

IN THE SUPREME COURT OF OHIO

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| STATE OF OHIO, ex rel. | : | |
| THE CINCINNATI ENQUIRER | : | Case No. 2015-1222 |
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| STATE OF OHIO, ex rel. | : | |
| SCRIPPS MEDIA INC. D/B/A WCPO-TV | : | |
| | : | |
| STATE OF OHIO, ex rel. | : | |
| THE ASSOCIATED PRESS | : | Original Action in Mandamus |
| | : | |
| STATE OF OHIO, ex rel. | : | |
| RAYCOM MEDIA D/B/A WXIX-TV | : | |
| | : | |
| STATE OF OHIO, ex rel. | : | |
| HEARST CORPORATION D/B/A WLWT-TV | : | |
| | : | |
| STATE OF OHIO, ex rel. | : | |
| SINCLAIR MEDIA III, INC. D/B/A WKRC-TV | : | |
| | : | |
| <i>Relators,</i> | : | |
| | : | |
| v. | : | |
| | : | |
| JOSEPH T. DETERS, HAMILTON COUNTY | : | |
| PROSECUTING ATTORNEY | : | |
| | : | |
| <i>Respondent.</i> | : | |

**MOTION TO STAY DISCOVERY OF RESPONDENT JOSEPH T. DETERS,
HAMILTON COUNTY PROSECUTING ATTORNEY**

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MOTION

Respondent, Joseph T. Deters, Hamilton County Prosecuting Attorney, through counsel, moves this Court to stay all discovery in the present case for reasons set out in the attached memorandum.

Respectfully,

JOSEPH T. DETERS
PROSECUTING ATTORNEY
HAMILTON COUNTY, OHIO

/s/ Christian J. Schaefer

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MEMORANDUM

The Respondent respectfully requests that this Court stay all discovery proceedings until the outstanding Motion for Judgment on the Pleadings has been resolved. This Court has the power to grant the requested stay of discovery. “It is unquestioned that ‘courts have broad discretion over discovery matters.’” *State ex rel. Mason v. Burnside*, 2007-Ohio-6754, ¶ 11, 881 N.E.2d 224, 226 (quoting *State ex rel. Citizens for Open, Responsive & Accountable Govt. v. Register*, 2007-Ohio-5542, 876 N.E.2d 913, ¶ 18). Additionally, it is not an abuse of discretion for a court to grant a motion to stay discovery pending resolution of a dispositive motion. *State ex rel. Ebbing v. Ricketts*, 2012-Ohio-4699, ¶ 21, 133 Ohio St. 3d 339, 343, 978 N.E.2d 188, 193.

The issues in this case are legal issues, not factual ones. The issues are:

1. The Complaint is now moot. The information sought by Relators has been released.

2. Respondent followed existing case law in not immediately releasing the information sought by Relators.
3. The information sought by Relators was not and is not a “record” of the Hamilton County Prosecutor’s Office. (*R.C. 149.011[G].*)
4. The information sought by Relators is not a “public record” as set forth in *R.C. 149.43*.
5. The information sought by Relators was released by Respondent within a “reasonable time” as provided for in *R.C. 149.43(B)(7)*.

All of these issues can be briefed and decided without further fact finding. They are legal issues that can be resolved based solely on the allegations in the Complaint for Mandamus and the affidavits attached thereto. The stay will benefit both parties by avoiding additional litigation costs and allowing this Court to more expeditiously to resolve these issues.

Since the underlying video that is the subject of this Writ has already been released, there is no reason that discovery must be expedited and neither the Relators nor the Respondent would suffer any irreparable harm if this Court grants the requested stay.

CONCLUSION

This Court should grant the Respondent’s Motion to Stay Discovery.

Respectfully,

JOSEPH T. DETERS
PROSECUTING ATTORNEY
HAMILTON COUNTY, OHIO

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this document was served upon each party of record in this case by U.S. mail on the 28th day of August, 2015 addressed to:

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