

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.	:	

PETITION RESPONDENTS' MEMORANDUM IN OPPOSITION TO MOTION FOR PARTIAL SUMMARY JUDGMENT

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I. INTRODUCTION

This challenge concerns the initiative petition for the Ohio Drug Price Relief Act (“ODPRA”). Relators’ have moved for partial summary judgment on their claim that the part-petitions circulated by four petition circulators are invalid.

Relators’ effort to have this action decided in a piecemeal fashion through partial summary judgment is not appropriate. It is also not ripe, and Relators have failed to establish that there is no dispute as to material facts. The existence of such a procedural motion is not expressly set forth in this Court’s Rule 14, but depends upon the Rules of Civil Procedure, applicable in trial courts of general jurisdiction. This motion should be held to be unavailable in special constitutional proceedings under Article II, Section 1(G) of the Ohio Constitution. This action is more complicated than Relators’ have depicted it, and summary judgment is inappropriate at this stage. All parties are still in the throes of discovery, with key depositions still pending. Portions of the factual record upon which Relators rely consist of inadmissible hearsay. Moreover, the central issue in this dispute—the fate of the petitions that comprise the Drug Price Relief Act—is currently being adjudicated not just in this action, but also in a related action that seeks to restore part-petitions from ten counties. This dispute cannot be conclusively resolved through a Motion for Partial Summary Judgment. Finally, despite Relators’ apparent contention that this challenge involves a narrow legal question, Relators’ challenge to the petitions circulated by three of the four challenged circulators has provoked serious First Amendment questions, and it is incumbent upon this Court not to resolve these questions on the basis of a record that is thin and unreliable and without the benefit of a full briefing on the merits of these questions.

II. FACTS

Relators contend that four petition circulators violated Rev. Code § 3509.05 and § 3501.38(E) by listing an address on their part-petitions that was not their permanent residence. In order to properly contextualize this legal claim, and in order to understand why Relators' challenge raises serious constitutional questions (as discussed in depth below in section III.D), some discussion of the circumstances of these petition circulators and their importance in the petition process is necessary.

Professional petition circulators, for whom circulating petitions is their primary occupation, are critical to the success of most petition drives. See attached Exhibit C, affidavit of Angelo Paparella at ¶ 7. In order to pursue this profession, many petition circulators must forego a typical residential life. Many, if not most, professional circulators make their lives on the road, living and working out of motels and suitcases as they circulate petitions all over the United States. *Id.* at ¶ 8.

For example, Fifi Harper, one of the circulators whose petitions Relators are asking this Court to invalidate, has not maintained a permanent residence since 2002. See attached Exhibit E at ¶ 3-4. She had a residence for part of 2015, before moving to Ohio, but could not afford to keep paying rent for an apartment that she barely lived in, owing to her travel for work. *Id.* at ¶ 13. She uses her car to travel from one state and one job to the next, staying in motels along the way. *Id.* at ¶¶ 5-6. She receives her personal and professional correspondence with a third-party mailbox company. *Id.* at ¶¶ 10-12. Ms. Harper usually stays in motels while she is working, and sometimes she sleeps in her car or with friends in between jobs. *Id.* She has no family and no tangible possessions beyond what she can take with her as she travels and circulates petitions. *Id.* At ¶ 7.

Kelvin Moore, another circulator whose petitions are being challenged, is also a seasoned petition circulator and has not held a permanent residence for twelve years. See attached Exhibit C, Affidavit of Kelvin Moore at ¶ 2. As he travels from one state and one job to another, he lives in motels and carries his possessions with him. Id. at ¶ 4. Sometimes after he finishes a job, he will stay in that state in a motel while he waits for a call with a new petition job offer. Id. While circulating petitions in Ohio, Mr. Moore rented office space from a friend on a temporary basis, which he used to manage his daily circulating work. Id. at ¶ 7.

Kacey Veliquette is also a professional petition circulator and she also has not had a permanent residence address since she began circulating petitions full-time in 2015. Ms. Veliquette circulated Drug Price Relief Petitions in Ohio in 2015, and listed her address on her circulator statements as 1900 South Ocean Boulevard, Myrtle Beach, South Carolina. This is the address that is listed on Ms. Veliquette's driver's license, which she obtained while she resided at that address, which is a motel. Ms. Veliquette listed this address on her petitions because it was listed on her driver's license and because she does not have a permanent address.

III. ARGUMENT

A. This case is not ripe for a decision of Relators' claim because outstanding issues raised in a parallel action may negate the impact of any such ruling and because Relators have three other claims that could impact the extent of any deficiency that may be created by a ruling on the instant legal claim.

The legal question on which Relators have moved for partial summary judgment cannot be properly and conclusively decided through this action alone. Even if Relators' were granted partial summary judgment on their claim that the part-petitions of these four circulators are

invalid and that rejection of Ms. Harper’s petitions would move the petition below the 44 county threshold, this will not be known until other issues are decided in a parallel action.¹

Ripeness is a “question of timing.” *State ex rel. Elyria Foundry Co. v. Industrial Comm’n.*, 82 Ohio St. 3d 88, 89, 1998-Ohio-1513, 694 N.E.2d 459 (1998) (quoting *Regional Rail Reorganization Act Cases*, 419 U.S. 102, 140 (1974)). Ripeness doctrine “seeks to prevent courts from engaging in premature adjudication.” *Johnson v. Ferguson-Ramos*, 10th Dist. Franklin No. 04AP-11, 2005 2005-Ohio-3280. In order for a dispute to “ripen” to the point where judicial resolution is appropriate, the legal question must be “sufficiently concrete for decision.” *Id.* (quoting *United States ex rel. Lightcap*, 567 F. 2d 1226, 1232 (3rd Cir. 1977)). The ripeness doctrine counsels courts against deciding questions which are “abstract . . . or remote.” *Elyria Foundry* at 89 (quoting Comment, *Mootness and Ripeness: The Postman Always Rings Twice* (1965), 65 Colum.L.Rev. 867, 876). The policy basis for the ripeness doctrine is “to prevent the courts, through avoidance of premature adjudication, from entangling themselves in abstract disagreements over administrative policies.” *Elyria Foundry* at 89 (quoting *Abbott Laboratories v. Gardner* 387 U.S. 136, 148 (1967)).

The Ohio Constitution’s framework for direct democracy requires that all citizen-initiated legislation must have a minimum threshold of support throughout the state. All initiative petitions must contain signatures equal to at least 3% statewide of votes cast for governor in the most recent election, and 1.5% of the electorate from at least 44 of Ohio’s 88 counties. Ohio Constitution, Article II, Section 1b & 1g. This dispute concerns both requirements. Relators argue that if Ms. Harper’s petitions are ruled invalid by this Court, then the ODPR Petition will

¹ See *Jones v. Husted*, Supreme Court Case No. 2016-0455 (discussed further below).

have only met the 1.5% threshold in 47 counties, and will therefore be one county short of the 44 county threshold required by the Ohio Constitution.

However, if Petition-Respondents in this case prevail in *Jones v. Husted*, Case No. 2016-0455, then Madison County will be restored as a threshold county and Petition-Respondents will have 44 qualified counties, the minimum required by the Constitution.² Thus, the question of the validity of Fifi Harper's petitions, the impact of which is a categorically speculative and remote question, is not ripe for legal determination. It would be decidedly premature for this Court to grant Realtors' motion until after the Court is able to rule on the status of the claims in *Jones v. Husted*.

If this Court grants Relators' Motion for Partial Summary Judgment, Respondent Secretary of State will still not be able to issue a notice of deficiency to Petition-Respondents under Rev. Code § 3519.16. The law requires that this notification inform Petition-Respondents of the "extent of the deficiency." *Id.* It will not, however, be possible for Secretary Husted to inform Petition-Respondents of the "extent of the deficiency," because that will not have yet been determined until *Jones v. Husted* and the remaining claims in this case are decided. Petition-Respondents will have ten days to collect additional signatures under § 3519.16, but will not know how many additional signatures they must collect, since additional signatures are being disputed in this case on Relators' un-moved claims, and Petitioners are seeking to recover wrongfully rejected signatures in *Jones v. Husted*. Therefore, the ten-day letter of deficiency required by § 3519.16 can only be issued once the Court renders a decision resolving all of the

² Madison County met the 1.5% threshold under the first review of the Petition, but is the only county that fell below the threshold as a result of the extraordinary second review ordered by Respondent Husted.

claims involved in the present case (not just the single claim at issue in the instant Motion), *and* all of the claims involved in *Jones v. Husted*.

This Court has yet to rule on a motion to consolidate these two cases, a motion which is opposed by Secretary Husted. See *Jones v. Husted*, Motion to Consolidate with Case No. 2016-0313, filed 3/28/16. Granting the motion to consolidate would allow this Court to definitively resolve both cases in a single decision. Alternatively, this Court should, under the ripeness doctrine, delay any decision on the claim in Relators' Motion for Partial Summary Judgment, until the status of the petitions from Madison County and other counties is resolved by a decision in *Jones v. Husted*.

B. A motion for summary judgment and, in particular, a motion for *partial* summary judgment is incompatible with the special constitutional process set forth in Article II, Section 1(G) of the Ohio Constitution.

Article II, Section 1g of the Ohio Constitution provides that all challenges to state issue petitions are to be decided by this Court and it sets forth tight time frames for bringing challenges and ruling on their outcome. As explained today in Petition-Respondents Memorandum in Opposition to Relators' Motion to Stay the Commencement of the Supplementary Petition Process, petitioners have a right to seek to qualify for the November 8, 2016 general election ballot. Piecemeal decision of multiple claims contained in a challenge to the petition is incompatible with this constitutional process because such decisions will fail to resolve all claims that must be decided in order for petitioners to know whether the ten-day cure period will be necessary and, if it will be, the exact extent of any deficiency that must be made up. See Rev. Code § 3519.16. Citizens seeking to initiate legislation need to know where they stand. Issuing one decision definitively resolving all claims is the best course of action for this

Court in order to safeguard the right of citizens to access the ballot and to decide cases consistent with the framework established by the Ohio Constitution.

Summary judgment is also incompatible with petition challenges under Article II, Section 1g because of the manner in which these challenges are made ready for decision. The Court does not set a discovery deadline and, as it has done in the present case, issues an order requiring Relators to file their brief and evidence all at once, followed by a date for Respondents to file their brief and evidence. A partial motion for summary judgment necessarily comes before these dates and before the completion of discovery and evidence gathering. Therefore, the basic process and structure of a challenge such as this will be undermined if the Court permits discovery to be stunted through such a motion.

