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IN THE SUPREME COURT OF OHIO

STATE OF OHIO, EX REL.)
 ELIZABETH A. KOBLY, ROBERT A.)
 DOUGLAS, JR. AND ROBERT P.)
 MILICH, JUDGES, YOUNGSTOWN)
 MUNICIPAL COURT)
)
 RELATORS)
)
 V.)
)
 YOUNGSTOWN CITY COUNCIL, ET AL.)
)
 RESPONDENTS)

CASE No. 2009-0866

FILED
 FEB 14 2014
 CLERK OF COURT
 SUPREME COURT OF OHIO

RESPONDENTS' MOTION TO
 CONDUCT SPECIAL MASTER HEARING IN YOUNGSTOWN, OHIO

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Now come Respondents, by and through their undersigned counsel, and move this Honorable Court to issue an Order relocating the March 17, 2014 Special Master Hearing from Columbus, Ohio to Youngstown, Ohio.

For good cause, Respondents state that relocating the March 17, 2014 Special Master Hearing to Youngstown, Ohio is in the best interest of the parties and will advance the prompt, efficient and economical administration of justice. This Motion is made because moving the hearing to Youngstown and starting on March 17, 2014, as already scheduled, will substantially reduce the costs that must be incurred by the parties (all governmental entities or public officials); will substantially lessen the detrimental effect that absence of so many public officials will have on the administration of the courts and government of Youngstown, Ohio; will substantially reduce the inconvenience to the

witnesses, nearly all of whom reside in Youngstown, Ohio; and will allow the Special Master to view the current facilities of the Youngstown Municipal Court as well as the site of a potential court facility for which both sides have proffered architectural drawings for renovation of a city owned building to serve as a new Youngstown Municipal Court facility.

WHEREFORE, Respondents respectfully request an Order relocating the March 17, 2014 Special Master Hearing from Columbus, Ohio to Youngstown, Ohio.

Respectfully submitted,



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MEMORANDUM IN SUPPORT

All parties to this action, whether Respondents or Relators reside in Youngstown, Ohio. (See Complaint in Mandamus filed May 13, 2009). All but one of the twenty-four (24) witnesses in this action reside in Youngstown, Ohio. (See witness lists filed by Relators on June 24, 2013, and by Respondents on July 18, 2013). The very issue which forms the basis for this action and makes a Special Master's Hearing necessary is the condition of Youngstown Municipal Court, which is located in Youngstown, Ohio.

The present case is unusual because it is the exception to S. Ct. Rule Prac. 12.06, which provides that in original actions filed in the Supreme Court, factual evidence is to be submitted by affidavits, stipulations, depositions, and exhibits. In this case, the court has appointed a Special Master to hear testimony and make recommendations to the Supreme Court. As the Supreme Court may exercise its jurisdiction throughout the State of Ohio, and clearly the most convenient forum for the taking of testimony is in Youngstown, Ohio, Respondents respectfully request that the site of the Special Master's Hearing be relocated to Youngstown.

It would promote the economical and efficient administration of justice to conduct the hearing in Youngstown. Should the hearing be conducted in Columbus, witnesses will incur significant expenses for travel and lodging. Most, if not all, of this cost will be paid for by the taxpayers, as all parties and most witnesses are public officials.

The time constraints on the witnesses is also an important consideration. City Council members are not full time public officials and many of them have jobs in addition to their council duties. It will be a hardship on them to have to come to Columbus for the hearing, particularly when it may be necessary to be available on more than one day to due

to the inherent uncertainty as to how long it will take each witness to complete his or her testimony. Having the hearing in Youngstown rather than Columbus will allow the parties and witnesses to address their personal affairs, their public duties, and the litigation.

Some of the witnesses are professionals such as architects Greg Strollo, Kurt Kreuzwieser, and Raymond Jaminet. It would be in the witnesses' and parties' best interest to limit the time it is necessary for these professionals to be away from their usual duties.

Further, moving the hearing to Youngstown will reduce the detriment to the function of city government from the absence of so many public officials. Among the witnesses are both Youngstown Municipal Court Judges, the Mayor of Youngstown, Youngstown Finance Director, Youngstown's Building and Grounds Commissioner, and all Youngstown City Council Members. It is not in the public interest to have so many public officials away from their duties at the same time.

Moving the hearing to Youngstown will also allow the Special Master to view the facilities of both the current Youngstown Municipal Court and the proposed site of a renovated court facility. Both sides have procured architectural drawings for using a city owned building located across the street from the Mahoning County Courthouse as a potential future Youngstown Municipal Court facility. Some of the factual disputes in this matter involve the suitability of those plans. Allowing the Special Master to view the facilities will aid in his understanding of the testimony and exhibits submitted by the parties. This can only be done in Youngstown.

Counsel for Respondents have contacted the court administrator for the Mahoning County Court of Common Pleas, Robert Regula,¹ who has indicated that if the court were to grant this motion, the Magistrate's Courtroom at the Mahoning County Court of Common Pleas will be made available to the Special Master. That courtroom includes a separate office for the Special Master, a courtroom of sufficient size to accommodate the parties and witnesses, a jury room, witness room, and private hallway.

Wherefore, Respondents respectfully request that the site of the Special Master hearing scheduled for March 17, 2014, be changed to Youngstown, Ohio.

Respectfully submitted,



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¹ Mr. Regula may be reached at 330-740-2165. The address for the Mahoning County Court of Common Pleas is 120 Market Street, Youngstown, OH 44503.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing RESPONDENTS' MOTION TO CONDUCT SPECIAL MASTER HEARING IN YOUNGSTOWN, OHIO was sent via regular U.S. Mail, postage pre-paid, on this 15th day of February 2014 to John B. Juhasz, Esq., Counsel for Relators, 7081 West Boulevard, Suite 4, Youngstown, Ohio 44512.



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