

greg.stype@squiresanders.com

Douglas R. Cole (0070665)
Organ Cole + Stock LLP
1335 Dublin Road, Suite 104D
Columbus, Ohio 43215
Tel: (614) 481-0902
drcole@ocslawfirm.com

Attorneys for Relator JobsOhio

James A. King (0040270)
L. Bradfield Hughes (0070997)
Porter, Wright, Morris & Arthur LLP
2900 Huntington Center
41 S. High St.
Columbus, Ohio 43215
Tel: (614) 227-2051
jking@porterwright.com
bhughes@porterwright.com

*Attorneys for Respondent David Goodman,
Director, Ohio Department of Commerce*

MEMORANDUM IN SUPPORT

The instant action seeks mandamus relief finding Revised Code Chapters 187 and 4313 (the "Legislation") constitutional and compelling Respondent to comply with his mandatory duty to execute the Franchise and Transfer Agreement on behalf of the State in accordance with R.C. § 4313.02(C)(2), thereby granting to JobsOhio (or its nonprofit affiliate) a franchise on the merchandising and sale of spirituous liquor in the State (the "Liquor Enterprise") in exchange for valuable consideration in the form of a negotiated transfer price. To date, no party in separate actions filed previously with this Court and in the Franklin County Court of Common Pleas has demonstrated the requisite standing to assert the constitutional challenges. Relator now seeks, through this action, to provide this Court with the opportunity to rule on the merits of the constitutional challenges.

Given the importance of this Legislation to economic development and job creation in the State, the parties request the following expedited schedule:

- Respondent shall file an answer to the complaint or a motion to dismiss no later than August 24;
- Respondent may file a motion for judgment on the pleadings at the same time an answer is filed; and
- Relator may file a memorandum in opposition to a motion to dismiss or a motion for judgment on the pleadings within five days of the filing of the motion.

The parties in this matter respectfully submit that the public interests require an accelerated disposition of the constitutional issues raised in Relator's Complaint. *See* R.C. § 109.20 (providing that, upon motion of the attorney general embodying a statement that the public interest requires it, a civil action in which the State is a party "shall be taken out of its order upon the docket and assigned for trial at as early a day as practicable"). The parties represent that they can fully develop and present their respective arguments regarding the

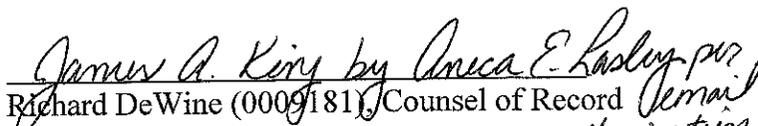
constitutional challenges within the requested time periods and that the expedited schedule will allow for a more timely review of the challenges and allow the parties to move forward with important economic development activities and job creation in the State. Moreover, the parties represent that motions to expedite have been filed in similar cases. See, e.g., *State ex rel. Shkurti v. Withrow*, Ohio S.Ct. No. 87-1314 (Aug. 3, 1987).

Respectfully submitted,


Aneca E. Lasley (0072366), Counsel of Record
Gregory W. Stype (0020557)
Squire Sanders (US) LLP
2000 Huntington Center
41 South High Street
Columbus, Ohio 43215
Tel: (614) 365-2830
aneca.lasley@squiresanders.com
greg.stype@squiresanders.com

Douglas R. Cole (0070665)
Organ Cole + Stock LLP
1335 Dublin Road, Suite 104D
Columbus, Ohio 43215
Tel: (614) 481-0902
drcole@ocslawfirm.com

Attorneys for Relator JobsOhio


Richard DeWine (0009181), Counsel of Record
Attorney General
State of Ohio
State Office Tower
30 E. Broad Street, 17th Floor
Columbus, Ohio 43215-3428
Tel: (614) 728-4948
*per Richard DeWine
authorization
dated 8/15/12*

James A. King (0040270)
L. Bradfield Hughes (0070997)
Porter, Wright, Morris & Arthur LLP
2900 Huntington Center
41 S. High St.
Columbus, Ohio 43215
Tel: (614) 227-2051
jking@porterwright.com
bhughes@porterwright.com

*Attorneys for Respondent David Goodman,
Director, Ohio Department of Commerce*