C. Discovery is on-going, and the factual record is far from sufficiently developed for this Court to conclude that there is no dispute as to material fact.

Relators' motion for summary judgment is fundamentally premature. This Court has already set a deadline by which evidence must be submitted, and additional discovery is not only warranted, it is indispensable to a correct resolution of this challenge. Furthermore, the evidence submitted by Relators in support of their motion is objectionable under the Rules of Evidence and Rule 56 and insufficient to support summary judgment.

1. Relators' factual submissions to date contain a significant amount inadmissible hearsay, making the record as a whole insufficient to sustain summary judgment.

Affidavits may only be considered in support of a motion for summary judgment if they "set forth such facts as would be admissible in evidence." Rule 56(E). Relators' factual submissions do not conform to this requirement.

- Relators' Exhibit H, the affidavit of Christopher P. Ereg, as well as the factual conclusions Relators attempt to draw from that piece of the record, should be accorded only slight weight, if any, by the Court. The only materially relevant information in this affidavit is inadmissible hearsay, namely, the affiant's description of public records which are not a part of the record, and affiant's relation of a conversation with an unknown "Dave."
- The business records attached to Relators' Exhibit G also fail to comply with Rule 56(E). Relators and the affiant have not laid the proper basis for such exhibits to be admitted into evidence under Evid. R. 803(6). Furthermore, the government documents attached to this same exhibit also have not been authenticated. Relators also attempt to rely on unauthenticated government records in Exhibit J.
- Finally, Relators' Exhibit K, which consists entirely of the affidavit of Debbie Denton, and which is the sole basis upon which Relators' seek to invalidate Kacey Veliquette's part-petitions, is also inadmissible and unreliable. The affiant makes reference to "the records of the Motel," but no such records are attached to this exhibit.

These elements of the record are not reliable and are inadmissible as evidence. Relators' reliance on these submissions serves only to underscore the need of both parties to be permitted to complete the discovery process as-scheduled so the Court may make a determination with the benefit of a full complement of facts, not a thin and shaky record.

2. Key depositions dealing with facts that are material to Relators' motion have been scheduled but not yet conducted, rendering the factual record at this point incomplete and therefore insufficient to sustain summary judgment.

Even if Relators' factual submissions supported their motion for summary judgment with properly admissible evidence, this Court should not grant that motion because the material facts pertaining to this motion are the subject of upcoming depositions, which have been scheduled but not yet conducted.

Petition-Respondents' have served notice of deposition on Deputy Assistant Secretary of State Matthew Damschroder. This deposition has not yet taken place, but is scheduled for May 31, 2016. The subject matter of this deposition includes the material facts upon which Relators rely in the motion for summary judgment. See attached Exhibit A at ¶¶ 24-25. This deposition is of paramount importance for deciding the factual questions that remain on this legal issue, and this Court should decline to issue summary judgment until this deposition has been completed and has become a part of the record.

Relators' claim that the record contains no genuine dispute as to material fact is undermined by the fact that Relators are themselves still seeking to obtain discovery on the relevant material facts just a few days before they submitted their motion for summary judgment. For example, Relators issued a notice of deposition for David Saddler on May 9, four days before they submitted their motion for summary judgment, see attached Exhibit B, Subpoena of David Saddler, and it appears that this will include as one of its major topics the circulator statements made by Fifi Harper, Roy Jackson, Kelvin Moore, and Kacey Villiquette. See attached Exhibit B at ¶¶ 6-9, 12-13, 23-26. Relators are also actively seeking additional discovery on these facts upon which no genuine dispute allegedly exists through two other

depositions that have been scheduled but have not yet been conducted. See attached Exhibit B Subpoena of Hunter Hice; Subpoena of Eric Tincher at ¶¶ 6-9, 12-13, 23-26; Subpoena for Production of Documents of Elite Campaigns at ¶¶ 6-9, 12-13, 23-26;. Subpoena for Production of Documents of PCI Consultants, Inc. at ¶¶ 6-9, 12-13. 23-26.

Relators themselves have observed that the discovery process has been hampered by the itinerant lifestyles of professional petition circulators, see Motion for Partial Summary Judgment at footnote 4, and this has also slowed Petition-Respondents' efforts to obtain key facts through discovery and independent investigation. Professional petition circulators live their lives out of suitcases and motels and many of them do not have permanent residences.

Relators have, through their Motion for Partial Summary Judgment, jumped the gun in seeking premature resolution of this case. This Court has set a briefing and discovery schedule and Relators have presented no reason why that schedule should now be abandoned. On the contrary, both Relators and Petition-Respondents have key discovery actions that are still pending, and discovery and factual investigation remains an on-going process. This Court has sanctioned continued discovery through June 22, through its Order on May 18, and it should reject Relators efforts to short-circuit the discovery process.

D. The claim on which Relators have moved for partial summary judgment raises important issues under the Ohio and U.S. Constitution that should not be decided on the basis of an incomplete factual record and a partial briefing.

This challenge presents serious constitutional questions that this Court should confront directly, on the basis of a robust record. Circulating petitions is expressive political activity that is protected by the First Amendment. Rev. Code § 3519.05 and § 3501.38(E) limit, in effect, the class of persons who may exercise this important constitutional right to those individuals who

possess a permanent residential address. These statutes prevent persons who do not possess a permanent residence from engaging in certain protected forms of speech and expression. These statutes are therefore constitutionally suspect and enforcement of these provisions may violate the First Amendment.

Relators seek summary judgment based on a statute that is of questionable constitutional viability as applied to individuals who lack a permanent residence address. Relators themselves acknowledge that their motion for summary judgment treads upon extremely sensitive constitutional territory. See Motion for Summary Judgment at footnote 9. However, these issues have not been presented to this Court prior to this motion, let alone fully briefed. And, as previously discussed, key discovery has yet to be conducted or yet to be realized. This Court should therefore take heed of the serious constitutional implications of this case, and deny Relators' motion for summary judgment until all parties have an opportunity to complete discovery, and fully brief the Court on the constitutional questions presented by this dispute.

1. Requiring petition circulators who do not have a permanent residence address to provide a permanent residence address implicates core political speech and may violate the First Amendment.

It is long-settled law that the actions, associations, and verbal expressions that are involved in circulating petitions are “core political speech” and that any restriction on this right are subject to the protection of the First Amendment. *Meyer v. Grant*, 486 U.S. 414, 420 (1988). The Supreme Court has held that the First Amendment “protects not only the right to advocate their cause but also to select what they believe to be the most effective means for doing so.” *Id.* at 424. Accordingly, state actions that place severe burdens on this protected right are subjected to “exacting scrutiny.” *Buckley v. American Constitutional Law Foundation*, 525 U.S. 182, 199

(1999). These twin pillars of U.S. Supreme Court precedent have supported a robust case law in lower federal courts that have reviewed state regulation of petition circulators.

The firm consensus among federal courts states that any regulation of petition circulators that reduces “the available pool of circulators” must be narrowly tailored to a compelling state interest. *Yes on Term Limits v. Savage*, 550 F.3d 1023, 1029 (10th Cir. 2008); *Citizens for Tax Reform v. Deters*, 518 F.3d 375, 385 (6th Cir. 2008) (holding that Ohio statute requiring petition circulators to be paid only for their time was subject to strict scrutiny because statute makes circulating petitions more expensive and deterred professional circulators from working in the state); see also *Libertarian Party of Virginia v. Judd*, 718 F.3d 308, 316 (4th Cir. 2013) (noting “a general agreement among our sister circuits that residency restrictions bearing on petition circulators . . . burden First Amendment rights in a sufficiently severe fashion to merit the closest examination”); *Nader v. Brewer*, 531 F.3d 1028, 1037 (9th Cir. 2008) (holding that Arizona’s residency requirement for petition circulators is not narrowly tailored to a compelling state interest); *Krislov v. Rednour*, 226 F.3d 851, 860 (7th Cir. 2000); *Nader v. Blackwell*, 545 F.3d 459, 478 (6th Cir. 2008) (striking down Ohio’s residency requirement for nominating petition circulators under the overbreadth doctrine).

2. Three of the four petition circulators that Relators are challenging are itinerant workers without permanent residences, which is true of many professional petition circulators.

Professional petition circulators often have a very itinerant lifestyle which is incompatible with maintaining a fixed, stationary, permanent residence address. See attached Exhibit G, affidavit of Angelo Paparella, at ¶ 8. Three of the four circulators whose petitions are being challenged are, in a legal sense, homeless.

For example, Fifi Harper has not maintained a residence since the summer of 2015, and has not consistently held a permanent residence since she began working as a petition circulator in 2002. Exhibit E, Affidavit of Fifi Harper at ¶¶ 3-4. She receives her personal and professional correspondence with a third-party mailbox company located in Arizona. *Id.* at 12. This company provides her with notification via text message when she receives a piece of certified mail. *Id.* Ms. Harper gave this address on her part-petitions for the ODPRA when she circulated those petitions in 2015. *Id.* at ¶¶ 8-9. Ms. Harper has continued using this address to receive personal and professional correspondence since she circulated petitions in Ohio. *Id.* at ¶ 11; see also attached Exhibit F.

Kelvin Moore, another circulator whose petitions are being challenged, is also a seasoned petition circulator and has not held a permanent residence for twelve years. Exhibit C, Affidavit of Kelvin Moore at ¶ 3. As he travels from one state and one job to another, he lives in motels and carries his possessions with him. *Id.* at ¶ 4. While Mr. Moore was in Ohio circulating petitions, he rented office space from a friend at 3143 West 33rd Street, Cleveland, Ohio 44109. *Id.* at ¶ 7. He used this space to manage his circulating efforts, and listed this address on his circulator statement. *Id.* at ¶¶ 7-8. This office address was the closest thing that Mr. Moore had to a permanent address where he could be contacted. *Id.* at ¶ 8. He returned there after performing his daily circulation work, and he had continuing ties to the building through the friend who rented him the space. *Id.* at ¶¶ 7-9.

