

Case No. 13-1192

ORIGINAL

**Supreme Court
of the State of Ohio**

LISA McQUEEN, et al.,

Plaintiffs-Appellants,

and

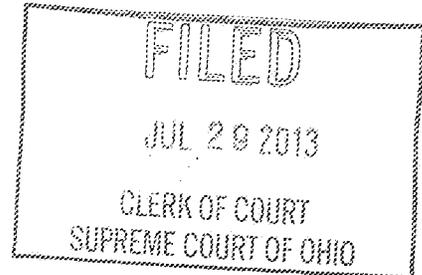
CITY OF CINCINNATI ex rel. LISA McQUEEN, et al.,

Relators-Appellants,

v.

MILTON R. DOHONEY, JR., et al.,

Respondents-Appellees.



MOTION OF APPELLANTS FOR EXPEDITED CONSIDERATION AND BRIEFING

ELECTION RELATED MATTER

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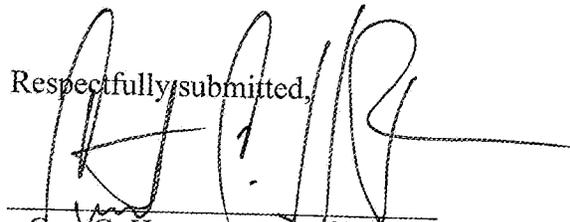
Plaintiff-Relators LISA MCQUEEN, SHIRLENE BRITTON, PETE WITTE, EDWARD D. HYDE, JOHN BRANNOCK AND DOUGLAS R. ROBINSON, individually, as well as on relation to and on behalf of the City of Cincinnati, hereby move for expedited consideration of the pending appeal and jurisdictional memorandum, together with the establishment of an expedited briefing schedule. This appeal involves an election-related matter concerning the effort by the Appellants to submit an ordinance recently passed by the Cincinnati City Council to referendum at the forthcoming general election, *i.e.*, this coming November. The petition in support of said referendum was signed by over 12,400 qualified voters within the City of Cincinnati during a 28-day period.

Prompt resolution of this appeal is necessary in order to ensure that the people of the City of Cincinnati will be entitled to exercise the fundamental right in Ohio to subject ordinances passed by its city council to referendum. *See State ex rel. Nolan v. Clendenning*, 93 Ohio.St. 264, 277-278, 112 N.E. 1029 (1915)(describing “the people’s right to the use of the initiative and referendum” as being “one of the most essential safeguards to representative government”); *State ex rel. Corrigan v. Perk*, 19 Ohio St.2d 1, 10, 249 N.E.2d 525 (1969)(Duncan, J., dissenting)(“[t]he power to petition, for referendum, which is reserved to the people under our Constitution, is a basic and fundamental right, and is a basic part of the elective franchise”). In order that adequate time is provided for both this Court to resolve this appeal and for any ensuing actions by local officials so as to be able to place the referendum on the ballot, Appellants request that the Court expedite consideration of the pending appeal and jurisdictional memorandum, together with the establishment of an expedited briefing schedule.

While most election-related matters are brought in this Court via original actions, Appellants have sought to have this election-related matter resolved through the normal litigation

process. But without expedited consideration by this Court, the only option for Appellants would be to file their own original mandamus action to compel city officials to comply with their legal duty to provide for the referendum. *See State ex rel. Julnes v. S. Euclid City Council*, 130 Ohio St.3d 6, 955 N.E.2d 363, 2011-Ohio-4485 ¶45 (2011)(in original action, issuing writ of mandamus to “compel the Clerk of the South Euclid City Council to determine that relators’ referendum petition is valid and sufficient and to communicate that determination to the city council and to compel the South Euclid Council to either repeal Ordinance No. 05-11 or to submit the ordinance to the city’s electors at the November 8, 2011 election”). In lieu of doing so and in the interest of judicial economy, Appellants have filed this appeal and seek for the expedited consideration of the pending appeal and jurisdictional memorandum, together with the establishment of an expedited briefing schedule.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing will be served upon the following via regular mail, postage prepaid, on the 29th day of July 2013:

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