorporates by reference its responses to the allegations in paragraphs 1-22 above.
24. Personhood Ohio admits that Relators have accurately quoted a portion of sec. 1g, Art. II, of the Ohio Constitution in paragraph 24 of the Complaint.
25. Personhood Ohio admits that Relators have accurately quoted a portion of sec. 1g, Art. II, of the Ohio Constitution in paragraph 25 of the Complaint.
26. Personhood Ohio admits that Relators have accurately quoted a portion of Ohio Rev. Code sec. 3519.01(A) in paragraph 26 of the Complaint.
27. In response to the allegations in paragraph 27 of the Complaint, Personhood Ohio acknowledges that the Proposed Amendment would define the term “men” as it appears in Art. I, Sec. 1 of the Ohio Constitution to “apply to every human being at every stage of the biological development of that human being or human organism, including fertilization.” Personhood Ohio also acknowledges that the complete text of Art. I, Sec. 1 is not set out in the Proposed Amendment, for the simple reason that the Proposed Amendment does not amend Art. I, Sec. 1.
28. Personhood Ohio admits the allegations in paragraph 28 of the Complaint.
29. Personhood Ohio admits the allegations in paragraph 29 of the Complaint.

30. Personhood Ohio denies the allegations in paragraph 30 of the Complaint.
31. Personhood Ohio admits the allegations in paragraph 31 of the Complaint.
32. Personhood Ohio denies the allegations in paragraph 32 of the Complaint.
33. Upon information and belief, Personhood Ohio admits the allegations in paragraph 33 of the Complaint.
34. Personhood Ohio denies the allegations in paragraph 34 of the Complaint.
35. Upon information and belief, Personhood Ohio admits the allegations in paragraph 35 of the Complaint.
36. Personhood Ohio denies the allegations in paragraph 36 of the Complaint.
37. Personhood Ohio denies the allegations in paragraph 37 of the Complaint, and affirmatively states that the Attorney General and Secretary of State have fully complied with all legal duties herein.
38. Personhood Ohio denies the allegations in paragraph 38 of the Complaint.
39. Personhood Ohio incorporates by reference its responses to paragraphs 1-38 above.
40. Personhood Ohio admits the allegations in the first sentence of paragraph 40 of the Complaint, and admits that the second sentence of paragraph 40 accurately quotes a portion of the Proposed Amendment. Personhood Ohio denies the remaining allegations in paragraph 40.
41. Personhood Ohio admits the allegations in the first sentence of paragraph 41 of the Complaint, and admits that the second sentence of paragraph 41 accurately quotes a portion of the Summary. Personhood Ohio denies the allegations in the third sentence of paragraph 41. Personhood Ohio admits that the fourth sentence of paragraph 41 accurately quotes a portion of the Proposed Amendment. Personhood Ohio denies the remaining allegations in paragraph 41.
42. Personhood Ohio denies the allegations in paragraph 42 of the Complaint.

43. In response to the allegations in paragraph 43 of the Complaint, Personhood Ohio admits that portions of the Summary are accurately quoted, but denies the remaining allegations in paragraph 43.

44. Personhood Ohio denies the allegations in paragraph 44 of the Complaint.

45. Upon information and belief, Personhood Ohio admits the allegations in paragraph 45 of the Complaint.

46. Personhood Ohio denies the allegations in paragraph 46 of the Complaint.

47. Upon information and belief, Personhood Ohio admits the allegations in paragraph 47 of the Complaint.

48. Personhood Ohio denies the allegations in paragraph 48 of the Complaint.

49. Personhood Ohio denies the allegations in paragraph 49 of the Complaint.

50. Personhood Ohio denies the allegations in paragraph 50 of the Complaint, and affirmatively states that the Proposed Amendment fully complies with Ohio Rev. Code 3519.01 and Sec. 1g, Art. II of the Ohio Constitution, and that the Attorney General has fully complied with his duties herein.

51. Personhood Ohio denies the allegations in paragraph 51 of the Complaint.

52. Personhood Ohio incorporates by reference its responses to paragraphs 1-51 above.

53. In response to the allegations in paragraph 53 of the Complaint, Personhood Ohio acknowledges that the Proposed Amendment states that it adds a new subsection (b) to Art. I, Sec. 16 of the Ohio Constitution and that it defines the term “men” as it appears in Art. I, Sec. 1. Personhood Ohio denies the remaining allegations in paragraph 53.

54. Personhood Ohio admits the allegations in paragraph 54 of the Complaint.

55. In response to the allegations in paragraph 55 of the Complaint, Personhood Ohio acknowledges that the Proposed Amendment defines the terms “person” and “men,” and that those terms appear in Article I, Sections 1 and 16 of the Ohio Constitution. Personhood Ohio denies the remaining allegations in paragraph 55.
56. Personhood Ohio denies the allegations in paragraph 56 of the Complaint.
57. Personhood Ohio denies the allegations in paragraph 57 of the Complaint.
58. Upon information and belief, Personhood Ohio admits the allegations in paragraph 58 of the Complaint.
59. Upon information and belief, Personhood Ohio admits the allegations in paragraph 59 of the Complaint.
60. Personhood Ohio denies the allegations in paragraph 60 of the Complaint.
61. Upon information and belief, Personhood Ohio admits the allegations in paragraph 61 of the Complaint.
62. Upon information and belief, Personhood Ohio admits the allegations in paragraph 62 of the Complaint.
63. Upon information and belief, Personhood Ohio denies the allegations in paragraph 63 of the Complaint.
64. Personhood Ohio denies the allegations in paragraph 64 of the Complaint.
65. Personhood Ohio denies the allegations in paragraph 65 of the Complaint.
66. Personhood Ohio denies the allegations in paragraph 66 of the Complaint.
67. Personhood Ohio denies the allegations in paragraph 67 of the Complaint.
68. Upon information and belief, Personhood Ohio admits the allegations in paragraph 68 of the Complaint.

69. Personhood Ohio denies the allegations in paragraph 69 of the Complaint.

WHEREFORE, Respondents Personhood Ohio, James Patrick Johnston, Frank Weimer, David Daubenmire, and Tom Raddell respectfully pray that the Court dismiss Relators' Complaint, assess all costs against Relators, and award such other and further relief to which Respondents may be entitled.

Respectfully submitted,



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*Attorneys for Respondents Personhood Ohio, James
Patrick Johnston, Frank Weimer, David Daubenmire, and
Tom Raddell*

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing Answer, by first class mail, postage pre-paid, upon the following counsel of record:

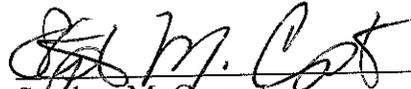
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*Counsel for Respondents Ohio Ballot Board,
Hon. Jon Husted, and Hon. Mike DeWine*

This the 7th day of February, 2012.


Stephen M. Crampton