Kacey Veliquette is also a professional petition circulator and she also has not had a permanent residence address since she began circulating petitions full-time in 2015. Exhibit D at ¶¶ 1-3. Ms. Veliquette circulated Drug Price Relief Petitions in Ohio in 2015, and listed her address on her circulator statements as 1900 South Ocean Boulevard, Myrtle Beach, South

Carolina. Id. at ¶¶ 5-6. This is the address that is listed on Ms. Veliquette's driver's license, which she obtained while she resided at the above address, which is a motel. Id. at ¶¶ 6-7. Ms. Veliquette listed this address because it had previously been her residence. Id. at ¶ 7. When she circulated her part-petitions, she was uncertain what address to give because she did not have a permanent address, so she determined that the closest thing that she had to a permanent address was the address that was permanently on her driver's license. Id.

Enforcing the permanent residence requirement against these individuals who are, effectively, itinerants without permanent residences, would deter professionals from circulating petitions in Ohio. Exhibit G at ¶ 8. This would, in turn, cause a serious reduction in the available pool of petition circulators, and force Ohio citizens who are seeking to initiate legislation to use less efficient or successful means. Id. ¶¶ 7-8. These facts and considerations in light of the extensive case law dealing with circulator regulations raises serious questions about the constitutionality of the Ohio's permanent residency requirement.

3. More discovery and additional briefing is necessary in order for this Court to resolve this difficult constitutional question.

This question must be addressed, and not ignored. Relators have themselves noted, in a footnote, that the residency requirement, which is comingled with the permanent address requirement in Rev. Code § 3509.05, has been struck down in the context of a nominating petition, and is almost certainly also unconstitutional as-applied to initiative petition circulators without permanent residences. The instant briefing is not an appropriate vehicle for a thorough discussion of the constitutional question presented. Nor would such a discussion be possible at this stage of the litigation, since important discovery remains unfulfilled which may shed light on these questions.

For example, the record is far from sufficient for this court to make a determination as to the effect on the available pool of circulators of enforcing the permanent residency requirement against itinerant professional circulators. Petition-Respondents have submitted evidence that the effect is substantial, and this evidence also shows that successful petition drives may be entirely dependent on the availability of interstate professional petition circulators. While Petition-Respondents urge the Court to note this evidence, Petition-Respondents do not suggest that difficult and important constitutional questions can be determined on the basis of a handful of affidavits. These issues should be squarely litigated, or, at a minimum, fully briefed on the basis of a complete factual record in order for the issue to be properly presented to the Court.

This Court has been placed in a position where it cannot grant Relators' motion for summary judgment without possibly violating the protected First Amendment rights of both Petition-Respondents and the circulators whose part-petitions are being challenged. Petition-Respondents therefore respectfully request that this Court exercise prudence and forbearance and deny Relators' Motion for Partial Summary Judgment until the Court is prepared and equipped to decide this constitutional question.

IV. CONCLUSION

Petition-Respondents urge the Court to **DENY** Relators' Motion for Partial Summary Judgment and allow continued discovery and briefing in accordance with the Court's May 18 Order.

Respectfully submitted,

/s/ Donald J. McTigue

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was served by e-mail on May 23, 2016, upon the following:

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/s/ Donald J. McTigue
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EXHIBIT A

DEPOSITION NOTICE OF MATTHEW DAMSCHRODER

IN THE SUPREME COURT OF OHIO

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

RESPONDENTS' NOTICE OF DEPOSITION OF MATTHEW DAMSCHRODER

PLEASE TAKE NOTICE that pursuant to Rule 30 of the Ohio Rules of Civil Procedure, counsel for Respondents William S. Booth, Daniel L. Darland, Tracy L. Jones, and Latonya D. Thurman will take the deposition of Matthew Damschroder on May 31, 2016, at 9:30 a.m. at the offices of McTigue & Colombo, LLC, 545 East Town Street, Columbus, Ohio 43215 for purposes of trial and for any other purposes permitted under the Ohio Rules of Evidence and Civil Procedure and the Supreme Court of Ohio Rules of Practice. The deposition shall be held before a court reporter. The deposition shall continue until completed. Attached hereto as Exhibit A is a non-exhaustive list of topics that the deposition will cover.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via electronic mail on May 20, 2016 upon:

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EXHIBIT A

DEFINITIONS

As used herein:

“Petition” means the initiative petition proposing the Ohio Drug Price Relief Act filed with the Ohio Secretary of State’s office on December 22, 2016.

“Act” means the Ohio Drug Price relief Act proposed by the Petition.

“Secretary” or “Secretary of State” means the Ohio Secretary of State.

MATTERS ON WHICH EXAMINATION WILL BE MADE

Petition Respondent intend to depose the deponent on matters including, but not limited to, the following:

1. Communications with any attorney or employee of the law firm Bricker & Eckler LLP concerning the Petition or the Act.
2. Communications with any member or employee of the Ohio General Assembly concerning the Petition or the Act.
3. Communications with any member, officer, employee, or representative of The Ohio Manufacturers’ Association concerning the Petition or the Act.
4. Communications with any board member, officer, employee, or representative of The Ohio Chamber of Commerce concerning the Petition or the Act.
5. Communications with any board member, officer, employee, or representative of the Pharmaceutical Research and Manufacturers of America concerning the Petition or the Act.
6. Communications between or among the Secretary, the Secretary’s employees, agents, or representatives, or other persons acting on the Secretary’s behalf or under the Secretary’s control concerning the Petition or the Act.
7. Communications between or among the Secretary, the Secretary’s employees, agents, or representatives, or other persons acting on the Secretary’s behalf or under the Secretary’s control concerning the law firm of Bricker & Eckler LLP, The Ohio Manufacturers’ Association, The Ohio Chamber of Commerce, and/or the Pharmaceutical Research and Manufacturers of America concerning the Petition or the Act.

8. **Communications with any other person concerning the Petition or the Act.**
9. **Communications with any person concerning Ohio Secretary of State Directive 2016-01.**
10. **Statewide initiative petitions proposing a law to the Ohio General Assembly that have been filed with the Ohio Secretary of State's office since January 1, 1991, including the filing and transmittal dates.**
11. **Statewide initiative, referendum, or supplementary petitions filed with the Ohio Secretary of State's office since January 1, 1991 that, upon completion of the review performed by the boards of elections, were returned or re-submitted to the boards of elections, by the Secretary of State, for an additional review.**
12. **The date that the Secretary of State is obligated under Article II, Section 1b of the Ohio Constitution to transmit laws proposed by initiative petition to the General Assembly.**
13. **Statewide initiative, referendum, or supplementary petitions filed with the Ohio Secretary of State's office since January 1, 1991 that contained signatures that were struck out from any number of part-petitions on**
14. **Statewide initiative, referendum, or supplementary petitions filed with the Ohio Secretary of State's office since January 1, 1991 that contain discrepancies in the number of actual signatures appearing on the part-petitions compared to the number of signatures attested to in the corresponding circulator statements.**
15. **Contracts and contract extensions with the law firm of Bricker & Eckler LLP to provide legal services to the Secretary or his office on any matter.**
16. **The development and/or implementation of Ohio Secretary of State Directive 2016-01.**
17. **Any review by the Ohio Secretary State's office of any part-petitions comprising the Petition before they were first transmitted to the county boards of elections.**
18. **Any review by the Ohio Secretary State's office of any of the part-petitions comprising the Petition after they were first transmitted to the county boards of elections and before they were transmitted a second time to the county boards of elections.**
19. **Any review by the Ohio Secretary State's office of any part-petitions comprising the Petition after the certification of the sufficiency of the Petition by the Secretary.**
20. **Any review by the Ohio Secretary State's office at any time of the electronic copy**

of the Petition filed at the same time as the Petition.

21. Any consideration by the Ohio Secretary of State's office since January 1, 2011 of the legal or other effect of signatures struck out on a petition or part-petition of any kind.
22. Any consideration by the Ohio Secretary of State's office since January 1, 2011 of the legal or other effect of the stated number of signatures in a circulator's statement on a petition or part-petition of any kind being different than the number of signatures and/or non-struck out signatures on a petition or part-petition.
23. Any convictions of any circulators of the Petition, or investigation of whether any of such circulators have been convicted of a felony.
24. Any investigation of the residence of any circulator of the Petition or information that the residence of the circulator of the Petition is or is not the same as listed on the circulator's statement on the Petition.
25. Letters of sufficiency or deficiency for all statewide initiative, referendum, or supplementary petitions by the Ohio Secretary of State's office since January 1, 1991.

EXHIBIT B
OTHER OUTSTANDING SUBPOENAS AND
DEPOSITION NOTICES

Approved, SCAO

Original - Return
1st copy - Person subject to subpoena
2nd copy - Requesting person's file

STATE OF MICHIGAN 9th JUDICIAL CIRCUIT Kalamazoo COUNTY	SUBPOENA FOR OUT-OF-STATE CASE	ADMIN-2016-0017-A7
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Court address: Kalamazoo County Circuit Court, 227 W. Michigan Ave., Kalamazoo, MI 49007
 Court telephone no.: (269) 383-8837

This subpoena is issued for the following out-of-state case under MCL 600.2201 *et seq.*

Case name: The Ohio Manufacturers' Association, et al. v. Ohioans for Drug Price Relief Act, et al.		
Name of state/territory where case is filed: Ohio	Name of court: The Supreme Court of Ohio	Case number: 2016-0313

Note: Attach a separate sheet containing the names, addresses, and telephone numbers of all attorneys of record and any parties not represented by an attorney.

Person requesting subpoena: Eric K. Shih (P71326)			
Address: Clark Hill PLC, 500 Woodward Ave., Suite 3500			
City: Detroit	State: MI	Zip: 48226	Telephone no.: (313) 965-8813

In the Name of the People of the State of Michigan. TO:
David Saddler, 1028 Clinton Avenue, Kalamazoo, MI 49001

YOU ARE ORDERED TO COMPLY WITH THE ATTACHED OUT-OF-STATE SUBPOENA:

- 1. Appear personally at the time and place stated below for the purposes stated in that subpoena:
 Date: June 8, 2016
 Time: 11:00 am
 Location: Western Michigan University Campus, Fetzer Business Center, 2350 Business Court, Kalamazoo, MI 49008
- 2. Produce/Permit inspection or copying of the items stated in that subpoena.
- 3. Permit inspection of the premises identified in that subpoena.

THE TERMS OF THE OUT-OF-STATE SUBPOENA ARE INCORPORATED IN THIS ORDER BY REFERENCE. FAILURE TO OBEY THE COMMANDS OF THE SUBPOENA MAY SUBJECT YOU TO PENALTY FOR CONTEMPT OF COURT.



