

IN THE SUPREME COURT OF OHIO

State of Ohio, <i>ex rel</i>)	Case No. 2015-1371
Renee Walker, et al.,)	
Relators,)	
-vs-)	RELATORS' MOTION
)	TO AMEND VERIFICATIONS
Jon Husted,)	
Secretary of the State of Ohio,)	REQUEST FOR
Respondent.)	EXPEDITED RELIEF
)	

By co-counsel for Relators:

James Kinsman, Esq.
(S.Ct. #0090038)
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September 14, 2015

Parties and Attorneys

Athens-Meigs Farm Bureau (Amicus Curiae on behalf of Respondent)
Fulton County Farm Bureau (Amicus Curiae on behalf of Respondent)
Medina County Farm Bureau (Amicus Curiae on behalf of Respondent)
Ohio Farm Bureau Federation (Amicus Curiae on behalf of Respondent)

Represented by:

Endsley, Chad (80648), Counsel of Record
Curtis, Leah (86257)
Milam, Amy (82375)
Ohio Farm Bureau Federation
280 N. High Street, Floor 6, Columbus, Ohio 43218
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County Commissioners Association of Ohio (Amicus Curiae on behalf of Respondent)

Represented by:

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Ohio Gas Association (Amicus Curiae on behalf of Respondent)
Ohio Oil and Gas Association (Amicus Curiae on behalf of Respondent)

Represented by:

Forbes, Lisa (60105), Counsel of Record
Keller, John (19957)
Williams, Aaron (90319)
Vorys, Sater, Seymour and Pease LLP
200 Public Square, Suite 1400, Cleveland, Ohio 44114
(216) 479-6100

The Ohio Chamber of Commerce (Amicus Curiae on behalf of Respondent)
Affiliated Construction Trades of Ohio (Amicus Curiae on behalf of Respondent)
The American Petroleum Institute (Amicus Curiae on behalf of Respondent)

Represented by:

Hughes, Lawrence (70997), Counsel of Record
Kelley, Kevin (77707)
Trafford, Kathleen (21753)
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Lumbrezer, R. J. (Intervening Respondent)
Norman, Roy (Intervening Respondent)
Saunders, Charles Melvin (Intervening Respondent)

Represented by:

Saunders, Charles (90266), Counsel of Record
Saunders Law Office LLC
6772 US Highway 20, Metamora, Ohio 43540-9739
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Overholt, Mark (Intervening Respondent)

Represented by:

Hartman, Curt (64242), Counsel of Record
The Law Firm of Curt C. Hartman
7394 Ridgepoint Drive, Suite 8, Cincinnati, Ohio 45230

Prisley, Joanne Dove (Intervening Respondent)

Represented by:

Hollingsworth, Michael (2556), Counsel of Record
39 North College Street, Athens, Ohio 45701
(740) 593-5828

Arbuckle, Douglas S. (Relator)

Athaide-Victor, Elizabeth (Relator)

Babrow, Austin (Relator)

Howell, John (Relator)

Jones, Katharine S. (Relator)

Kemp, Lynn (Relator)

McGinn, Richard (Relator)

Ragan, John P. (Relator)

Walker, Renee (Relator)

Wiley, Sally Jo (Relator)

Represented by:

Kinsman, Charles (90038), Counsel of Record
Lodge, Terry (29271)

Husted, Jon A. (Respondent)

Represented by:

Sferra, Anne (30855), Counsel of Record
DeWine, Richard (9181)
Tunnell, Kurtis (38569)
Bricker & Eckler LLP
100 South Third Street, Columbus, Ohio
(614) 728-4948

Now come Relators Renee Walker, Randy Walker, John P. Ragan, Elizabeth Athaide-Victor, Katharine S. Jones, Lynn Kemp, Douglas S. Arbuckle, Austin Babrow, John Howell, Richard McGinn and Sally Jo Wiley (“Relators”), proceeding by and through counsel, and move the Court for leave to amend their original Verified Complaint by substituting the attached and proffered Relator Verifications for the Verifications initially submitted.

