

Case No. 2014-0749

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IN THE  
**Supreme Court of Ohio**

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STATE EX REL. SCHOOL CHOICE OHIO, INC.,

*Relator,*

v.

CINCINNATI PUBLIC SCHOOL DISTRICT ET AL.,

*Respondents,*

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Original Action in Mandamus

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**RELATOR SCHOOL CHOICE OHIO'S OPPOSITION TO RESPONDENT  
SPRINGFIELD CITY SCHOOL DISTRICT'S MOTION FOR ORAL ARGUMENT**

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David T. Movius (0070132)  
*Counsel of Record*  
Matthew J. Cavanagh (0079522)  
Mark J. Masterson (0086395)  
McDonald Hopkins LLC  
600 Superior Avenue, E., Suite 2100  
Cleveland, Ohio 44114  
T: (216) 348-5400 | F: (216) 348-5474  
[dmovius@mcdonaldhopkins.com](mailto:dmovius@mcdonaldhopkins.com)  
[mcavanagh@mcdonaldhopkins.com](mailto:mcavanagh@mcdonaldhopkins.com)

*Counsel for School Choice Ohio, Inc.*

Lawrence E. Barbieri (0027106)  
*Counsel of Record*  
Scott A. Sollman (0081467)  
Schroeder, Maundrell, Barbieri & Powers  
5300 Socialville-Foster Road, Suite 2000  
Mason, Ohio 45040  
Springfield, Ohio 45501  
Tel.: (513) 583-4200 | Fax: (513) 583-4203  
[lbarbieri@smbplaw.com](mailto:lbarbieri@smbplaw.com)  
[ssollmann@smbplaw.com](mailto:ssollmann@smbplaw.com)

Karen W. Osborn (0065341)  
Martin, Browne, Hull & Harper, PLL  
One South Limestone Street, 8th Floor  
P.O. Box 1488  
Springfield, Ohio 45501  
T: (937) 324-5541 | F: (937) 325-5432  
[kosborn@martinbrowne.com](mailto:kosborn@martinbrowne.com)  
*Counsel for Springfield City School District*

Mark Landes (0027227)  
Mark H. Troutman (0076390)  
Isaac Wiles Burkholder & Teetor, LLC  
Two Miranova Place, Suite 700  
Columbus, Ohio 43215  
Tel.: (614) 221-2121 | Fax: (614) 365-9516  
*mlandes@isaacwiles.com*  
*mtroutman@isaacwiles.com*

*Counsel for Amici Curiae Ohio School  
Boards Association, Buckeye Association  
of School Administrators, and Ohio  
Association of School Business Officials*

Oral argument is neither warranted nor necessary where, as in this original action, the briefs submitted by the parties and *amici* “are sufficient to resolve the issues raised, and [the] case does not involve a substantial constitutional issue, conflict among courts of appeals, or complex factual issues.” *State ex rel. Davis v. Pub. Emps. Retirement Bd.*, 111 Ohio St.3d 118, 2006-Ohio-5339, 855 N.E.2d 444, ¶ 16 (citing *State ex rel. Physicians Commt. for Responsible Medicine v. Ohio State Univ. Bd. of Trustees*, 108 Ohio St.3d 288, 2006-Ohio-903, 843 N.E.2d 174, ¶ 5).

Having already filed a nearly 50-page merits brief, Springfield City School District uses the occasion of its motion for oral argument to present an additional eight-plus pages of substantive argument. Springfield, however, previously made, and School Choice Ohio has replied to, each argument Springfield’s raises in its motion.<sup>1</sup> The Court therefore should decline Springfield’s invitation to convene oral argument so it can have still another opportunity to re-argue those issues. *See State ex rel. WBNS TV, Inc. v. Dues*, 101 Ohio St.3d 406, 2004-Ohio-1497, 805 N.E.2d 1116, ¶ 21 (denying motion for oral argument filed “to present additional argument”).

