



IN THE SUPREME COURT OF OHIO

HENRY N. HARPER,	:	
	:	
Relator,	:	Case No. 2012-0715
	:	
v.	:	
	:	Original Action
THE JEFFERSONIAN NEWSPAPER	:	
COMPANY,	:	
	:	
Respondent.	:	
	:	

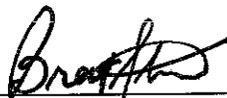
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RESPONDENT'S MOTION TO DISMISS

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Pursuant to Sup. Ct. Prac. R. 10.5 and Civ. R. 12(B), the Respondent, The Jeffersonian Newspaper Company, known as The Jeffersonian Company, LLC, a Delaware Limited Liability Company (Ohio Entity Number 954750), moves to dismiss the Complaint for lack of subject matter jurisdiction. As set forth in the Memorandum in Support, this Court does not have original subject matter jurisdiction to decide the libel and slander claims asserted by Relator.

Respectfully submitted,



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## MEMORANDUM IN SUPPORT

### I. Introduction

In a series of publications in May 2010, the Respondent published articles about the criminal proceedings pending against Relator and his subsequent conviction. In his Statement of Complaint filed with this Court on April 25, 2012, the Relator asserts that the Respondent committed slander and libel against Relator. However, the Relator's Complaint should be dismissed because this Court does not have subject matter jurisdiction over the claims set forth by Relator.

### II. Law and Argument

Under Section 2(B)(1), Article IV of the Ohio Constitution, this Court has original jurisdiction in quo warranto, mandamus, habeas corpus, prohibition, procedendo, any cause on review as may be necessary to its complete determination, and all matters relating to the practice of law, including the admission of persons to the practice of law and the discipline of persons so admitted. Section 2(B), Article 4, Ohio Constitution; see also, *Progressohio.org, Inc. v. Kasich* (2011), 129 Ohio St.3d 449, 2011-Ohio-4101, 953 N.E.2d 329, at ¶2. In his Complaint, Relator attempts to confer original jurisdiction upon this Court to decide whether Respondent has committed libel or slander. Because this Court lacks original jurisdiction over such claims of relief, this case should be dismissed under Civ. R. 12(B)(1) for lack of subject matter jurisdiction.

### III. Conclusion

The Ohio Constitution does not confer original jurisdiction upon the Ohio Supreme Court to decide claims of libel or slander. Moreover, Relator sets forth no other claims over which this Court has original jurisdiction. Therefore, Relator's Complaint should be dismissed for lack of subject matter jurisdiction.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Respondent's Motion to Dismiss was sent via U.S. Mail on May 15, 2012, to the Relator:

Henry R. Harper (A638-859)  
P.O. Box 5500  
Chillicothe, Ohio 45601



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BRENT A. STUBBINS (0016326)