5/19/2016
Date

Jessica Bodley
Circuit Court Clerk

PROOF OF SERVICE

**SUBPOENA FOR
OUT-OF-STATE CASE**
Case No. _____

TO PROCESS SERVER: You must make and file your return with the person requesting the subpoena. If you are unable to complete service, you must return this original and all copies to the person requesting the subpoena.

CERTIFICATE / AFFIDAVIT OF SERVICE / NON-SERVICE

OFFICER CERTIFICATE OR **AFFIDAVIT OF PROCESS SERVER**
I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that: (notarization not required)
Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)

I served a copy of the subpoena, together with _____ (including any required fees) by _____ Attachment
 personal service registered or certified mail (copy of return receipt attached) on:

Name(s)	Complete address(es) of service	Day, date, time

I have personally attempted to serve the subpoena and required fees, if any, together with _____ Attachment on the following person and have been unable to complete service.

Name(s)	Complete address(es) of service	Day, date, time

I declare that the statements above are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	TOTAL FEE
\$		\$	
Incorrect address fee	Miles traveled	Fee	\$
\$		\$	\$

Signature _____
Name (type or print) _____
Title _____

Subscribed and sworn to before me on _____ Date _____ County, Michigan.

My commission expires: _____ Date _____ Signature: _____ Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the subpoena and required fees, if any, together with _____ Attachment

_____ on _____ Day, date, time

Signature _____ on behalf of _____

IN THE SUPREME COURT OF OHIO
Subpoena for Deposition

The Ohio Manufacturers' Association, et al.
Relators

Case No. 2016-0313

v.

Ohioans for Drug Price Relief Act, et al.
Respondents.

The State of Ohio
Franklin County, ss

To: Attorney Process Server _____ Sheriff of _____ County, OH

YOU ARE HEREBY COMMANDED TO SERVE THE FOLLOWING NAMED PERSON, to wit:

Person Business

<u>Saddler</u>		<u>1028 Clinton Avenue</u>
Last Name/Business Name		Street Address
<u>David</u>		_____
First Name	Mid. Init. Designation	Address Line 2

		Address Line 3
		<u>Kalamazoo</u>
		City
		<u>MI</u> <u>49001</u>
		State Zip Code

To be and appear at Western Michigan University Campus, Fetzer Business Center, 2350 Business Court, Kalamazoo, MI 49008 on the 8th day of June, 2016 at 11:00 a.m.

- Attend and give testimony at a deposition on the date, time, and at the place specified above.
- Produce and permit inspection and copying on the date and at the time and place specified above, of any designated documents or electronically stored information that are in your possession, custody, or control.

Anne Marie Sfetra 0030855 (614) 227-2300 Atty. for Relators
Attorney Name Supreme Ct No. Phone

Sheriff's Fees I received this subpoena on the ____ day of _____, 2016, and served the party by _____ on the ____ day of _____, 2016.

Service _____ I was unable to complete service for the following reason: _____

Mileage _____

Copy _____

Total _____

NOTE: READ ALL INFORMATION ON THE SECOND PAGE OF THIS SUBPOENA

CIVILRULE 45(C) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS

(1) A PARTY OR AN ATTORNEY RESPONSIBLE FOR THE ISSUANCE AND SERVICE OF A SUBPOENA SHALL TAKE REASONABLE STEPS TO AVOID IMPOSING UNDUE BURDEN OR EXPENSE ON A PERSON SUBJECT TO THAT SUBPOENA.

(2) (a) A PERSON COMMANDED TO PRODUCE UNDER DIVISIONS (A)(1)(B)(II), (III), (IV), OR (V) OF THIS RULE NEED NOT APPEAR IN PERSON AT THE PLACE OF PRODUCTION OR INSPECTION UNLESS COMMANDED TO ATTEND AND GIVE TESTIMONY AT A DEPOSITION, HEARING, OR TRIAL.

(b) SUBJECT TO DIVISION (D)(2) OF THIS RULE, A PERSON COMMANDED TO PRODUCE UNDER DIVISIONS (A)(1)(B)(II), (III), (IV), OR (V) OF THIS RULE MAY, WITHIN FOURTEEN DAYS AFTER SERVICE OF THE SUBPOENA OR BEFORE THE TIME SPECIFIED FOR COMPLIANCE IF SUCH TIME IS LESS THAN FOURTEEN DAYS AFTER SERVICE, SERVE UPON THE PARTY OR ATTORNEY DESIGNATED IN THE SUBPOENA WRITTEN OBJECTIONS TO PRODUCTION. IF OBJECTION IS MADE, THE PARTY SERVING THE SUBPOENA SHALL NOT BE ENTITLED TO PRODUCTION EXCEPT PURSUANT TO AN ORDER OF THE COURT BY WHICH THE SUBPOENA WAS ISSUED. IF OBJECTION HAS BEEN MADE, THE PARTY SERVING THE SUBPOENA, UPON NOTICE TO THE PERSON COMMANDED TO PRODUCE, MAY MOVE AT ANY TIME FOR AN ORDER TO COMPEL THE PRODUCTION. AN ORDER TO COMPEL PRODUCTION SHALL PROTECT ANY PERSON WHO IS NOT A PARTY OR AN OFFICER OF A PARTY FROM SIGNIFICANT EXPENSE RESULTING FROM THE PRODUCTION COMMANDED.

(3) ON TIMELY MOTION, THE COURT FROM WHICH THE SUBPOENA WAS ISSUED SHALL QUASH OR MODIFY THE SUBPOENA, OR ORDER APPEARANCE OR PRODUCTION ONLY UNDER SPECIFIED CONDITIONS, IF THE SUBPOENA DOES ANY OF THE FOLLOWING:

(a) FAILS TO ALLOW REASONABLE TIME TO COMPLY;

(b) REQUIRES DISCLOSURE OF PRIVILEGED OR OTHERWISE PROTECTED MATTER AND NO EXCEPTION OR WAIVER APPLIES;

(c) REQUIRES DISCLOSURE OF A FACT KNOWN OR OPINION HELD BY AN EXPERT NOT RETAINED OR SPECIALLY EMPLOYED BY ANY PARTY IN ANTICIPATION OF LITIGATION OR PREPARATION FOR TRIAL AS DESCRIBED BY CIV. R. 26(B)(4), IF THE FACT OR OPINION DOES NOT DESCRIBE SPECIFIC EVENTS OR OCCURRENCES IN DISPUTE AND RESULTS FROM STUDY BY THAT EXPERT THAT WAS NOT MADE AT THE REQUEST OF ANY PARTY;

(d) SUBJECTS A PERSON TO UNDUE BURDEN.

(4) BEFORE FILING A MOTION PURSUANT TO DIVISION (C)(3)(d) OF THIS RULE, A PERSON RESISTING DISCOVERY UNDER THIS RULE SHALL ATTEMPT TO RESOLVE ANY CLAIM OF UNDUE BURDEN THROUGH DISCUSSIONS WITH THE ISSUING ATTORNEY. A MOTION FILED PURSUANT TO DIVISION (C)(3)(d) OF THIS RULE SHALL BE SUPPORTED BY AN AFFIDAVIT OF THE SUBPOENAED PERSON OR A CERTIFICATE OF THAT PERSON'S ATTORNEY OF THE EFFORTS MADE TO RESOLVE ANY CLAIM OF UNDUE BURDEN.

(5) IF A MOTION IS MADE UNDER DIVISION (C)(3)(c) OR (C)(3)(d) OF THIS RULE, THE COURT SHALL QUASH OR MODIFY THE SUBPOENA UNLESS THE PARTY IN WHOSE BEHALF THE SUBPOENA IS ISSUED SHOWS A SUBSTANTIAL NEED FOR THE TESTIMONY OR MATERIAL THAT CANNOT BE OTHERWISE MET WITHOUT UNDUE HARDSHIP AND ASSURES THAT THE PERSON TO WHOM THE SUBPOENA IS ADDRESSED WILL BE REASONABLY COMPENSATED.

CIVIL RULE 45 (D) DUTIES IN RESPONDING TO SUBPOENA.

(1) A PERSON RESPONDING TO A SUBPOENA TO PRODUCE DOCUMENTS SHALL, AT THE PERSON'S OPTION, PRODUCE THEM AS THEY ARE KEPT IN THE USUAL COURSE OF BUSINESS OR ORGANIZED AND LABELED TO CORRESPOND WITH THE CATEGORIES IN THE SUBPOENA. A PERSON PRODUCING DOCUMENTS OR ELECTRONICALLY STORED INFORMATION PURSUANT TO A SUBPOENA FOR THEM SHALL PERMIT THEIR INSPECTION AND COPYING BY ALL PARTIES PRESENT AT THE TIME AND PLACE SET IN THE SUBPOENA FOR INSPECTION AND COPYING.

(2) IF A REQUEST DOES NOT SPECIFY THE FORM OR FORMS FOR PRODUCING ELECTRONICALLY STORED INFORMATION, A PERSON RESPONDING TO A SUBPOENA MAY PRODUCE THE INFORMATION IN A FORM OR FORMS IN WHICH THE INFORMATION IS ORDINARILY MAINTAINED IF THAT FORM IS REASONABLY USEABLE, OR IN ANY FORM THAT IS REASONABLY USEABLE. UNLESS ORDERED BY THE COURT OR AGREED TO BY THE PERSON SUBPOENAED, A PERSON RESPONDING TO A SUBPOENA NEED NOT PRODUCE THE SAME ELECTRONICALLY STORED INFORMATION IN MORE THAN ONE FORM.

(3) A PERSON NEED NOT PROVIDE DISCOVERY OF ELECTRONICALLY STORED INFORMATION WHEN THE PRODUCTION IMPOSES UNDUE BURDEN OR EXPENSE. ON MOTION TO COMPEL DISCOVERY OR FOR A PROTECTIVE ORDER, THE PERSON FROM WHOM ELECTRONICALLY STORED INFORMATION IS SOUGHT MUST SHOW THAT THE INFORMATION IS NOT REASONABLY ACCESSIBLE BECAUSE OF UNDUE BURDEN OR EXPENSE. IF A SHOWING OF UNDUE BURDEN OR EXPENSE IS MADE, THE COURT MAY NONETHELESS ORDER PRODUCTION OF ELECTRONICALLY STORED INFORMATION IF THE REQUESTING PARTY SHOWS GOOD CAUSE. THE COURT SHALL CONSIDER THE FACTORS IN CIV. R. 26(B)(4) WHEN DETERMINING IF GOOD CAUSE EXISTS. IN ORDERING PRODUCTION OF ELECTRONICALLY STORED INFORMATION, THE COURT MAY SPECIFY THE FORMAT, EXTENT, TIMING, ALLOCATION OF EXPENSES AND OTHER CONDITIONS FOR THE DISCOVERY OF THE ELECTRONICALLY STORED INFORMATION.