Respectfully submitted,

/s/ James Kinsman

James Kinsman, Esq. (S.Ct. #0090038)
P.O. Box 24313
Cincinnati, OH 45224
(513) 549-3369
james@jkinsmanlaw.com

/s/ Terry J. Lodge

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lodgelaw@yahoo.com
Co-counsel for Relators

MEMORANDUM

The Court expects its rule concerning verifications - *i.e.*, that they be made upon “personal knowledge” - to be followed. S.Ct.Prac.R. 12.02(B)(2); *State ex rel. Evans v. Blackwell*, 111 Ohio St.3d 437, 2006-Ohio-5439, 857 N.E.2d 88. The Court also acknowledges that relators may “seek leave to amend their mandamus complaint to correct the affidavit.” *State ex rel. Commt. for Charter Amendment for an Elected Law Director v. Bay Village*, 875 N.E.2d 574, 115 Ohio St.3d 400, 2007-Ohio-5380, ¶ 14 (2007). Relators timely are proffering the attached substitute verifications, having duly taken notice of the defense raised by Respondent’s Answer and the merit brief of the Secretary of State.

WHEREFORE, Relators pray the Court allow them to substitute the attached

Verifications for the originals that were annexed to their Verified Complaint.

Respectfully submitted,

/s/ James Kinsman

James Kinsman, Esq. (S.Ct. #0090038)

P.O. Box 24313

Cincinnati, OH 45224

(513) 549-3369

james@jkinsmanlaw.com

/s/ Terry J. Lodge

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316 N. Michigan St., Suite 520

Toledo, OH 43604-5627

419.205.7084

lodgelaw@yahoo.com

Co-counsel for Relators

CERTIFICATE OF SERVICE

I certify that on September 14, 2015, I sent a copy of the foregoing document by email to:

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/s/ Terry J. Lodge
Terry J. Lodge, Esq. (S.Ct. #0029271)

VERIFICATION

I, Renee Walker, am a Relator in this lawsuit. I have reviewed the allegations in the Verified Complaint and swear that they are made upon my personal knowledge. I further swear that I am competent to testify as to all matters stated in this affidavit.

Renee Walker
Renee Walker

State of Ohio)
)
County of Fulton) ss:

Sworn to before me and subscribed in my presence this 10th day of September, 2015.

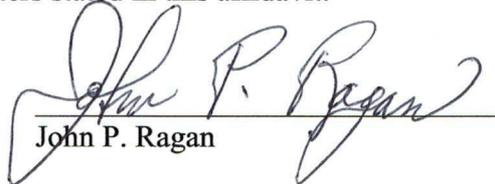
Terry Lodge
Notary Public
Nonexpiring Commission



TERRY J. LODGE, ESQ.
316 N. MICHIGAN STREET
SUITE 520
TOLEDO, OH 43624-1627

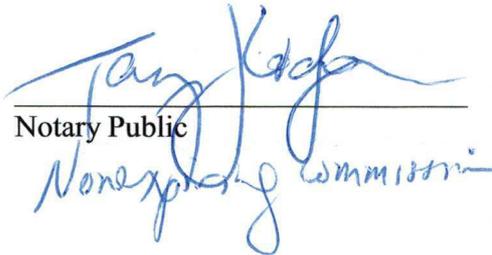
VERIFICATION

I, John P. Ragan, am a Relator in this lawsuit. I have reviewed the allegations in the Verified Complaint and swear that they are made upon my personal knowledge. I further swear that I am competent to testify as to all matters stated in this affidavit.


John P. Ragan

State of Ohio)
)
County of Fulton) ss:

Sworn to before me and subscribed in my presence this 10th day of September, 2015.


Notary Public
Notary Public Commission



TERRY J. LODGE, ESQ.
316 N. MICHIGAN STREET
SUITE 520
TOLEDO, OH 43624-1627

VERIFICATION

I, Elizabeth Athaide-Victor, am a Relator in this lawsuit. I have reviewed the allegations in the Verified Complaint and swear that they are made upon my personal knowledge. I further swear that I am competent to testify as to all matters stated in this affidavit.

Elizabeth Athaide-Victor
Elizabeth Athaide-Victor

State of Ohio)
)
County of Fulton) ss:

Sworn to before me and subscribed in my presence this 10th day of September, 2015.

