

In the
Supreme Court of Ohio

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

**RESPONSE OF ATTORNEY GENERAL
TO AMICUS MOTION FOR POST-DECISION RELIEF**

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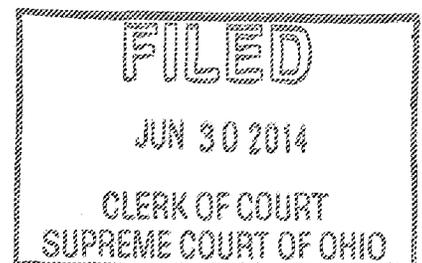
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RESPONSE TO MOTION

The post-decision Motion filed by an amicus, seeking many forms of radical relief, is improper procedurally and substantively for more reasons than warrant detailing in full. The non-party Attorney General responds—for the Motion is aimed at him—to note a few reasons.

First, the case is over, and nothing in the Court's rules or in common sense allows for new claims for relief to be considered. The Court's rules mention only reconsideration as a post-decision process: another look at the claims already before the Court. Amicus says she "can find no rule limiting post judgment motions to motions for reconsideration." Motion at 3. But that is backwards; nothing else is authorized. Otherwise, every case could become a new case after decision, as parties could raise all of the issues not granted review or waived before.

Second, neither amicus nor the Attorney General is a party. She says "[a]ll relevant parties are before the Court," *id.* at 3, but that is wrong. The Attorney General is here as counsel, not as a party. Nor is she a party, as her renewed intervention request shows. And that motion is misguided, as intervention is allowed when another has a concrete interest in the claims already being litigated. It is not a vehicle for a new party to litigate a new case in an old shell.

Third, the relief she seeks—which is essentially *mandamus* against the Attorney General—is unwarranted. She never calls it that, focusing instead on her view of quo warranto, but *mandamus* it is, as it seeks to order the Attorney General to use his authority to file or to appoint her. *Mandamus* would not only require her to file an original action here and meet procedural requirements, but would also require her to show a substantive clear legal right to such relief. She fails on all counts. Given that, it is redundant that she also does not meet the requirements for the quo warranto she wishes to pursue in a follow-up case.

Fourth, her claims to necessity—that the Court should break multiple rules to accommodate her request to keep these claims alive—are wrong. Under R.C. 187.09(D), the

statutes of limitations under R.C. 187.09(B) and (C) do not apply to original actions, such as quo warranto claims, if such claims were otherwise proper (and they are not).

Finally, the accusations of corruption are unsupported and frivolous. This case is over.

CONCLUSION

The Motion should be denied.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Response of Attorney General to Amicus Motion for Post-decision Relief was served by U.S. mail this 30th day of June, 2014, upon the following counsel:

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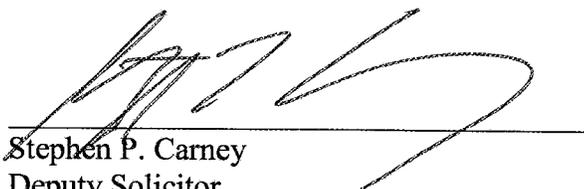
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