

IN THE SUPREME COURT OF OHIO

HEALTHY FAMILIES OHIO, INC., et al.)	
)	
Relators,)	Case No. 2012-0070
)	
v.)	
)	
OHIO BALLOT BOARD, et al.,)	Original Action in Mandamus and Prohibition
)	
Respondents.)	

RESPONDENTS PERSONHOOD OHIO, JAMES PATRICK JOHNSTON, FRANK WEIMER, DAVID DAUBENMIRE, AND TOM RADDELL'S RESPONSE TO RELATORS' MOTION FOR LEAVE TO FILE FIRST AMENDED CHALLENGE AND COMPLAINT

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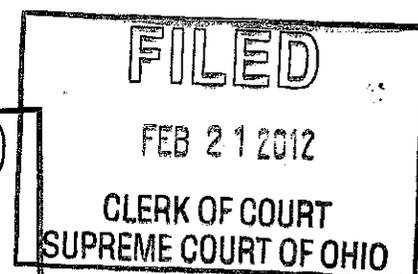
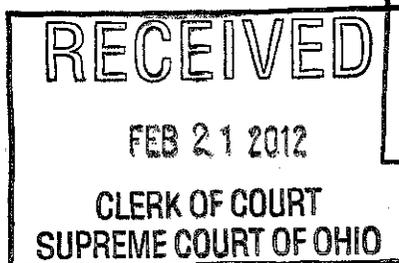
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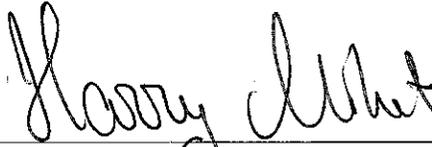
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Respondents Personhood Ohio, James Patrick Johnston, Frank Weimer, David Daubenmire, and Tom Raddell (hereinafter “Personhood Ohio”), by and through the undersigned counsel, file this response in opposition to Relators’ Motion for Leave to File a First Amended Challenge and Complaint. Even though Relators propose to make only modest amendments to their original Complaint, Personhood Ohio respectfully suggests that their motion should be denied because the amendments would prove futile for the reasons set forth in the Motion to Dismiss filed by the State Respondents, as well as the reasons set forth in Personhood Ohio’s Response in Support of the State Respondents’ Motion, which are incorporated by reference herein pursuant to Ohio R. Civ. P. 10(c). *See, e.g., Tenable Protective Servs., Inc. v. Bit E-Technologies, L.L.C., 2008-Ohio-4233* (Ohio Ct. App. 2008) (affirming refusal of leave to amend on grounds of futility).

Wherefore, Respondent Personhood Ohio prays that Relators’ Motion for Leave to Amend be denied, and for such other and further relief to which they may be justly entitled.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing RESPONSE TO RELATORS' MOTION FOR LEAVE TO FILE FIRST AMENDED CHALLENGE AND COMPLAINT has been served on this 20th day of February, 2012, via email, on the following counsel of record:

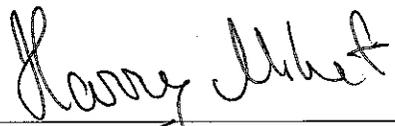
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