(4) WHEN INFORMATION SUBJECT TO A SUBPOENA IS WITHHELD ON A CLAIM THAT IT IS PRIVILEGED OR SUBJECT TO PROTECTION AS TRIAL PREPARATION MATERIALS, THE CLAIM SHALL BE MADE EXPRESSLY AND SHALL BE SUPPORTED BY A DESCRIPTION OF THE NATURE OF THE DOCUMENTS, COMMUNICATIONS, OR THINGS NOT PRODUCED THAT IS SUFFICIENT TO ENABLE THE DEMANDING PARTY TO CONTEST THE CLAIM.

(5) IF INFORMATION IS PRODUCED IN RESPONSE TO A SUBPOENA THAT IS SUBJECT TO A CLAIM OF PRIVILEGE OR OF PROTECTION AS TRIAL-PREPARATION MATERIAL, THE PERSON MAKING THE CLAIM MAY NOTIFY ANY PARTY THAT RECEIVED THE INFORMATION OF THE CLAIM AND THE BASIS FOR IT. AFTER BEING NOTIFIED, A RECEIVING PARTY MUST PROMPTLY RETURN, SEQUESTER, OR DESTROY THE SPECIFIED INFORMATION AND ANY COPIES WITHIN THE PARTY'S POSSESSION, CUSTODY OR CONTROL. A PARTY MAY NOT USE OR DISCLOSE THE INFORMATION UNTIL THE CLAIM IS RESOLVED. A RECEIVING PARTY MAY PROMPTLY PRESENT THE INFORMATION TO THE COURT UNDER SEAL FOR A DETERMINATION OF THE CLAIM OF PRIVILEGE OR OF PROTECTION AS TRIAL-PREPARATION MATERIAL. IF THE RECEIVING PARTY DISCLOSED THE INFORMATION BEFORE BEING NOTIFIED, IT MUST TAKE REASONABLE STEPS TO RETRIEVE IT. THE PERSON WHO PRODUCED THE INFORMATION MUST PRESERVE THE INFORMATION UNTIL THE CLAIM IS RESOLVED.

Counsel of Record
The Ohio Manufacturers' Association v. Ohioans for Drug Price Relief Act, et al.
Ohio Supreme Court Case No. 2016-0313

Kurtis A. Tunnell
Anne Marie Sferra
Nelson M. Reid
James P. Schuck
BRICKER & ECKLER LLP
100 South Third Street
Columbus, Ohio 43215
(614) 227-2300 (Telephone)
(614) 227-2390 (Facsimile)

Counsel for Relators
The Ohio Manufacturers' Association, The Ohio Chamber of Commerce,
Pharmaceutical Research and Manufacturers of America, Keith A. Lake, and Ryan Augsburg

Steven T. Voigt
Senior Assistant Attorney General
Brodi J. Conover
Assistant Attorney General
Constitutional Offices Section
30 E. Broad Street, 16th Floor
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Counsel for Respondent Secretary Jon Husted

Donald J. McTigue
J. Corey Colombo
Derek S. Clinger
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(614) 263-7000 (Telephone)
(614) 263-7078 (Facsimile)

Counsel for Respondents William S. Booth, Daniel L. Darland, Tracy L. Jones, and Latonya D. Thurman

IN THE SUPREME COURT OF OHIO
Subpoena for Production of Documents

The Ohio Manufacturers' Association, et al.
Relators

Case No. 2016-0313

v.

Ohioans for Drug Price Relief Act, et al.
Respondents.

The State of Ohio
Franklin County, ss

To: Attorney Process Server _____ Sheriff of _____ County, OH

YOU ARE HEREBY COMMANDED TO SERVE THE FOLLOWING NAMED PERSON, to wit:

Person Business

Saddler
Last Name/Business Name

1028 Clinton Avenue
Street Address

David
First Name

_____ Mid. Init. Designation

_____ Address Line 2

_____ Address Line 3
Kalamazoo

_____ City

MI _____ 49001

State _____ Zip Code

To produce documents to Eric Shih at Clark Hill, 500 Woodward Ave., Suite 3500, Detroit, MI 48226 by May 25, 2016.

Produce and permit inspection and copying on the date and at the time and place specified above, of any designated documents or electronically stored information that are in your possession, custody, or control **as described in Exhibit A attached hereto.**

Produce and permit inspection and copying, testing, or sampling on the date and at the time and place specified above, of any tangible things that are in your possession, custody, or control.

Anne Marie Sferra
Attorney Name

0030855
Supreme Ct No.

(614) 227-2300
Phone

Atty. for Relators

Sheriff's Fees

I received this subpoena on the ____ day of _____, 2016, and served the party by _____ on the ____ day of _____, 2016.

Service _____
Mileage _____
Copy _____
Total _____

I was unable to complete service for the following reason: _____

NOTE: READ ALL INFORMATION ON THE SECOND PAGE OF THIS SUBPOENA

CIVILRULE 45(C) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS

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EXHIBIT A

DEFINITIONS AND INSTRUCTIONS

- A. The following terms shall have the meanings indicated below:
- (1) The term "Respondents" shall mean William S. Booth, Daniel L. Darland, Tracy L. Jones, and Latonya D. Thurman, individually and as the committee supporting the Ohio Drug Price Relief Act, and their present and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, attorneys, and other persons or entities acting or purporting to act on their behalf.
 - (2) The term "Petition" shall mean the initiative petition filed with the Ohio Secretary of State on December 22, 2015 proposing to enact Section 194.01 of the Ohio Revised Code, sometimes referred to as "The Ohio Drug Price Relief Act."
 - (3) The term "person" shall mean and include natural persons, governmental entities, proprietorships, corporations, partnerships, joint ventures, and each other form of organization, entity or association.
 - (4) The term "document" is used in the broadest possible sense and shall mean, without limitation, any kind of written, printed, recorded or graphic matter, however produced or reproduced, of any kind or description, whether sent or received or neither, including originals, copies and drafts and both sides of originals, copies and drafts, and including but not limited to papers, books, letters, correspondence, telegrams, cables, telex messages, electronic messages or electronic mail (whether or not stored or recorded on-line or off-line in archive storage), financial statements, memoranda, notes, notations, work papers, transcripts, minutes, reports and recordings of telephone conversations or other conversations, or of interviews, or of conferences or other meetings, affidavits, statements, summaries, opinions, reports, studies, analyses, evaluations, contracts, agreements, journals, statistical records, desk calendars, appointment books, diaries, expense account records, lists, tabulations, summaries, sound recordings, videotapes, word processing disks and/or memory or archive systems, computer disks and/or memory or archive systems, computer printouts, data processing input and output, magnetic tapes, magnetic disks, microfilms, all other records kept by electronic, magnetic, photographic, optical or mechanical means, and things similar to any of the foregoing, however denominated.
 - (5) The term "communication" shall mean the transmission of any verbal or nonverbal, written or non-written message, information, sign, symbol, or behavior, and shall include the process by which such transmission occurs.
 - (6) The words "documents relating to" shall mean documents containing, constituting, showing, evidencing, concerning, pertaining to, relating to, and/or referring to, whether directly or indirectly.
- B. The singular number and masculine gender shall include, and be applied as, the plural or the feminine gender or neuter, and vice-versa, as the circumstances of the particular request may make appropriate.
- C. If you deem any request for documents to call for the production of privileged or otherwise nondisclosable materials and you assert such claim, please furnish a list at the time of production identifying each document so withheld together with the following information:
- (1) the reason for withholding each such document or material, stated with sufficient particularity so as to permit the Court to adjudicate the validity of the claimed privilege;

- (2) a statement of the facts constituting the basis for any claim of privilege or other ground of non-disclosure; and
- (3) a brief description of each such document or other material, including:
 - (a) the date of the document;
 - (b) the name of its author(s) or preparer(s) and an identification by employment and title of each such person(s);
 - (c) the name of each person to whom the document or other material was sent or who has had access to, or custody of, the document or other material, together with an identification of each such person(s);
 - (d) the specific request to which the document or other material is responsive; and
 - (e) in the case of any document or other material that relates in any way to a meeting or conversation, identification of such meeting or conversation and the persons attending or participating in such meeting or conversation.

D. With respect to each document request, it is requested that you identify and produce all documents that are known to you or that you can locate or discover that are in your possession, custody or control, from whatever source derived, which, directly or indirectly, relate, refer or pertain to the subject matter of the request made, including, without limitation, all such documents in the files (whether they be denominated personal, business or any other files) in your possession, custody or control or, as applicable, of your employees, agents, representatives or other persons acting on your behalf or under your control.

E. It is requested that you produce all responsive documents and other materials in an orderly manner (and with appropriate markings or other identification) so that a reasonable person will be able to identify the source of the document or other material, the file in which the document or other material was maintained, the person to whom such file belongs, and the specific request to which the document or other material is responsive.

DOCUMENTS TO BE PRODUCED

1. Please produce all communications and documents relating in any way thereto between you and any person that you utilized to circulate the Petition (including without limitation any handouts, manuals, training, and/or instructions).
2. Please produce all communications and documents relating in any way thereto between you and Respondents (including without limitation any handouts, manuals, training, and/or instructions).
3. Please produce all communications and documents relating in any way thereto between you and any of the following persons who filed a Form 15 ("Statement of Receiving or Providing Compensation for Circulating a Statewide Petition") with the Ohio Secretary of State in regard to the Petition: PCI Consultants, Inc., Angelo Paparella, DRW Campaigns LLC, Dustin Wefel, Elite Campaigns, Inc., Eric Tincher, Ohio Petitioning Partners LLC, Pamela Lauter, Ballot Access LLC, John Michael, Educated Voters, Cody Eldred, Elizabeth Page, Kelvin Moore, David Saddler, and/or Xavier Malagon (including without limitation any handouts, manuals, training, and/or instructions).
4. Please produce all contracts and agreements, and documents relating in any way thereto, between you and any person that you utilized to circulate the Petition.
5. Please produce all contracts and agreements, and documents relating in any way thereto, between you and Respondents.
6. Excluding part-petitions of the Petition, please produce all documents relating to the permanent residence address of Fifi Harper.
7. Excluding part-petitions of the Petition, please produce all documents relating to the permanent residence address of Roy Jackson.
8. Excluding part-petitions of the Petition, please produce all documents relating to the permanent residence address of Kelvin Moore.
9. Excluding part-petitions of the Petition, please produce all documents relating to the permanent residence address of Kacey Veliquette.
10. Excluding part-petitions of the Petition, please produce all documents relating to the alteration of, or striking of names on, any part-petition of the Petition prior to submission to the Ohio Secretary of State by a person who was not a signer of the part-petition, an attorney in fact for disabled voters acting pursuant to R.C. 3501.382, or the circulator of the part-petition.
11. Please produce any policies and/or procedures and documents relating in any way thereto relating to the alteration of, or striking of names on, part-petitions of petitions circulated by you or persons employed by you.