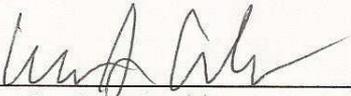
Terry J. Lodge
Notary Public
Nonexpiring commission



TERRY J. LODGE, ESQ.
316 N. MICHIGAN STREET
SUITE 520
TOLEDO, OH 43624-1627

VERIFICATION

I, Douglas S. Arbuckle, am a Relator in this lawsuit. I have reviewed the allegations in the Verified Complaint and swear that they are made upon my personal knowledge. I further swear that I am competent to testify as to all matters stated in this affidavit.



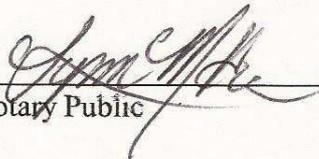
Douglas S. Arbuckle

State of Ohio)
)
County of Medina) ss:

Sworn to before me and subscribed in my presence this 8 th day of September, 2015.



LYNN M. AKE
Notary Public State of Ohio
My Comm. Expires 01/25/2020



Notary Public



VERIFICATION

I, Austin Babrow, am a Relator in this action. I have reviewed the allegations in the Verified Complaint and swear that they are made upon my personal knowledge. I further swear that I am competent to testify as to all matters stated in this affidavit.



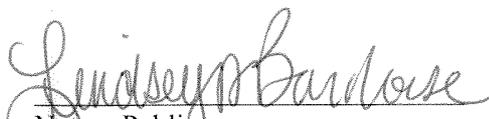
Austin Babrow

State of Ohio)
)
County of Athens) ss:

Sworn to before me and subscribed in my presence this 8 th day of September, 2015.

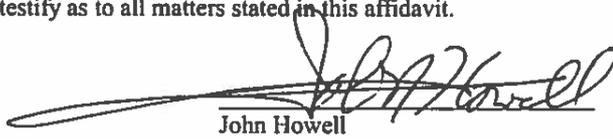


LINDSEY D BARNHOUSE
NOTARY PUBLIC-STATE OF OHIO
MY COMMISSION EXPIRES
JUNE 18, 2017


Notary Public

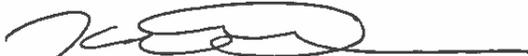
VERIFICATION

I, John Howell, am a Relator in this action. I have reviewed the allegations in the Verified Complaint and swear that they are made upon my personal knowledge. I further swear that I am competent to testify as to all matters stated in this affidavit.


John Howell

State of Ohio)
)
County of Athens) ss:

Sworn to before me and subscribed in my presence this 8 th day of September, 2015.

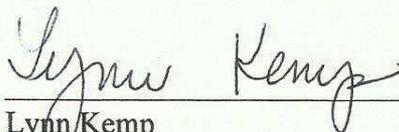

Notary Public



KRYSTYL WELSCH
Notary Public, State of Ohio
My Commission Expires 4-28-2020
Commission Recorded in Morgan County

VERIFICATION

I, Lynn Kemp, am a Relator in this lawsuit. I have reviewed the allegations in the Verified Complaint and swear that they are made upon my personal knowledge. I further swear that I am competent to testify as to all matters stated in this affidavit.



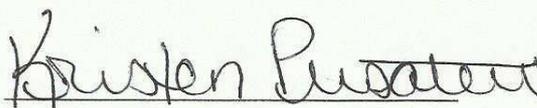
Lynn Kemp

State of Ohio)

County of Medina) ss:

Sworn to before me and subscribed in my presence this 8th day of September, 2015.





Notary Public

VERIFICATION

I, Richard McGinn, am a Relator in this action. I have reviewed the allegations in the Verified Complaint and swear that they are made upon my personal knowledge. I further swear that I am competent to testify as to all matters stated in this affidavit.

Richard McGinn
Richard McGinn

State of Ohio)
)
County of Athens) ss:

Sworn to before me and subscribed in my presence this 8 day of September, 2015.

Annie Holbert
Notary Public



ANNIE HOLBERT
Notary Public, State of Ohio
My Commission Expires 4-2-2020
Commission Recorded in Athens County

VERIFICATION

I, Sally Jo Wiley, am a Relator in this action. I have reviewed the allegations in the Verified Complaint and swear that they are made upon my personal knowledge. I further swear that I am competent to testify as to all matters stated in this affidavit.

Sally Jo Wiley
Sally Jo Wiley

State of Ohio)
)
County of Athens) ss:

Sworn to before me and subscribed in my presence this 8 th day of September, 2015.

Karen M. Ciszak
Notary Public

