

Case No. 2014-1141

**Supreme Court
of the State of Ohio**

STATE OF OHIO *ex rel.*
OHIO REPUBLICAN PARTY,

Relator,

v.

EDWARD FITZGERALD, County Executive, County of Cuyahoga,

and

COUNTY OF CUYAHOGA and KOULA CELEBREZZE,

Respondents.

**RELATOR'S MOTION TO STRIKE RESPONDENTS'
REPLY TO RELATOR'S EXPLANATION AS TO WHY THE CASE IS NOT MOOT**

Counsel for Relator

Curt C. Hartman (0064242)
THE LAW FIRM OF CURT C. HARTMAN
7394 Ridgepoint Drive, Suite 8
Cincinnati, OH 45230
(513) 752-2878
hartmanlawfirm@fuse.net

Daniel P. Carter (0074848)
LAW FIRM OF DANIEL P. CARTER
1400 West Sixth St. Suite 300
Cleveland, OH 44113
(216) 392-4509
dpc@dpcarterlaw.com

Chrisopher P. Finney (0038998)
FINNEY LAW FIRM LLC
4270 Ivy Pointe Blvd., Suite 225
Cincinnati, Ohio 45245
(513) 943-6655
chris@finneylawfirm.com

The State of Ohio, on relation to the Ohio Republican Party (hereinafter, "Relator"), hereby moves, pursuant S. Ct. R. Prac. 16.08, to strike Respondents' Reply to Relator's Explanation of Why This Case Should Not be Dismissed as Moot (said document being filed herein on April 3, 2015).

In response to the *sua sponte* inquiry of this Court (issued on March 25, 2015), Relator tendered a two-page response (filed on March 26, 2015) that posited the conclusion that this case was not moot because Respondents had still not produced the requested public records. Instead of addressing the simple conclusion posited by Relator, Respondents elected to engage in a lengthy argument going to the validity *vel non* of their continued refusal to produce the requested records, including the submission of additional evidence, *i.e.*, affidavits. Throughout their putative reply, Respondents ignored the question of whether they have produced *vel non* the requested records. Instead, Respondents engaged in rehashing and supplementing their merit brief.

S. Ct. R. Prac. 16.08 expressly dictates that, with certain exceptions not applicable herein, "merit briefs shall not be supplemented." Yet, in their Reply to Relator's Explanation, Respondents have done nothing more than attempt to tender supplemental argument and briefing. Doing so was not responsive to the direction of the Court that issued on March 25, 2015, and was in violation of S. Ct. R. Prac. 16.08.

Accordingly, Respondents' Reply to Relator's Explanation should be stricken.

Respectfully submitted,

/s/ Curt C. Hartman
Curt C. Hartman (0064242)
THE LAW FIRM OF CURT C. HARTMAN
7394 Ridgepoint Drive, Suite 8
Cincinnati, OH 45230
(513) 752-2878
hartmanlawfirm@fuse.net

Daniel P. Carter (0074848)
LAW FIRM OF DANIEL P. CARTER
1400 West Sixth Street, Suite 300
Cleveland, OH 44113
(216) 392-4509
dpc@dpcarterlaw.com

Christopher P. Finney (0038998)
FINNEY LAW FIRM LLC
4270 Ivy Pointe Blvd., Suite 225
Cincinnati, Ohio 45245
(513) 943-6655
chris@finneylawfirm.com

Attorneys for Relator

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing will be served upon the following via e-mail on the 8th day of April 2015:

Majeed G. Makhlouf
Robin M. Wilson
Cuyahoga County Department of Law
Cuyahoga County Administrative Headquarters
2079 East Ninth Street, 7th Floor
Cleveland, Ohio 44115
mmakhlouf@cuyahogacounty.us
rwilson@cuyahogacounty.us

/s/ Curt C. Hartman