12. Please produce all documents relating in any way to actions you undertook to ensure that the persons that you utilized to circulate the Petition were knowledgeable of and would comply with Ohio election law.
13. Please produce all documents relating in any way to actions you undertook to ensure that no person that circulated the Petition was ineligible to do so under Ohio election law.
14. Excluding part-petitions of the Petition, please produce all documents relating to the failure of any circulator of a part-petition to attest to the correct number of signatures that appeared on such part-petition.
15. Excluding part-petitions of the Petition, please produce all documents relating to the refusal of any circulator of a part-petition to attest to the incorrect number of signatures that appeared on such part-petition.
16. Please produce any policies and/or procedures and documents relating in any way thereto relating to the attestation of the number of signatures on an individual part-petition of petitions circulated by you or persons employed by you.
17. Please produce all documents or communications with any circulator of part-petitions of the Petition who refused or objected to placing a false attestation of the number of signatures on an individual part-petition of petitions circulated by such circulator.
18. Please produce all documents or communications with any of the following circulators of part-petitions of the Petition: Adrienne Raishawn Collins and/or Kevin Hawkins.
19. Please produce all documents relating to or reflecting criminal background checks you performed or requested on circulators of part-petitions of the Petition prior to the date they began circulating part-petitions.
20. Please produce all documents relating to or reflecting criminal background checks you performed or requested on circulators of part-petitions of the Petition at any time.
21. Please produce all IRS forms (including but not limited to W-9, W-2, or 1099 forms) related to any of the following circulators of part-petitions of the Petition: Michael Mayo, Walter Searcy, Stephanie Cole, Sean Thomas, and/or Antoine Woods.
22. Please produce documents showing the date of birth and/or social security number for the following circulators of part-petitions of the Petition: Michael Mayo, Walter Searcy, Stephanie Cole, Sean Thomas, and/or Antoine Woods.
23. Please produce the employment application and personnel file (or commensurate file) for the following circulators of part-petitions of the Petition: Fifi Harper, Roy Jackson, Kelvin Moore, and/or Kacey Veliquette.
24. Please produce all IRS forms (including but not limited to W-9, W-2, or 1099 forms) related to any of the following circulators of part-petitions of the Petition: Fifi Harper, Roy Jackson, Kelvin Moore, and/or Kacey Veliquette.

25. Please produce documents showing the date of birth and/or social security number for the following circulators of part-petitions of the Petition: Fifi Harper, Roy Jackson, Kelvin Moore, and/or Kacey Veliquette.

26. Please produce the employment application and personnel file (or commensurate file) for the following circulators of part-petitions of the Petition: Fifi Harper, Roy Jackson, Kelvin Moore, and/or Kacey Veliquette.

Counsel of Record
The Ohio Manufacturers' Association v. Ohioans for Drug Price Relief Act, et al.
Ohio Supreme Court Case No. 2016-0313

Kurtis A. Tunnell
Anne Marie Sferra
Nelson M. Reid
James P. Schuck
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Columbus, Ohio 43215
(614) 227-2300 (Telephone)
(614) 227-2390 (Facsimile)

Counsel for Relators
The Ohio Manufacturers' Association, The Ohio Chamber of Commerce,
Pharmaceutical Research and Manufacturers of America, Keith A. Lake, and Ryan Augsburg

Steven T. Voigt
Senior Assistant Attorney General
Brodi J. Conover
Assistant Attorney General
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Counsel for Respondent Secretary Jon Husted

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Derek S. Clinger
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(614) 263-7000 (Telephone)
(614) 263-7078 (Facsimile)

Counsel for Respondents William S. Booth, Daniel L. Darland, Tracy L. Jones, and Latonya D. Thurman

Approved, SCAO

STATE OF MICHIGAN 9th JUDICIAL CIRCUIT Kalamazoo COUNTY	SUBPOENA FOR OUT-OF-STATE CASE	ADMIN-2016-0017-A7
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Court address Kalamazoo County Circuit Court, 227 W. Michigan Ave., Kalamazoo, MI 49007	Court telephone no. (269) 383-8837
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This subpoena is issued for the following out-of-state case under MCL 600.2201 *et seq.*

Case name The Ohio Manufacturers' Association, et al. v. Ohioans for Drug Price Relief Act, et al.		
Name of state/territory where case is filed Ohio	Name of court The Supreme Court of Ohio	Case number 2016-0313

Note: Attach a separate sheet containing the names, addresses, and telephone numbers of all attorneys of record and any parties not represented by an attorney.

Person requesting subpoena Eric K. Shih (P71326)			
Address Clark Hill PLC, 500 Woodward Ave., Suite 3500			
City Detroit	State MI	Zip 48226	Telephone no. (313) 965-8813

In the Name of the People of the State of Michigan. TO:
Hunter Hice, 611 Hoek Court, Kalamazoo, MI 49001.

YOU ARE ORDERED TO COMPLY WITH THE ATTACHED OUT-OF-STATE SUBPOENA:

- 1. Appear personally at the time and place stated below for the purposes stated in that subpoena:

Date: June 8, 2016

Time: 9:00 am

Location: Western Michigan University Campus, Fetzer Business Center, 2350 Business Court, Kalamazoo, MI 49008

- 2. Produce/Permit inspection or copying of the items stated in that subpoena.
- 3. Permit inspection of the premises identified in that subpoena.

THE TERMS OF THE OUT-OF-STATE SUBPOENA ARE INCORPORATED IN THIS ORDER BY REFERENCE. FAILURE TO OBEY THE COMMANDS OF THE SUBPOENA MAY SUBJECT YOU TO PENALTY FOR CONTEMPT OF COURT.



5-9-2016
Date

Jessica Bodley
Circuit Court Clerk

PROOF OF SERVICE

**SUBPOENA FOR
OUT-OF-STATE CASE**
Case No. _____

TO PROCESS SERVER: You must make and file your return with the person requesting the subpoena. If you are unable to complete service, you must return this original and all copies to the person requesting the subpoena.

CERTIFICATE / AFFIDAVIT OF SERVICE / NON-SERVICE

OFFICER CERTIFICATE

OR

AFFIDAVIT OF PROCESS SERVER

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)

I served a copy of the subpoena, together with _____ (including any required fees) by _____ Attachment

personal service

registered or certified mail (copy of return receipt attached)

on:

Name(s)	Complete address(es) of service	Day, date, time

I have personally attempted to serve the subpoena and required fees, if any, together with _____ on the following person and have been unable to complete service. Attachment

Name(s)	Complete address(es) of service	Day, date, time

I declare that the statements above are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	
\$		\$	
Incorrect address fee	Miles traveled	Fee	TOTAL FEE
\$		\$	\$

Signature _____

Name (type or print) _____

Title _____

Subscribed and sworn to before me on _____ Date _____ County, Michigan.

My commission expires: _____ Date _____ Signature: _____ Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the subpoena and required fees, if any, together with _____ Attachment

_____ on _____ Day, date, time

_____ on behalf of _____ Signature

IN THE SUPREME COURT OF OHIO
Subpoena for Deposition

The Ohio Manufacturers' Association, et al.
Relators

Case No. 2016-0313

v.

Ohioans for Drug Price Relief Act, et al.
Respondents.

The State of Ohio
Franklin County, ss

To: Attorney Process Server _____ Sheriff of _____ County, OH

YOU ARE HEREBY COMMANDED TO SERVE THE FOLLOWING NAMED PERSON, to wit:

Person Business

Hice
Last Name/Business Name

611 Hoek Court
Street Address

Hunter
First Name Mid. Init. Designation

Address Line 2

Address Line 3
Kalamazoo

City
MI 49001
State Zip Code

To be and appear at Western Michigan University Campus, Fetzer Business Center, 2350 Business Court, Kalamazoo, MI 49008 on the 8th day of June, 2016 at 9:00 a.m.

- Attend and give testimony at a deposition on the date, time, and at the place specified above.
- Produce and permit inspection and copying on the date and at the time and place specified above, of any designated documents or electronically stored information that are in your possession, custody, or control.
- Produce and permit inspection and copying, testing, or sampling on the date and at the time and place specified above, of any tangible things that are in your possession, custody, or control.

Anne Marie Sierra 0030855 (614) 227-2300 Atty. for Relators
Attorney Name Supreme Ct No. Phone

Sheriff's Fees I received this subpoena on the ____ day of _____, 2016, and served the party by _____ on the ____ day of _____, 2016.

Service _____
Mileage _____
Copy _____
Total _____
 I was unable to complete service for the following reason: _____

NOTE: READ ALL INFORMATION ON THE SECOND PAGE OF THIS SUBPOENA

CIVIL RULE 45(C) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS

(1) A PARTY OR AN ATTORNEY RESPONSIBLE FOR THE ISSUANCE AND SERVICE OF A SUBPOENA SHALL TAKE REASONABLE STEPS TO AVOID IMPOSING UNDUE BURDEN OR EXPENSE ON A PERSON SUBJECT TO THAT SUBPOENA.

(2) (a) A PERSON COMMANDED TO PRODUCE UNDER DIVISIONS (A)(1)(B)(II), (III), (IV), OR (V) OF THIS RULE NEED NOT APPEAR IN PERSON AT THE PLACE OF PRODUCTION OR INSPECTION UNLESS COMMANDED TO ATTEND AND GIVE TESTIMONY AT A DEPOSITION, HEARING, OR TRIAL.