The dispositive question in this case is narrow: does Ohio law afford a public office the power and discretion to unilaterally change its policies as a way to intentionally place its records beyond the Public Records Act’s reach? Since school districts and their boards are creatures of state law that have “no more authority than that conferred upon them by statute,” *Hall v. Lakeview Local School Dist. Bd. of Edn.*, 63 Ohio St.3d 380, 383, 588 N.E.2d

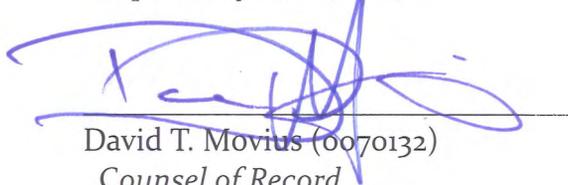
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<sup>1</sup> School Choice Ohio respectfully asks the Court to strike, *sua sponte*, Springfield’s motion to the extent it advances new or additional arguments that are contrary to S.Ct.Prac.R. 16.08’s prohibition on supplemental briefing.

785 (1992), answering this question negatively would not limit or curtail the discretion school districts and their boards actually enjoy under Ohio law. Oral argument therefore is not warranted because, although this case implicates Ohio’s “fundamental policy of promoting open government,” *State ex rel. The Miami Student v. Miami Univ.*, 79 Ohio St.3d 168, 171, 68o N.E.2d 956 (1997), the case itself is about Springfield’s attempt to deny School Choice Ohio—and *only* School Choice Ohio—its public records rights. *See State ex rel. McGinty v. Cleveland City School Dist. Bd. of Edn.*, 81 Ohio St.3d 283, 286, 69o N.E.2d 1273 (1998) (denying oral argument where effect of case was limited to individual litigant).

Finally, Springfield does not contend that this case raises constitutional issues or that a conflict exists among the courts of appeals. The Court therefore should deny Springfield’s motion for oral argument and grant School Choice Ohio the relief it seeks for the reasons set forth in its Merits and Reply briefs.

Respectfully submitted,



David T. Movius (0070132)  
Counsel of Record  
Matthew J. Cavanagh (0079522)  
Mark J. Masterson (0086395)  
MCDONALD HOPKINS LLC  
600 Superior Avenue, E., Ste. 2100  
Cleveland, Ohio 44114  
Tel.: 216.348.5400  
Fax: 216.348.5474  
[dmovius@mcdonaldhopkins.com](mailto:dmovius@mcdonaldhopkins.com)  
[mcavanagh@mcdonaldhopkins.com](mailto:mcavanagh@mcdonaldhopkins.com)

Counsel for *State ex rel.*  
*School Choice Ohio, Inc.*

CERTIFICATE OF SERVICE

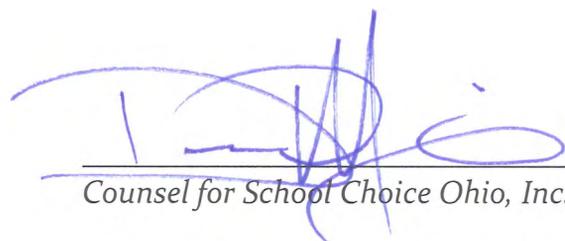
I hereby certify that a true and correct copy of the foregoing *Relator School Choice Ohio's Opposition to Respondent Springfield City School District's Motion for Oral Argument* was served this 23rd day of February, 2015, on the following via email pursuant to Ohio Rule of Civil Procedure 5(B)(2)(f) and S.Ct.Prac.R. 3.11(B)(1):

Lawrence E. Barbieri, [lbarbieri@smbplaw.com](mailto:lbarbieri@smbplaw.com)  
Scott A. Sollmann, [ssollmann@smbplaw.com](mailto:ssollmann@smbplaw.com)  
Karen W. Osborn, [kosborn@martinbrowne.com](mailto:kosborn@martinbrowne.com)

*Counsel for Springfield City School District*

Mark Landes, [mlandes@isaacwiles.com](mailto:mlandes@isaacwiles.com)  
Mark H. Troutman, [mtroutman@isaacwiles.com](mailto:mtroutman@isaacwiles.com)

*Counsel for Amici Curiae Ohio School  
Boards Association, Buckeye Association  
of School Administrators, and Ohio  
Association of School Business Officials*



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*Counsel for School Choice Ohio, Inc.*