

ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE OF OHIO ex rel.	:	
Schiffbauer, et al.	:	Case No. 2014-0244
	:	
Relator,	:	
	:	ORIGINAL ACTION IN
v.	:	MANDAMUS
	:	
Larry Banaszak, et al.	:	
	:	
Respondent.	:	

RESPONDENTS' MEMORANDUM CONTRA RELATOR'S MOTION TO STRIKE SUPPLEMENTAL AUTHORITY

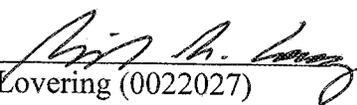
Relator's Motion to Strike Respondents' Notice of Supplemental Authority should be denied.

The Notice of Supplemental Authority refers to pending legislation. This Court in the past has considered pending legislation in its opinions. See, e.g., *Ohio v. Brooks* (1989), 44 Ohio St.3d 185 at n.1; 542 N.E. 2d 636 (difficulties may be alleviated by passage of pending legislation); *Felton v. Felton* (1997), 79 Ohio St. 3d 34, at n.1; 1997 Ohio 302, 679 N.E.2d 672 (pending bill would continue emphasis on prevention of domestic violence). In referring to pending legislation in this way this Court has simply recognized that expansions of the scope of various statutes is best left to the General Assembly, which has greater ability to balance the various liabilities and immunities involved in such expansion.

Further, this Court's rules restricting the filing of supplemental authority, upon which Relator relies, only apply after the filing of merit briefs (S.Ct. Prac. R. 16.08) and oral argument (S.Ct. Prac. R. 17.09), neither of which has occurred in this case.

FILED
 DEC 01 2014
 CLERK OF COURT
 SUPREME COURT OF OHIO

Respectfully Submitted,


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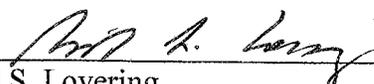
Larry Banaszak and Robert M. Gatti

CERTIFICATE OF SERVICE

A copy of the foregoing *Respondents' Memorandum Contra Relator's Motion to Strike Supplemental Authority* has been sent via regular U.S. mail, postage pre-paid on December 1, 2014, to:

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