

No. 2013-0274

Original Action for Writ of Quo Warranto

In the Supreme Court of Ohio

STATE OF OHIO ex rel. TIMOTHY A. SWANSON

Relator,

v.

GEORGE T. MAIER

Respondent.

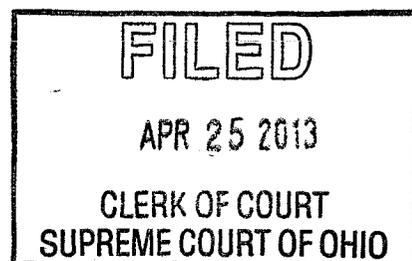
**RESPONDENT'S MOTION TO SEAL THE EVIDENCE SUBMITTED BY RELATOR
OR IN THE ALTERNATIVE, TO COMPEL RELATOR TO REDACT EVIDENCE, FOR
SANCTIONS AND ATTORNEYS FEES**

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Attorneys for Respondent



Pursuant to this Court's Order, both sides submitted their evidence in the case on April 10, 2013. Respondent's counsel did not receive a full volume of Relator's evidence until a few days later. A review of Relator's evidence makes it clear that Relator has violated the agreed upon stipulation among the parties regarding the confidentiality of personal information, Ohio Revised Code Section 149.43(A)(1)(p), Ohio Revised Code Section 149.43(A)(7) and Supreme Court Rule of Practice 8.6. Specifically, Relator's evidence identifies Sheriff George Maier's home address, phone number, personal e-mail address and social security number on a number of occasions. It also includes the home address of the current Mayor of Massillon, the former Sheriff of Ross County (Ronald Nichols), the home address, e-mail address and phone number of a former Peace Officer, and it contains Sheriff Maier's fingerprints.

Prior to filing this Motion on April 17, 2013, the undersigned on behalf of Respondent, sent a letter to counsel for Relator, bringing these issues to his attention. A copy of Respondent's letter of April 17, 2013, is attached as Exhibit 1. As of this date, no response has been received.

The parties entered into a stipulation that is on file with this Court indicating that all personal information regarding anyone, would be redacted from the evidence submitted. Ohio Revised Code Section 149.43, in several subsections, makes it clear that social security numbers are to be redacted from all documents submitted to the Court and that home addresses, phone numbers and the like, of Peace Officers, including the Sheriff of a County, are to be redacted from information filed as public record in this Court. Supreme Court Rule of Practice 8.6 further states so.

In these days when Peace Officers have been the subject of attacks around the Country, it is incumbent upon all of us to protect the personal information of Peace Officers. The ease by

which one could steal someone's identity by simply reviewing the public records filed by Relator cannot be condoned or supported by this Court. Supreme Court Rule of Practice 8.6(C) provides a mechanism for Relator to redact the originals of previously filed documents if personal identifying information was not omitted or redacted.

It appears that Relator has elected to ignore Respondent's letter (sent by e-mail on April 17, 2013). While ordinarily, one might allow more time before filing a Motion, this is an expedited, original action. It is not Respondent's job to make sure that Relator complies with the stipulation, law and Rules of Practice of this Court. It is Relator's responsibility to do so. Relator has failed and has put Sheriff Maier and others at risk. It is for this reason that the Court is asked to urgently act. Because this Motion serves the interest of justice, Respondent contends that it warrants immediate consideration by the Supreme Court subject to Relator's right to seek vacation of any order issued at a later date.

Accordingly, Respondent asks that this Court to take one of the following prompt actions:

1. Seal all documents submitted by Relator as evidence in this case so that the personal identification information not properly redacted by Relator be protected from public disclosure and record;
2. Order Relator to promptly submit its evidence anew with all necessary information redacted, which Respondent set forth in its letter of April 17, 2013; and
3. Award Respondent all of its costs, including attorneys fees incurred in having to compel Relator to act.

Respectfully submitted,



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Attorneys for Respondent

PROOF OF SERVICE

A copy of the foregoing was served this 25th day of April, 2013, pursuant to Civ. R.

5(B)(2)(f), by e-mail to:

Gregory A. Beck

James F. Mathews

Baker, Dublikar, Beck, Wiley & Mathews

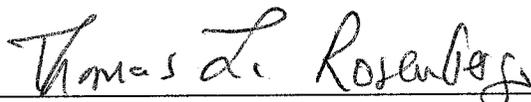
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April 17, 2013

VIA E-MAIL

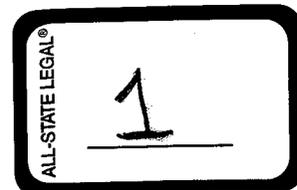
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Re: *State of Ohio ex rel. Timothy A. Swanson v. George T. Maier*
Ohio Supreme Court Case No. 2013-0274

Dear Greg:

One of the reasons why I was a bit focused on obtaining a complete set of the evidence you submitted was to make sure that confidential information regarding George Maier and others was properly redacted. Unfortunately, it was not and it will necessitate you filing the appropriate Motion to either seal your evidence or replace information so that matters such as the current Sheriff's home address and phone number is not a matter of public record. My review of your evidence concludes that the following information was not redacted:

- Volume 3 – Exhibit 4, page 6 of 162, address, phone number and personal e-mail of George Maier is set forth at the top
- Page 29 of 162 has Mr. Maier's fingerprints
- Page 30 of 162 has Mr. Maier's fingerprints
- Page 62 of 162 has Mr. Maier's Social Security Number
- Page 63 of 162 has Mr. Maier's Social Security Number
- Page 73 of 162 has Mr. Maier's Social Security Number
- Page 74 of 162 has Mr. Maier's Social Security Number



Gregory A. Beck
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- Volume 4 – Exhibit 4, page 60 of 162 has Mayor Catazaro – Perry’s home address
- Page 161 of 162 has Ronald Nichols’ home address
- Page 162 of 162 has Glen Taylor’s home address, e-mail address and phone number
- Exhibit 5 – page 7 has Mr. Maier’s fingerprints
- Exhibit Q - page 3 has Mr. Maier’s home address (Application for Candidacy)
- Exhibit Q also contains two pages of Mr. Maier’s fingerprints
- Volume 5 of 5, the exhibits to Mr. Maier’s has one page of Mr. Maier’s fingerprints, page 21 of Exhibit one has Mr. Maier’s home phone number.

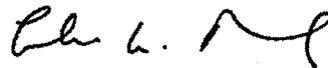
Please advise me of your intentions immediately. Not only have you disclosed personal and confidential information in violation of our stipulation regarding Sheriff Maier but also the Mayor of Massillon and two other individuals.

Please let me know at your earliest convenience of your intentions. If I do not hear from you within a couple of days, not only will I need to take action myself, but I will also inform the other individuals of the inadvertent disclosure of their confidential information. It would be my hope, that when I advise them, I can also indicate that you have taken steps to correct this circumstance.

Best regards.

Very truly yours,

ROETZEL & ANDRESS



Thomas L. Rosenberg

TLR:pah

cc: George Maier (via e-mail)