

IN THE SUPREME COURT OF OHIO

The Ohio Manufacturers' Association, et al.,	:	Case No: 2016-0313
	:	
Relators,	:	Original Action under Section 1g,
	:	Article II of the Ohio Constitution
v.	:	
	:	
Ohioans for Drug Price Relief Act, et al.	:	
	:	
Respondents.	:	

**RESPONDENTS WILLIAM S. BOOTH, DANIEL L. DARLAND, TRACY L. JONES,
AND LATONYA D. THURMAN'S MOTION TO EXPEDITE CASE SCHEDULE**

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AND LATONYA D. THURMAN’S MOTION TO EXPEDITE CASE SCHEDULE**

Respondents William S. Booth, Daniel L. Darland, Tracy L. Jones, and Latonya D. Thurman (“Petition Respondents”) hereby move to set an expedited case schedule. A Memorandum in Support of this Motion is appended hereto.

Respectfully submitted,

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MEMORANDUM IN SUPPORT

Time is of the essence in this case because it involves the Constitutional scheme for proposing a law by initiative petition, which involves specific time periods for each step in the process, and it is different from prior challenges to state issue petitions.¹

- 1. The temporal focus of this action must be on the four months the General Assembly has to consider the law proposed by the challenged Initiative Petition and the Supplementary Petition circulation period, which will begin no later than June 4, 2016.**

The focus of this action is not the date of the upcoming November 8 general election, or the date of any other election. Rather, the temporal focus must be on the four months the General Assembly has to consider the law proposed by the initiative petition, which began on February 4, 2016, and the Supplementary Petition circulation period, which will begin no later than June 4—and possibly sooner.

The Secretary of State transmitted the initiative petition containing the proposed law to the General Assembly on February 4, 2016. After challenging the initiative petition with the Secretary of State and the boards of elections in December 2015 and January 2016, Relators filed this challenge with the Court on February 29, 2016, twenty-five days after the petition had been transmitted to the General Assembly.² Under the Constitutional scheme, the General Assembly has four months from February 4 to take action on the proposed law. That deadline is June 3, 2016. If the General Assembly takes no action on the proposed law, the window to begin circulating the

¹ See, e.g. Art. II, § 1b, Ohio Constitution, which provides for the following sequence of events: (1) the Secretary of State transmits the initiative petition containing the proposed law to the General Assembly as soon as it convenes; (2) the General Assembly has four months to take action on the proposed law; (3) if the General Assembly fails to act, or amends the proposed law, the petitioners have 90 days to collect additional signatures to place the issue on the ballot; and, (4) if the petitioners collect sufficient additional signatures, the proposed law is submitted to the electors at the next general election occurring subsequent to 125 days following the filing of the final second petition.

² In waiting so long to file their challenge, Relators have already caused substantial delay and prejudice.

Supplementary Petition will open on June 4 and Petition Respondents will have at-most 90 days to collect signatures. It is a fixed period of time.

Making the matter even more pressing is that the General Assembly may act before June 3, 2016. If the General Assembly affirmatively declines to enact the proposed law before June 3, the clock to begin circulating the Supplementary Petition will begin the next day.

Circulating the Supplementary Petition, either starting on June 4 or earlier, will require Petition Respondents to expend great efforts and incur huge costs, which could all be for naught depending on how and when the Court decides Relators' action. Preparations to conduct a statewide initiative petition drive within the 90 day period obviously will require the petition committee to begin extensive and costly planning and preparations weeks before the beginning of the 90 day period in order to be able to begin collecting signatures on the first day permitted by the Constitution. Thus, it is necessary that there be a quick and timely resolution of Relators' challenge to avoid harm to Petition Respondents.

2. Neither Respondent Secretary nor Relators will be prejudiced by an expedited briefing schedule.

Further, expediting the case will not prejudice Respondent Secretary or Relators. Respondent Secretary has already certified and transmitted the proposed law to the General Assembly and has no further legal obligations at this stage of the process. Relators will not be prejudiced because, and as discussed further in Petition Respondents' Memorandum in Opposition to Relators' Motion for Appointment of a Master Commissioner, Relators' protest involves only four straightforward questions which do not require extensive discovery. These straightforward

questions can be briefed within the Court's expedited election case schedule under the Court's Rules of Practice, Rule 12.08, or an otherwise expedited schedule.³

Accordingly, Petition Respondents respectfully request that the Court set an expedited schedule herein.

Respectfully submitted,

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³ Indeed, Petition Respondents filed their Answer to Relators' Complaint with the Court on March 9, 2016, which is within the Court's expedited election case schedule; Petition Respondents also served copies of the Answer on all counsel of record via e-mail and first-class mail shortly thereafter on March 9.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was served by e-mail and by first class mail via the U.S. Postal Service on March 10, 2016, upon the following:

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