

ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE EX REL;

VICTORIA E. ULLMANN

CASE NUMBER 2013-1268

Relator

V.

JOB SOHIO

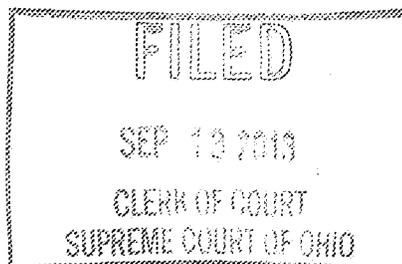
Respondent

MEMORANDUM CONTRA MOTION TO DISMISS

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Relator thought that she would be able to obtain an extension of time to file a response to this motion and the respondent did agree to it. Unfortunately, the clerk indicated when the relator arrived with the extension that it is not permitted for a memoradum in response. So relator is submitting this brief response to the court that is not an exhaustive discussion of the materials addressed by respondent.

Respondent discusses at the fact that R.C. 149. 43 and R.C. 187 itself exempt JobsOhio from the public documents act. However, *State ex rel Oriana House, Inc. Montgomery*, 110 Ohio St. 456, 2006-Ohio-4854, indicates that this is just the beginning of the inquiry. Such an exemption can actually function as an indicator that the state is acting improperly. The quotation used by JobsOhio from Oriana House is just part of a discussion of cases from other states and is not part of the test here. They did not fully discuss the aspect of the test or its application to JobsOhio in the motion.

Respondent also argues that relator did not given them much time to respond to the documents request, but a client of relator had actually made this same request directly to JobsOhio months ago an never received a response so relator expected none. Counsel for JobsOhio did however, provide some, but not all, the requested documents.

JobsOhio has been involved in lots of litigation, and this Court has ruled that earlier cases filed as mandamus actions were not and dismissed them. However, public documents act cases are always mandamus actions and this is not an appropriate situation for a dismissal at this stage. This case is a valid test of JobsOhio's status and they have not responded to the issues raised here sufficiently to dismiss this action at this time.

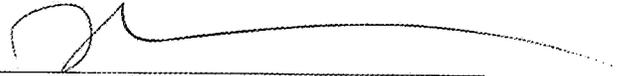
Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing motion was served up respondents by e-mail on day of filing.



Victoria E. Ullmann
Attorney at law