

ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, ex rel.,
JOBSONO
41 South High Street, Suite 1500
Columbus, Ohio 43215,

Relator,

v.

DAVID GOODMAN,
DIRECTOR, OHIO DEPARTMENT
OF COMMERCE,
77 South High Street, 23rd Floor
Columbus, Ohio 43215-6123

Respondent.

Case No. 12-1356

ORIGINAL ACTION IN
MANDAMUS

MOTION OF *AMICUS CURIAE* THE OHIO CHAMBER OF COMMERCE AND THE
OHIO COUNCIL OF RETAIL MERCHANTS
FOR LEAVE TO FILE BRIEF IN SUPPORT OF WRIT OF MANDAMUS

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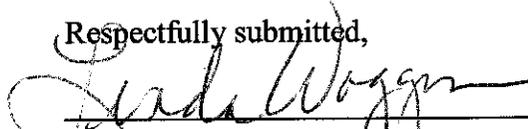
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MOTION FOR LEAVE TO FILE BRIEF AS AMICI CURIAE

The Ohio Chamber Of Commerce and the Ohio Council of Retail Merchants, as proposed *amici curiae*, respectfully move the Court for leave to file a brief in support of Relator JobsOhio and in opposition to Respondent's Motion for Judgment on the Pleadings. A memorandum in support of this Motion is set forth below. The Ohio Chamber Of Commerce and the Ohio Council of Retail Merchants are separately filing their combined proposed brief for the Court's consideration.

Respectfully submitted,



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MEMORANDUM IN SUPPORT

Under S. Ct. Prac. R. 6.6, *amici curiae* may file a merit brief in an original action without leave of court. This Court has granted *amici curiae* leave to file briefs even before an alternative writ is granted in an original action. See *State ex rel. Duke Energy Ohio, Inc. v. Hamilton County Court of Common Pleas*, 126 Ohio St.3d 41, at ¶¶ 11-12 (2010) (granting *amicus curiae* leave to file memorandum in support of respondents' motion to dismiss); *State ex rel. Vaughn Industries, LLC v. Reece*, 116 Ohio St.3d 1212, at ¶ 3 (2007) (granting *amicus curiae* leave to file memorandum opposing respondents' motion to dismiss).

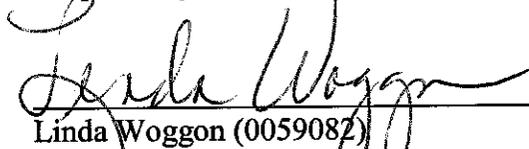
The Ohio Chamber Of Commerce (the "Chamber") and the Ohio Council of Retail Merchants (the "Council"), as proposed *amici curiae*, request leave to file a brief at the motion stage of this mandamus action. Together, the Amici represent members of virtually every industry throughout the State of Ohio, including manufacturing, retail, healthcare, transportation, and others. The Chamber was founded in 1893 and represents over 6,000 Ohio companies, ranging from small, family-owned businesses to international corporations, and including all major industry sectors. The Council was founded in 1922 and represents more than 4,000 retailers, wholesalers, and distributors, ranging from local enterprises to influential regional businesses and large enterprise organizations. Both organizations are dedicated to presenting and protecting their members' interests on important statewide issues and promoting business in Ohio.

The Amici respectfully submit that their combined brief will assist the Court in its determination of important questions regarding the constitutionality of the legislation at issue in this action, as well as the important public purposes set forth in R.C. § 187.01 that JobsOhio

serves and promotes: economic development, job creation, job retention, job training, and the recruitment of business to this State.

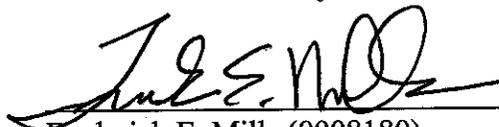
Accordingly, the Ohio Chamber Of Commerce and the Ohio Council of Retail Merchants, as proposed *amici curiae*, respectfully move for leave to file a brief in support of Relator JobsOhio and in opposition to Respondent's Motion for Judgment on the Pleadings. The Ohio Chamber Of Commerce and the Ohio Council of Retail Merchants are separately filing their proposed brief for the Court's consideration.

Respectfully submitted,



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Certificate of Service

I certify that a copy of the foregoing was sent by ordinary U.S. mail to the following on

August 31, 2012.

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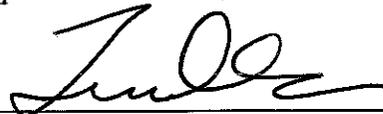
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