

ORIGINAL

IN THE SUPREME COURT OF OHIO

IN RE: ) CASE NO. 12-0184  
THE CONTEST OF THE ELECTION )  
HELD ON STARK COUNTY ISSUE 6 ) On appeal from the Stark  
(LAKE TOWNSHIP POLICE DISTRICT) ) County Common Pleas Court  
IN THE GENERAL ELECTION ) Case No. 2011 CV 03947  
HELD NOVEMBER 8, 2011 )  
)  
)  
)

MOTION TO EXPEDITE BRIEFING SCHEDULE

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FEB 17 2012  
CLERK OF COURT  
SUPREME COURT OF OHIO

FILED  
FEB 17 2012  
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SUPREME COURT OF OHIO

## MOTION

This case arises out of Appellees/Cross-Appellants' petition contesting the passage of Stark County Issue 6 ("Issue 6") in the November 8, 2011 general election. Issue 6 proposed the expansion of the Uniontown Police District to all of the unincorporated areas of Lake Township and a tax levy to support the expansion. The tax levy was a 4.5 mill levy commencing in 2011, first due in calendar year 2012 and which R.C. 505.481(B) mandates be stated in dollars and cents per one thousand dollars of taxable valuation. However, the ballot misstated the dollars and cents as \$.45 per one thousand dollars of taxable valuation, when the ballot should have read \$4.50 per one thousand dollars of taxable valuation. Despite knowing that this election contest was pending, the Uniontown Police District expanded on January 1, 2012. More importantly, Stark County has prepared and sent out tax bills based on the passage of Issue 6. Those bills were due on February 15, 2012.

On January 25, 2012, the trial court entered an order finding that "... the relief sought by the Contestors is **GRANTED** and the result of November 8, 2011 election as to Issue 6 is hereby set aside." Within hours of the trial court's order setting aside the election, the Lake Township Board of Trustees and the Stark County, Ohio, Board of Elections filed a motion for stay of judgment, which the trial court granted the same day. A copy of the trial court's order of stay of judgment pending appeal is attached hereto as Exhibit "A". Appellees filed a motion to vacate order of stay of judgment pending appeal on January 27, 2012. On February 14, 2012, the trial court denied the motion to vacate and continued the stay for sixty (60) days. A copy of the trial court's February 14, 2012 order is attached hereto as Exhibit "B". As it stands now, the trial court set aside the passage of Issue 6, but stayed that

order allowing the expansion and collection of taxes to proceed. As such, Lake Township residents have paid increased taxes based on Issue 6 even though the trial court set aside its passage.

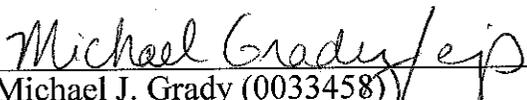
The appellees/cross-appellants, pursuant to S.Ct. Prac. R. 14.4, hereby request that the Court expedite the briefing schedule of the issues raised by these appeals. According to S.Ct. Prac. R. 2.1(C)(2), "the Supreme Court will render judgment after the parties are given the opportunity to brief the case on the merits in accordance with S.Ct. Prac. R. 6.1 through 6.8." In cases involving a cross appeal, S.Ct. Prac. R. 6.5 sets forth a briefing schedule that extends over one hundred twenty (120) days and allows each side to file two briefs. Following the briefing schedule set forth in S.Ct. Prac. R. 6.5 would extend the briefing of this case into June 2012, at which time Lake Township residents would begin receiving their next tax bills which would again include increased taxes as a result of Issue 6. In order to resolve this appeal before any additional tax bills are prepared, sent and due, appellees/cross-appellants hereby request that the Court expedite the briefing schedule. In addition, expediting the briefing schedule would reduce the amount of time of any uncertainty which results from the trial court's ruling setting aside the passage of Issue 6 and then staying the execution of that judgment pending this appeal.

