

ORIGINAL

SUPREME COURT
OF THE STATE OF OHIO

STATE OF OHIO *ex rel.*
KENT LANHAM,

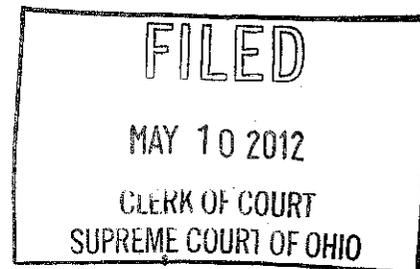
Relator,

v.

DANNY R. BUBP, Putative State Representative,

Respondent.

Original Action in Mandamus



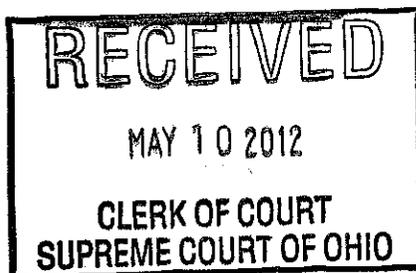
RELATOR'S MOTION FOR EXPEDITED ORAL ARGUMENT
ON THE MOTION TO DISQUALIFY THE ATTORNEY GENERAL
FROM SERVING AS LEGAL COUNSEL FOR RESPONDENT BUBP

Curt C. Hartman (0064242)
The Law Firm of Curt C. Hartman
3749 Fox Point Court
Amelia, OH 45102
(513) 752-8800
hartmanlawfirm@fuse.net

Counsel for Relator Kent Lanham

R. Michael DeWine (0009181)
Ohio Attorney General
Jeannine R. Lesperance (085765)
Renata Y. Staff (0086922)
Office of the Ohio Attorney General
Constitutional Offices Section
30 East Broad Street, Floor 16
Columbus, Ohio 43215
614-466-2872

Counsel for Respondent Danny R. Bubp



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OF THE STATE OF OHIO**

STATE OF OHIO *ex rel.*
KENT LANHAM,

Relator,

v.

DANNY R. BUBP,
Putative State Representative,

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: **Case No. 2012-0131**

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: **RELATOR’S MOTION FOR EXPEDITED
: ORAL ARGUMENT ON THE MOTION TO
: DISQUALIFY THE ATTORNEY GENERAL
: FROM SERVING AS LEGAL COUNSEL FOR
: RESPONDENT BUBP**

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Comes now the State of Ohio, by and through Kent Lanham (“Relator”), and hereby moves the Court to schedule and hold an expedited oral argument on the Relator’s motion (filed on April 27, 2012) to disqualify the Attorney General from representing or serving as legal counsel for Respondent Danny R. Bupp herien, as such representation clearly and unequivocally violates the foundational constitutional principle of separation of powers.

While “[o]ral argument is not required in an original action in this court” and is, instead, “discretionary in [such] cases,” *State ex rel. Mun. Constr. Equip. Operators’ Labor Council v. Cleveland*, 114 Ohio St.3d 183, 2007-Ohio-3831 ¶42, Relator believes that the constitutional issue raised by the pending motion to disqualify is of such significance and serious importance that this Court should schedule an expedited scheduling of oral argument on the issue raised therein.

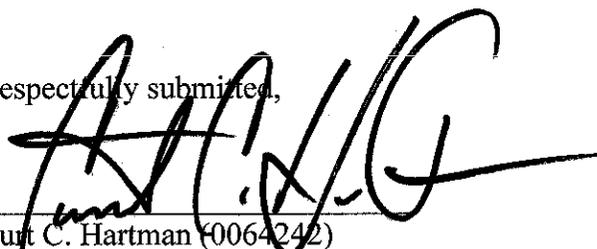
As set forth more fully in the motion, Relator believes that the Attorney General, an officer of the executive branch of government, is constitutionally disqualified from representing Mr. Bupp, a putative member of the legislative branch. Thus, the basis for the motion is not the existence *vel non* of a conflict of interest necessitating disqualification or a matter of statutory or

common law; instead, the basis for the motion is that disqualification is constitutionally mandated pursuant to the principle of separation of powers.

In *State ex rel. Davis v. Pub. Emps. Retirement Bd.*, 111 Ohio St.3d 118, 2006-Ohio-5339, this Court explained that, in exercising its discretion as to whether to have oral arguments, it considers, *inter alia*, “whether the case involves a matter of great public importance, complex issues of law or fact [or] a substantial constitutional issue.” *Id.* ¶15; *accord, e.g., State ex rel. Data Trace Information Services, L.L.C. v. Cuyahoga County Fiscal Officer*, 131 Ohio St.3d 255, ___ N.E.2d ___, 2012-Ohio-753 ¶20. The motion to disqualify clearly meets the standards of warranting oral argument as it raises both a matter of great public importance and, most significantly, a substantial constitutional issue. For the issue raised therein is not one of statutory or common law but, rather, one of constitutional law, as well as going to the inherent and foundational integrity of the separate branches of government.

So that a fully and thorough examination might be made of the significant constitutional issue raised by the motion to disqualify, Relator requests that the Court schedule an expedited oral argument thereon.

Respectfully submitted,



Curt C. Hartman (0064242)
The Law Firm of Curt C. Hartman
3749 Fox Point Court
Amelia, Ohio 45102
(513) 752-8800
hartmanlawfirm@fuse.net
Attorney for Relator Kent Lanham

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served via regular mail, on the 9th day of May 2012, upon the following:

Jeannine Lesperance
Renata Staff
Office of the Ohio Attorney General Mike DeWine
Constitutional Offices Section
30 East Broad Street, Floor 16
Columbus, Ohio 43215

A handwritten signature in black ink, appearing to read "Andrew DeWine", is written over a horizontal line. The signature is stylized and cursive.