

ORIGINAL

IN THE SUPREME COURT OF OHIO

State ex rel. DONALD CASTER	:	
	:	CASE NO. 2014-1621
Relator,	:	
	:	
vs.	:	
	:	ORIGINAL ACTION IN
CITY OF COLUMBUS, OHIO, et al.	:	MANDAMUS (Public Records)
	:	
Respondents	:	

MOTION FOR LEAVE TO AMEND CASE CAPTION OF
COMPLAINT IN MANDAMUS

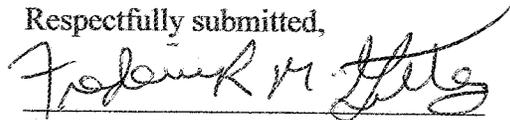
Frederick M. Gittes (0031444)
fgittes@gitteslaw.com
 Jeffrey P. Vardaro (0081819)
jvardaro@gitteslaw.com
 THE GITTES LAW GROUP
 723 Oak Street
 Columbus, OH 43205
 (614) 222-4735/Fax: (614) 221-9655
 Attorneys for Relator Donald Caster

Paula J. Lloyd (0033419)
pjlloyd@columbus.gov
 Assistant City Attorney
 Richard C. Pfeiffer, Jr., City Attorney
 77 N. Front Street
 Columbus, OH 43215
 (614) 645-0808/Fax: (614) 645-6949
 Attorney for Respondents City of Columbus
 and Chief Jacobs

FILED
 NOV 12 2014
 CLERK OF COURT
 SUPREME COURT OF OHIO

Pursuant to Rule 15(A) of the Ohio Rules of Civil Procedure and Supreme Court Practice Rule 4.01 and 12.01(A)(2)(b), Relator Donald Caster respectfully requests that the Court grant leave to amend the caption of his original complaint in mandamus to clarify that his petition for mandamus is brought in the name of the State of Ohio on relation of Mr. Caster.

Respectfully submitted,



Frederick M. Gittes (0031444)

fgittes@gitteslaw.com

Jeffrey P. Vardaro (0081819)

jvardaro@gitteslaw.com

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Columbus, OH 43205

(614) 222-4735

Fax: (614) 221-9655

Attorneys for Relator Donald Caster

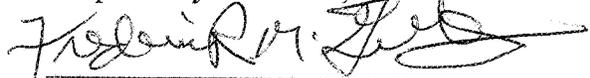
**MEMORANDUM IN SUPPORT OF RELATOR'S MOTION FOR LEAVE TO AMEND
CASE CAPTION OF COMPLAINT IN MANDAMUS**

Pursuant to Rule 15(A) of the Ohio Rules of Civil Procedure and Supreme Court Practice Rule 4.01 and 12.01(A)(2)(b), Relator Donald Caster respectfully requests that the Court grant leave to amend the case caption of his original complaint in mandamus to clarify that his petition for mandamus is brought in the name of the State of Ohio on relation of Mr. Caster.

As noted in the Respondents' Motion for Judgment on the Pleadings, the Complaint and other documents making up the petition do not currently contain the name the State of Ohio in the case caption. The Complaint and accompanying documents do, however, make it clear that the action has not been brought in Mr. Caster's personal capacity, but rather, on relation of Mr. Caster, by naming him as a "relator" and the Respondents as "respondents." In order to avoid any potential confusion and ensure strict compliance with Revised Code Section 2731.04, the Relator requests that the case caption be amended to read "The State of Ohio on relation of Donald Caster, Relator, vs. City of Columbus, Ohio, and Kimberley Jacobs, Chief, Columbus Division of Police, Respondents" (or, in the short form, "State ex rel. Caster v. City of Columbus, et al."). An amended Complaint containing the corrected caption is attached hereto.

This Court has recognized, in identical circumstances, that leave to amend should be freely granted when a respondent objects to the omission of the State's name from the caption of an original action. *See State ex rel. Rust v. Lucas County Bd. of Elections*, 100 Ohio St. 3d 214, 2003-Ohio-5643, 797 N.E.2d 1254, at ¶ 6 (citing "the precedent favoring liberal amendment of pleadings and the resolution of cases on their merits rather than upon pleading deficiencies").

Respectfully submitted,



Frederick M. Gittes (0031444)

fgittes@gitteslaw.com
Jeffrey P. Vardaro (0081819)
jvardaro@gitteslaw.com
THE GITTES LAW GROUP
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Columbus, OH 43205
(614) 222-4735
Fax: (614) 221-9655
Attorneys for Relator Donald Caster

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Relator's Motion for Leave to Amend Case Caption of Complaint in Mandamus was served by regular U.S. Mail upon Paula J. Lloyd, Assistant City Attorney, Office of Richard C. Pfeiffer, Jr., City Attorney, 77 N. Front Street, Columbus, OH 43215, Attorneys for Respondents, on this 12th day of November 2014.


Frederick M. Gittes (0031444)