(b) SUBJECT TO DIVISION (D)(2) OF THIS RULE, A PERSON COMMANDED TO PRODUCE UNDER DIVISIONS (A)(1)(B)(II), (III), (IV), OR (V) OF THIS RULE MAY, WITHIN FOURTEEN DAYS AFTER SERVICE OF THE SUBPOENA OR BEFORE THE TIME SPECIFIED FOR COMPLIANCE IF SUCH TIME IS LESS THAN FOURTEEN DAYS AFTER SERVICE, SERVE UPON THE PARTY OR ATTORNEY DESIGNATED IN THE SUBPOENA WRITTEN OBJECTIONS TO PRODUCTION. IF OBJECTION IS MADE, THE PARTY SERVING THE SUBPOENA SHALL NOT BE ENTITLED TO PRODUCTION EXCEPT PURSUANT TO AN ORDER OF THE COURT BY WHICH THE SUBPOENA WAS ISSUED. IF OBJECTION HAS BEEN MADE, THE PARTY SERVING THE SUBPOENA, UPON NOTICE TO THE PERSON COMMANDED TO PRODUCE, MAY MOVE AT ANY TIME FOR AN ORDER TO COMPEL THE PRODUCTION. AN ORDER TO COMPEL PRODUCTION SHALL PROTECT ANY PERSON WHO IS NOT A PARTY OR AN OFFICER OF A PARTY FROM SIGNIFICANT EXPENSE RESULTING FROM THE PRODUCTION COMMANDED.

(3) ON TIMELY MOTION, THE COURT FROM WHICH THE SUBPOENA WAS ISSUED SHALL QUASH OR MODIFY THE SUBPOENA, OR ORDER APPEARANCE OR PRODUCTION ONLY UNDER SPECIFIED CONDITIONS, IF THE SUBPOENA DOES ANY OF THE FOLLOWING:

(a) FAILS TO ALLOW REASONABLE TIME TO COMPLY;

(b) REQUIRES DISCLOSURE OF PRIVILEGED OR OTHERWISE PROTECTED MATTER AND NO EXCEPTION OR WAIVER APPLIES;

(c) REQUIRES DISCLOSURE OF A FACT KNOWN OR OPINION HELD BY AN EXPERT NOT RETAINED OR SPECIALLY EMPLOYED BY ANY PARTY IN ANTICIPATION OF LITIGATION OR PREPARATION FOR TRIAL AS DESCRIBED BY CIV. R. 26(B)(4), IF THE FACT OR OPINION DOES NOT DESCRIBE SPECIFIC EVENTS OR OCCURRENCES IN DISPUTE AND RESULTS FROM STUDY BY THAT EXPERT THAT WAS NOT MADE AT THE REQUEST OF ANY PARTY;

(d) SUBJECTS A PERSON TO UNDUE BURDEN.

(4) BEFORE FILING A MOTION PURSUANT TO DIVISION (C)(3)(d) OF THIS RULE, A PERSON RESISTING DISCOVERY UNDER THIS RULE SHALL ATTEMPT TO RESOLVE ANY CLAIM OF UNDUE BURDEN THROUGH DISCUSSIONS WITH THE ISSUING ATTORNEY. A MOTION FILED PURSUANT TO DIVISION (C)(3)(d) OF THIS RULE SHALL BE SUPPORTED BY AN AFFIDAVIT OF THE SUBPOENAED PERSON OR A CERTIFICATE OF THAT PERSON'S ATTORNEY OF THE EFFORTS MADE TO RESOLVE ANY CLAIM OF UNDUE BURDEN.

(5) IF A MOTION IS MADE UNDER DIVISION (C)(3)(c) OR (C)(3)(d) OF THIS RULE, THE COURT SHALL QUASH OR MODIFY THE SUBPOENA UNLESS THE PARTY IN WHOSE BEHALF THE SUBPOENA IS ISSUED SHOWS A SUBSTANTIAL NEED FOR THE TESTIMONY OR MATERIAL THAT CANNOT BE OTHERWISE MET WITHOUT UNDUE HARDSHIP AND ASSURES THAT THE PERSON TO WHOM THE SUBPOENA IS ADDRESSED WILL BE REASONABLY COMPENSATED.

CIVIL RULE 45 (D) DUTIES IN RESPONDING TO SUBPOENA.

(1) A PERSON RESPONDING TO A SUBPOENA TO PRODUCE DOCUMENTS SHALL, AT THE PERSON'S OPTION, PRODUCE THEM AS THEY ARE KEPT IN THE USUAL COURSE OF BUSINESS OR ORGANIZED AND LABELED TO CORRESPOND WITH THE CATEGORIES IN THE SUBPOENA. A PERSON PRODUCING DOCUMENTS OR ELECTRONICALLY STORED INFORMATION PURSUANT TO A SUBPOENA FOR THEM SHALL PERMIT THEIR INSPECTION AND COPYING BY ALL PARTIES PRESENT AT THE TIME AND PLACE SET IN THE SUBPOENA FOR INSPECTION AND COPYING.

(2) IF A REQUEST DOES NOT SPECIFY THE FORM OR FORMS FOR PRODUCING ELECTRONICALLY STORED INFORMATION, A PERSON RESPONDING TO A SUBPOENA MAY PRODUCE THE INFORMATION IN A FORM OR FORMS IN WHICH THE INFORMATION IS ORDINARILY MAINTAINED IF THAT FORM IS REASONABLY USEABLE, OR IN ANY FORM THAT IS REASONABLY USEABLE. UNLESS ORDERED BY THE COURT OR AGREED TO BY THE PERSON SUBPOENAED, A PERSON RESPONDING TO A SUBPOENA NEED NOT PRODUCE THE SAME ELECTRONICALLY STORED INFORMATION IN MORE THAN ONE FORM.

(3) A PERSON NEED NOT PROVIDE DISCOVERY OF ELECTRONICALLY STORED INFORMATION WHEN THE PRODUCTION IMPOSES UNDUE BURDEN OR EXPENSE. ON MOTION TO COMPEL DISCOVERY OR FOR A PROTECTIVE ORDER, THE PERSON FROM WHOM ELECTRONICALLY STORED INFORMATION IS SOUGHT MUST SHOW THAT THE INFORMATION IS NOT REASONABLY ACCESSIBLE BECAUSE OF UNDUE BURDEN OR EXPENSE. IF A SHOWING OF UNDUE BURDEN OR EXPENSE IS MADE, THE COURT MAY NONETHELESS ORDER PRODUCTION OF ELECTRONICALLY STORED INFORMATION IF THE REQUESTING PARTY SHOWS GOOD CAUSE. THE COURT SHALL CONSIDER THE FACTORS IN CIV. R. 26(B)(4) WHEN DETERMINING IF GOOD CAUSE EXISTS. IN ORDERING PRODUCTION OF ELECTRONICALLY STORED INFORMATION, THE COURT MAY SPECIFY THE FORMAT, EXTENT, TIMING, ALLOCATION OF EXPENSES AND OTHER CONDITIONS FOR THE DISCOVERY OF THE ELECTRONICALLY STORED INFORMATION.

(4) WHEN INFORMATION SUBJECT TO A SUBPOENA IS WITHHELD ON A CLAIM THAT IT IS PRIVILEGED OR SUBJECT TO PROTECTION AS TRIAL PREPARATION MATERIALS, THE CLAIM SHALL BE MADE EXPRESSLY AND SHALL BE SUPPORTED BY A DESCRIPTION OF THE NATURE OF THE DOCUMENTS, COMMUNICATIONS, OR THINGS NOT PRODUCED THAT IS SUFFICIENT TO ENABLE THE DEMANDING PARTY TO CONTEST THE CLAIM.

(5) IF INFORMATION IS PRODUCED IN RESPONSE TO A SUBPOENA THAT IS SUBJECT TO A CLAIM OF PRIVILEGE OR OF PROTECTION AS TRIAL-PREPARATION MATERIAL, THE PERSON MAKING THE CLAIM MAY NOTIFY ANY PARTY THAT RECEIVED THE INFORMATION OF THE CLAIM AND THE BASIS FOR IT. AFTER BEING NOTIFIED, A RECEIVING PARTY MUST PROMPTLY RETURN, SEQUESTER, OR DESTROY THE SPECIFIED INFORMATION AND ANY COPIES WITHIN THE PARTY'S POSSESSION, CUSTODY OR CONTROL. A PARTY MAY NOT USE OR DISCLOSE THE INFORMATION UNTIL THE CLAIM IS RESOLVED. A RECEIVING PARTY MAY PROMPTLY PRESENT THE INFORMATION TO THE COURT UNDER SEAL FOR A DETERMINATION OF THE CLAIM OF PRIVILEGE OR OF PROTECTION AS TRIAL-PREPARATION MATERIAL. IF THE RECEIVING PARTY DISCLOSED THE INFORMATION BEFORE BEING NOTIFIED, IT MUST TAKE REASONABLE STEPS TO RETRIEVE IT. THE PERSON WHO PRODUCED THE INFORMATION MUST PRESERVE THE INFORMATION UNTIL THE CLAIM IS RESOLVED.

Counsel of Record
The Ohio Manufacturers' Association v. Ohioans for Drug Price Relief Act, et al.
Ohio Supreme Court Case No. 2016-0313

Kurtis A. Tunnell
Anne Marie Sferra
Nelson M. Reid
James P. Schuck
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Columbus, Ohio 43215
(614) 227-2300 (Telephone)
(614) 227-2390 (Facsimile)

Counsel for Relators
The Ohio Manufacturers' Association, The Ohio Chamber of Commerce,
Pharmaceutical Research and Manufacturers of America, Keith A. Lake, and Ryan Augsburger

Steven T. Voigt
Senior Assistant Attorney General
Brodi J. Conover
Assistant Attorney General
Constitutional Offices Section
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(614) 466-2872 (Telephone)
(614) 728-7592 (Facsimile)

Counsel for Respondent Secretary Jon Husted

Donald J. McTigue
J. Corey Colombo
Derek S. Clinger
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545 East Town Street
Columbus, Ohio 43215
(614) 263-7000 (Telephone)
(614) 263-7078 (Facsimile)

Counsel for Respondents William S. Booth, Daniel L. Darland, Tracy L. Jones, and Latonya D. Thurman

Original - Return
1st copy - Person subject to subpoena
2nd copy - Requesting person's file

Approved, SCAO

STATE OF MICHIGAN 9th JUDICIAL CIRCUIT Kalamazoo COUNTY	SUBPOENA FOR OUT-OF-STATE CASE	ADMIN-2016-0017-A7
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Court address: Kalamazoo County Circuit Court, 227 W. Michigan Ave., Kalamazoo, MI 49007
 Court telephone no.: (269) 383-8837

This subpoena is issued for the following out-of-state case under MCL 600.2201 *et seq.*

Case name: The Ohio Manufacturers' Association, et al. v. Ohioans for Drug Price Relief Act, et al.		
Name of state/territory where case is filed Ohio	Name of court The Supreme Court of Ohio	Case number 2016-0313

Note: Attach a separate sheet containing the names, addresses, and telephone numbers of all attorneys of record and any parties not represented by an attorney.