Based on the foregoing, appellees/cross-appellants respectfully request that this Court expedite the briefing schedule so that the Court will have ample opportunity to issue its order either affirming or overruling the trial court's decision well in advance of the time needed to prepare and send out the next round of tax bills in June 2012. Appellees/Cross-Appellants hereby propose that the initial brief of each appellant and cross-appellant be due within twenty-one (21) days of the record being filed and that each side then have fourteen (14) days

to file a response brief. This schedule allows each side ample time to prepare and file their respective briefs and for the Court to issue a decision well before the next tax bills are due.

Respectfully Submitted,

  
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**PROOF OF SERVICE**

I hereby certify that a true copy of the foregoing has been served by ordinary U.S. mail this 16<sup>th</sup> day of February, 2012, to:

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HANCY S. REINHOLD  
CLERK OF COURTS  
STARK COUNTY, OHIO

IN THE COURT OF COMMON PLEAS  
STARK COUNTY, OHIO

2012 JAN 25 PM 4: 08

IN RE:

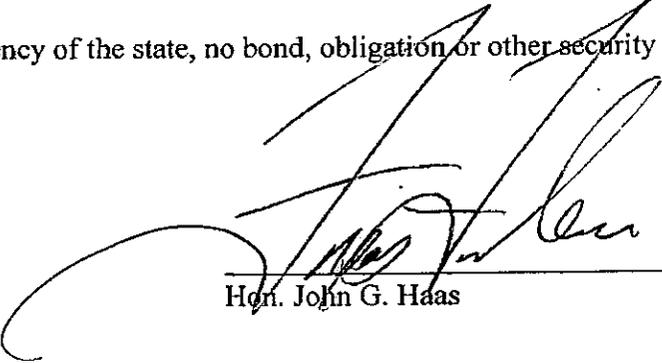
CASE NO. 2011CV03947

THE CONTEST OF THE ELECTION  
HELD ON STARK COUNTY ISSUE 6  
(LAKE TOWNSHIP POLICE DISTRICT)  
IN THE GENERAL ELECTION HELD  
NOVEMBER 8, 2011

JUDGE HAAS

ORDER OF STAY OF JUDGMENT  
PENDING APPEAL

Upon motion by the Contestees, and for good cause shown, the final judgment in the captioned matter is stayed pending appeal. Pursuant to Civ.R. 62(C), concerning a stay in favor of a political subdivision or an agency of the state, no bond, obligation or other security is required to effect this order.



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Hon. John G. Haas

ENTERED BY 6

EXHIBIT "A"

IN THE COURT OF COMMON PLEAS  
STARK COUNTY, OHIO

FILED  
FEB 14 2012  
NANCY S. REINBOLD  
STARK COUNTY, OHIO  
CLERK OF COURTS

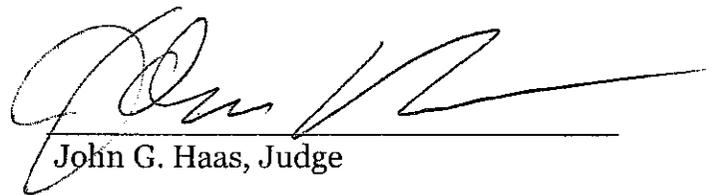
IN RE: CONTEST OF ELECTION HELD  
ON STARK COUNTY ISSUE 6  
(LAKE TOWNSHIP POLICE DISTRICT)  
IN THE GENERAL ELECTION HELD  
November 8, 2011,

) Case No. 2011cv03947  
)  
) **JUDGE HAAS**  
)  
) **JUDGMENT ENTRY**  
)

This matter came on for consideration on the Motion filed by Contestors to Vacate this Court's Order of stay of judgment pending the appeal of the within matter to the Supreme Court of Ohio. The Court, having considered the filings and the arguments of counsel hereby continues the stay previously ordered for an additional period of 60 days from the date of this order.

A hearing concerning the status of the stay and the status of the appeal to the Supreme Court of Ohio shall be held on April 9, 2012 at 12:30 p.m.

IT IS SO ORDERED.



John G. Haas, Judge

Copies to:

Atty. Eric Stecz  
Atty. Michael Grady  
Atty. Deborah Dawson  
Atty. Charles Hall

**EXHIBIT "B"**