

ORIGINAL

IN THE SUPREME COURT OF OHIO

PROGRESSOHIO.ORG, INC., et al.,	:	Case No. 2012-1272
	:	
Appellants,	:	
	:	On Appeal from the
v.	:	Franklin County Court of
	:	Appeals, Tenth Appellate
JOBSONHIO, et al.,	:	District, Case No. 11-AP-1136
	:	
Appellees.	:	

**APPELLEE JOBSONHIO'S OPPOSITION TO THE MOTION FILED ON
JUNE 20, 2014 BY AMICUS CURIAE VICTORIA E. ULLMANN**

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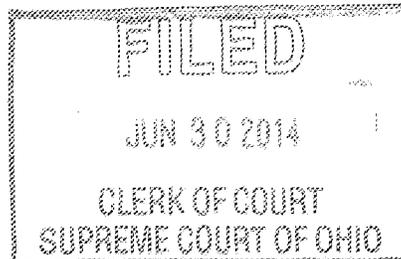
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THE MOTION SHOULD BE DENIED

The July 20, 2014 filing by Amicus Curiae Victoria Ullmann (the “Motion”) is wholly unprecedented and prohibited by the Court’s Rules of Practice. It asks the Court to authorize a non-party to pursue quo warranto relief (an original action) within the context of reviewing a declaratory judgment action (through its appellate jurisdiction) that the Court has already dismissed. Even if such relief were sought by a party to the case, it would still be improper.

The only issue over which this Court accepted jurisdiction was Plaintiffs’ lack of standing. The Court has resolved that issue, affirmed the dismissal of Plaintiffs’ lawsuit, and issued its mandate, thereby terminating the appeal. As the case is no longer pending before the Court, there is nothing to do other than strike the Motion. Indeed, because the actual Plaintiffs here lack standing, a jurisdictional defect, the Court lacks jurisdiction to order any relief beyond dismissing the case, which it has already done. (*See* Decision at ¶ 24 n. 1).

Because the Motion seeks to re-open the merits after the Court’s Decision, it is merely a disguised motion for reconsideration—and not even a well-disguised one, since Ms. Ullmann explicitly “requests that the Court *reconsider* and grant her motion to intervene.” (Motion at 9) (emphasis added). S.Ct.Prac.R. 18.02(C) specifically prohibits an amicus from filing such a motion, regardless of its label. *See C.I.V.I.C. Group v. Warren*, 88 Ohio St. 3d 1438 (2000) (striking amicus filing titled as a motion for leave because “the document contains argument and citations in support of reconsideration”). Moreover, the Rules of Practice do not authorize or contemplate any post-judgment filings *other than* a motion to reconsider. *See* S.Ct.Prac.R. 18.04(A) (the Clerk “*shall* issue a mandate . . . *unless* a motion for reconsideration is filed” within 10 days of the Court’s judgment) (emphasis added).

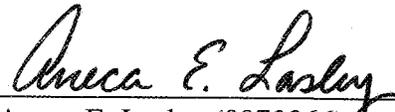
The Motion also does not comply with the procedures for instituting an original action in quo warranto, which are set forth in Section 12 of the Court’s Rules of Practice and in Revised

Code Chapter 2733. By choosing not to follow those procedures, Ms. Ullmann has needlessly added to the time and expense of this litigation.

For all these reasons, JobsOhio respectfully requests that the Court swiftly and conclusively deny Ms. Ullmann's Motion. Doing so will not, of course, foreclose all future review of the JobsOhio legislation as Ms. Ullmann claims. It simply means that she cannot pursue an action in quo warranto in this case. The Court's Decision discussed in detail the means by which a *proper party* "may unquestionably contest the constitutionality of JobsOhio." (Decision ¶ 25). Ms. Ullmann has simply chosen—yet again—the wrong vehicle to pursue her constitutional speculations.

Dated: June 30, 2014

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 30, 2014, a copy of the foregoing was served by regular U.S. mail upon the following:

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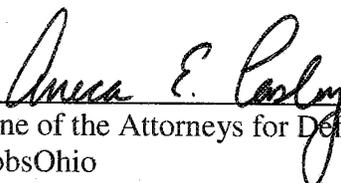
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