

ORIGINAL

In the Supreme Court of Ohio

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| State ex rel. Ohio Civil Service | : | |
| Employees Association et. al., | : | Supreme Court Case No. 2014-0319 |
| | : | |
| Plaintiffs-Appellees/Cross-Appellants | : | |
| | : | On Appeal from the Franklin County |
| v. | : | Court of Appeals, Tenth Appellate District |
| | : | |
| State of Ohio et. al., | : | |
| | : | Court of Appeals Case No. |
| Defendants-Appellants/Cross-Appellees | : | 12 AP 1064 |
| | : | |

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Attorney General Mike DeWine, Secretary of
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Karcher, Rebecca Sayers, Angela Schuster,
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American Federation of State, County,

Municipal Employees Ohio Council 8

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AFFIDAVIT OF SANDRA F. BELL

State of Ohio ss:
County of Franklin

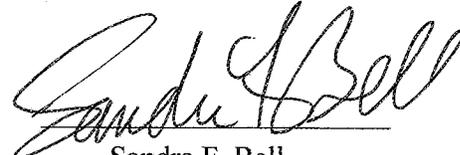
1. Affiant, Sandra F. Bell, being first duly cautioned and sworn states that she is an attorney admitted to the practice of law in the State of Ohio, Attorney Registration Number 0033740, and that she is employed as General Counsel for the Ohio Civil Service Employees Association (“OCSEA”) one of the Plaintiffs-Appellees/Cross-Appellants in this case, and that she is competent to testify and has personal knowledge of the matters stated herein.
2. Affiant makes this affidavit pursuant to S.Ct.Prac.R. 4.04(B).
3. OCSEA is an employee organization as defined in R.C. 4117.01(D) representing approximately 36,000 Ohio public employees concerning grievances, labor disputes, wages, hours, terms, and other conditions of employment and is the largest labor organization representing public employees in the State of Ohio.
4. OCSEA is frequently involved in litigation against the State of Ohio, its officers, agents and employees in various tribunals and in Ohio State and Federal Courts.
5. Affiant has read the article written by reporter Randy Ludlow and published on October 25, 2014 by Columbus Dispatch Online (Dispatch.com), a digital newspaper of general circulation a copy of which is attached to the affidavit of Attorney James E. Melle counsel for OCSEA and other Plaintiffs-Appellees/Cross-Appellants in this case many of whom are OCSEA members.

6. Affiant has also read Exhibits 2, 3, 4 and 5 attached to the affidavit of Attorney James E. Melle.
7. Affiant was not present when the statements were made by Justice Judith L. French. Affiant can only rely upon what has been reported in Exhibits 1 through 5. Affiant believes that the statements published with quotation marks and attributed to Justice Judith L. French are statements made by her and are accurately and correctly printed in those Exhibits. Affiant also believes that statements attributed to her and paraphrased by the reporters are, in sum and substance, accurate and correct paraphrases of Justice French's actual statements.
8. Although Justice French stated that she has made comments similar to those made in Exhibits 1 through 5 to labor organizations, she has not spoken to or at any gathering of OCSEA membership during her 2014 campaign for election to the Ohio Supreme Court.
9. Governor John Kasich, the Ohio General Assembly, State Auditor David Yost, Attorney General Mike DeWine, Secretary of State Jon Husted and other State Officials are the Defendants-Appellants/Cross-Appellees ("State Defendants") in the case of *Ohio Civil Service Employees Association v. State of Ohio*, Case No. 2014-0319, which is currently pending before the Ohio Supreme Court having been accepted for review on June 25, 2014, *State ex rel. Ohio Civ. Serv. Emps. Assn. v. State*, 2014-Ohio-2725, 139 Ohio St. 3d 1428.
10. The pending appeal involves two complex constitutional questions arising under the Ohio Constitution, Article II, Section 15(D) and Article VIII, Section 4 challenging as unconstitutional statutes and programs enacted or amended in Am. Sub. H. B. No. 153, an Appropriations Bill of the 129th General Assembly. More particularly, one set of challenged statutes allows the sale and privatization of several Ohio prisons. Other challenged statutes relate to non-appropriation items in the Appropriations Bill including the JobsOhio program. A third issue also arising from the passage of Am. Sub. H. B. No. 153 is a disputed jurisdictional issue involving the State Employment Relations Board and the Franklin County Common Pleas Court.
11. The case is now fully briefed, the final brief having been filed on January 12, 2015.
12. Considering the statements made in the Exhibits and the issues argued in the briefs filed by the parties which affiant has read, the "backstop" comments made by Justice French and mentioned in Exhibits 1 through 5 relate directly to the issues in this case.
13. To affiant's knowledge, the case has not been set for oral argument.
14. After careful consideration of the statements and subsequent explanation made in those Exhibits, and with the respect due to Justice French, affiant believes that the comments made in those publications, including the subsequent explanation, reflect partisanship and give the appearance that litigation challenging legislative programs enacted by the Ohio General Assembly and executive actions implementing them taken by Governor John

Kasich, State Auditor Yost, Attorney General Mike DeWine, Secretary of State Jon Husted and other State Officials will not be free from bias favoring the legislative programs and actions of State Officials.

15. For the foregoing reasons, Affiant on behalf of Plaintiff-Appellee/Cross-Appellant OCSEA believes that in these circumstances Justice French should recuse herself from all further proceedings in this case.

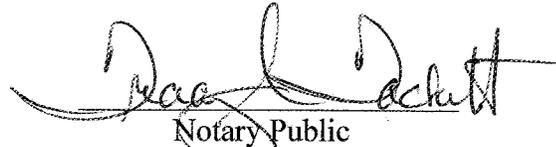
16. Further, affiant sayeth not.


Sandra F. Bell

Sworn to before me and subscribed in my presence by the above-named individual who is known to me on this 27 day of January, 2015.



TRACY A. TACKETT
Notary Public, State of Ohio
My Commission Expires
April 18, 2019


Notary Public

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing Affidavit was served via ordinary mail upon the following persons this 27 day of January, 2015:

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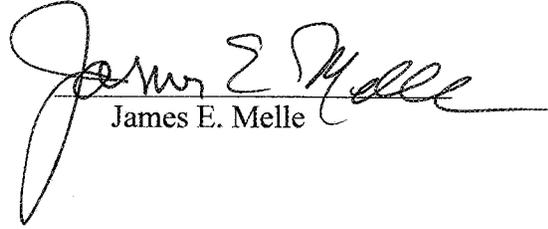
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