Supreme Court of Ohio Clerk of Court - Filed April 17, 2015 - Case No. 2014-0319

In the
Supreme Court of Ohio

State ex rel. OHIO CIVIL SERVICE EMPLOYEES ASSOCIATION, et al.,	:	Case No. 2014-0319
	:	
Appellees/Cross-Appellants,	:	On Appeal from the Franklin County Court of Appeals, Tenth Appellate District
v.	:	
STATE OF OHIO, et al.,	:	Court of Appeals Case No.12AP-1064
Appellants/Cross-Appellees.	:	

JOINT RESPONSE OF STATE AND PRIVATE DEFENDANTS (APPELLANTS AND/OR CROSS-APPELLEES) TO THE MOTION TO EXTEND ARGUMENT TIME OF PLAINTIFFS (APPELLEES/CROSS-APPELLANTS)

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JOINT RESPONSE OF STATE AND PRIVATE DEFENDANTS TO PLAINTIFFS' MOTION TO EXTEND ARGUMENT TIME

The Court has established an oral-argument structure to accommodate the several parties and cross-appeals in this case. *See* Order of April 9, 2015. The Plaintiffs in this case (who are Appellees and Cross-Appellants) have moved the Court to expand the argument time from 30 minutes to 40 minutes, with the 10 extra minutes devoted to them. Plaintiffs urge this expansion as justified to give them the same time as the Defendants' combined argument time. The Defendants who have filed briefs in this case include the State Defendants (who are Appellants and Cross-Appellees), the private Defendant Management and Training Corporation ("MTC") (who is also an Appellant and Cross-Appellee), and private Defendants Corrections Corporation of America and CCA Western Properties, Inc. (collectively, "CCA") (who are Appellees and Cross-Appellees). These Defendants respond that any adjustment in the interests of equality can be achieved within the Court's standard thirty-minute timeframe and argument structure.

First, the Court need not add to the total prescheduled time of thirty minutes, and it can instead follow its usual practice of allowing additional time for questions as the Court itself finds necessary during argument. As the Court knows, it frequently asks questions that extend argument time beyond thirty minutes. That is especially common if cases involve multiple parties, multiple issues, or issues that are especially complicated or of great importance. This case involves all of those factors. But calibrating the argument on argument day, in response to the Court's own needs and as directed by the Chief Justice, is preferable to setting the precedent of expanding time in advance at the request of the parties. The latter merely invites a flood of motions regarding oral-argument schedule and times in all cases involving multiple parties and issues, and of course all parties believe their issues to be important. Thus, while Defendants do not oppose any particular length of time given to Plaintiffs or any party based on questions,

Defendants suggest that the Court maintain the standard thirty-minute timeframe and argument structure of opening argument, response argument, and rebuttal.

Second, Defendants do not oppose granting the same amount of time to the "Plaintiff" and "Defendant" sides—for purposes of this particular case only. But Plaintiffs' concern can be taken into account within the standard thirty-minute, oral-argument schedule (with additional questions from the Court as it deems necessary). Thus, Defendants would propose the following:

1. The Appellants/Cross-Appellees (the State Defendants and MTC) argue first for up to ten minutes on the single-subject issues that are the predicate of their initial appeals.

2. The Appellees/Cross-Appellants (the Plaintiffs) argue second for fifteen minutes on all issues, including a response to the single-subject issues on the initial appeals and an argument on the issues that they cross-appealed (concerning both Article VIII, Section 4 and the jurisdiction of the courts initially to determine the public-employee status of certain individuals).

3. The Appellants/Cross-Appellees and the Appellees/Cross-Appellees (the State Defendants, MTC, and CCA) argue their remaining time in rebuttal on the single-subject issues and in response to the issues that Plaintiffs cross-appealed).

This schedule accommodates the Plaintiffs, but within the Court's standard time and argument format. In the alternative, the Court could of course keep its current plan, which Defendants do not oppose either.

CONCLUSION

If the Court amends the argument schedule, it should maintain the standard argument time and format as detailed above. If not, the Court can maintain the plan in the April 9 Order.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Response was served by U.S. mail this 17th day of April, 2015, upon the following counsel:

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