Person requesting subpoena Eric K. Shih (P71326)			
Address: Clark Hill PLC, 500 Woodward Ave., Suite 3500			
City Detroit	State MI	Zip 48226	Telephone no. (313) 965-8813

In the Name of the People of the State of Michigan. TO:
Elite Campaigns, Inc., 5047 W. Main Street, Suite 279, Kalamazoo, MI 49009

YOU ARE ORDERED TO COMPLY WITH THE ATTACHED OUT-OF-STATE SUBPOENA:

1. Appear personally at the time and place stated below for the purposes stated in that subpoena:

Date: _____

Time: _____

Location: _____

2. Produce/Permit inspection or copying of the items stated in that subpoena.

3. Permit inspection of the premises identified in that subpoena.

THE TERMS OF THE OUT-OF-STATE SUBPOENA ARE INCORPORATED IN THIS ORDER BY REFERENCE. FAILURE TO OBEY THE COMMANDS OF THE SUBPOENA MAY SUBJECT YOU TO PENALTY FOR CONTEMPT OF COURT.



5/9/2016
Date

Jessica Bodnar
Circuit Court Clerk

**SUBPOENA FOR
OUT-OF-STATE CASE**
Case No. _____

PROOF OF SERVICE

TO PROCESS SERVER: You must make and file your return with the person requesting the subpoena. If you are unable to complete service, you must return this original and all copies to the person requesting the subpoena.

CERTIFICATE / AFFIDAVIT OF SERVICE / NON-SERVICE

<input type="checkbox"/> OFFICER CERTIFICATE I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that: (notarization not required)	OR	<input type="checkbox"/> AFFIDAVIT OF PROCESS SERVER Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)
--	----	---

I served a copy of the subpoena, together with _____ (including any required fees) by
Attachment

personal service registered or certified mail (copy of return receipt attached) on:

Name(s)	Complete address(es) of service	Day, date, time

I have personally attempted to serve the subpoena and required fees, if any, together with _____ on the following person and have been unable to complete service. Attachment

Name(s)	Complete address(es) of service	Day, date, time

I declare that the statements above are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee		
\$		\$		
Incorrect address fee	Miles traveled	Fee	TOTAL FEE	
\$		\$	\$	

Signature _____

Name (type or print) _____

Title _____

Subscribed and sworn to before me on _____ Date _____ County, Michigan.

My commission expires: _____ Date _____ Signature: _____ Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the subpoena and required fees, if any, together with _____ Attachment

_____ on _____ Day, date, time

_____ on behalf of _____

Signature _____

CIVILRULE 45(C) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS

(1) A PARTY OR AN ATTORNEY RESPONSIBLE FOR THE ISSUANCE AND SERVICE OF A SUBPOENA SHALL TAKE REASONABLE STEPS TO AVOID IMPOSING UNDUE BURDEN OR EXPENSE ON A PERSON SUBJECT TO THAT SUBPOENA.

(2) (a) A PERSON COMMANDED TO PRODUCE UNDER DIVISIONS (A)(1)(B)(II), (III), (IV), OR (V) OF THIS RULE NEED NOT APPEAR IN PERSON AT THE PLACE OF PRODUCTION OR INSPECTION UNLESS COMMANDED TO ATTEND AND GIVE TESTIMONY AT A DEPOSITION, HEARING, OR TRIAL.

(b) SUBJECT TO DIVISION (D)(2) OF THIS RULE, A PERSON COMMANDED TO PRODUCE UNDER DIVISIONS (A)(1)(B)(II), (III), (IV), OR (V) OF THIS RULE MAY, WITHIN FOURTEEN DAYS AFTER SERVICE OF THE SUBPOENA OR BEFORE THE TIME SPECIFIED FOR COMPLIANCE IF SUCH TIME IS LESS THAN FOURTEEN DAYS AFTER SERVICE, SERVE UPON THE PARTY OR ATTORNEY DESIGNATED IN THE SUBPOENA WRITTEN OBJECTIONS TO PRODUCTION. IF OBJECTION IS MADE, THE PARTY SERVING THE SUBPOENA SHALL NOT BE ENTITLED TO PRODUCTION EXCEPT PURSUANT TO AN ORDER OF THE COURT BY WHICH THE SUBPOENA WAS ISSUED. IF OBJECTION HAS BEEN MADE, THE PARTY SERVING THE SUBPOENA, UPON NOTICE TO THE PERSON COMMANDED TO PRODUCE, MAY MOVE AT ANY TIME FOR AN ORDER TO COMPEL THE PRODUCTION. AN ORDER TO COMPEL PRODUCTION SHALL PROTECT ANY PERSON WHO IS NOT A PARTY OR AN OFFICER OF A PARTY FROM SIGNIFICANT EXPENSE RESULTING FROM THE PRODUCTION COMMANDED.

(3) ON TIMELY MOTION, THE COURT FROM WHICH THE SUBPOENA WAS ISSUED SHALL QUASH OR MODIFY THE SUBPOENA, OR ORDER APPEARANCE OR PRODUCTION ONLY UNDER SPECIFIED CONDITIONS, IF THE SUBPOENA DOES ANY OF THE FOLLOWING:

(a) FAILS TO ALLOW REASONABLE TIME TO COMPLY;

(b) REQUIRES DISCLOSURE OF PRIVILEGED OR OTHERWISE PROTECTED MATTER AND NO EXCEPTION OR WAIVER APPLIES;

(c) REQUIRES DISCLOSURE OF A FACT KNOWN OR OPINION HELD BY AN EXPERT NOT RETAINED OR SPECIALLY EMPLOYED BY ANY PARTY IN ANTICIPATION OF LITIGATION OR PREPARATION FOR TRIAL AS DESCRIBED BY CIV. R. 26(B)(4), IF THE FACT OR OPINION DOES NOT DESCRIBE SPECIFIC EVENTS OR OCCURRENCES IN DISPUTE AND RESULTS FROM STUDY BY THAT EXPERT THAT WAS NOT MADE AT THE REQUEST OF ANY PARTY;

(d) SUBJECTS A PERSON TO UNDUE BURDEN.

(4) BEFORE FILING A MOTION PURSUANT TO DIVISION (C)(3)(d) OF THIS RULE, A PERSON RESISTING DISCOVERY UNDER THIS RULE SHALL ATTEMPT TO RESOLVE ANY CLAIM OF UNDUE BURDEN THROUGH DISCUSSIONS WITH THE ISSUING ATTORNEY. A MOTION FILED PURSUANT TO DIVISION (C)(3)(d) OF THIS RULE SHALL BE SUPPORTED BY AN AFFIDAVIT OF THE SUBPOENAED PERSON OR A CERTIFICATE OF THAT PERSON'S ATTORNEY OF THE EFFORTS MADE TO RESOLVE ANY CLAIM OF UNDUE BURDEN.

(5) IF A MOTION IS MADE UNDER DIVISION (C)(3)(c) OR (C)(3)(d) OF THIS RULE, THE COURT SHALL QUASH OR MODIFY THE SUBPOENA UNLESS THE PARTY IN WHOSE BEHALF THE SUBPOENA IS ISSUED SHOWS A SUBSTANTIAL NEED FOR THE TESTIMONY OR MATERIAL THAT CANNOT BE OTHERWISE MET WITHOUT UNDUE HARDSHIP AND ASSURES THAT THE PERSON TO WHOM THE SUBPOENA IS ADDRESSED WILL BE REASONABLY COMPENSATED.

CIVIL RULE 45 (D) DUTIES IN RESPONDING TO SUBPOENA.

(1) A PERSON RESPONDING TO A SUBPOENA TO PRODUCE DOCUMENTS SHALL, AT THE PERSON'S OPTION, PRODUCE THEM AS THEY ARE KEPT IN THE USUAL COURSE OF BUSINESS OR ORGANIZED AND LABELED TO CORRESPOND WITH THE CATEGORIES IN THE SUBPOENA. A PERSON PRODUCING DOCUMENTS OR ELECTRONICALLY STORED INFORMATION PURSUANT TO A SUBPOENA FOR THEM SHALL PERMIT THEIR INSPECTION AND COPYING BY ALL PARTIES PRESENT AT THE TIME AND PLACE SET IN THE SUBPOENA FOR INSPECTION AND COPYING.

(2) IF A REQUEST DOES NOT SPECIFY THE FORM OR FORMS FOR PRODUCING ELECTRONICALLY STORED INFORMATION, A PERSON RESPONDING TO A SUBPOENA MAY PRODUCE THE INFORMATION IN A FORM OR FORMS IN WHICH THE INFORMATION IS ORDINARILY MAINTAINED IF THAT FORM IS REASONABLY USEABLE, OR IN ANY FORM THAT IS REASONABLY USEABLE. UNLESS ORDERED BY THE COURT OR AGREED TO BY THE PERSON SUBPOENAED, A PERSON RESPONDING TO A SUBPOENA NEED NOT PRODUCE THE SAME ELECTRONICALLY STORED INFORMATION IN MORE THAN ONE FORM.

(3) A PERSON NEED NOT PROVIDE DISCOVERY OF ELECTRONICALLY STORED INFORMATION WHEN THE PRODUCTION IMPOSES UNDUE BURDEN OR EXPENSE. ON MOTION TO COMPEL DISCOVERY OR FOR A PROTECTIVE ORDER, THE PERSON FROM WHOM ELECTRONICALLY STORED INFORMATION IS SOUGHT MUST SHOW THAT THE INFORMATION IS NOT REASONABLY ACCESSIBLE BECAUSE OF UNDUE BURDEN OR EXPENSE. IF A SHOWING OF UNDUE BURDEN OR EXPENSE IS MADE, THE COURT MAY NONETHELESS ORDER PRODUCTION OF ELECTRONICALLY STORED INFORMATION IF THE REQUESTING PARTY SHOWS GOOD CAUSE. THE COURT SHALL CONSIDER THE FACTORS IN CIV. R. 26(B)(4) WHEN DETERMINING IF GOOD CAUSE EXISTS. IN ORDERING PRODUCTION OF ELECTRONICALLY STORED INFORMATION, THE COURT MAY SPECIFY THE FORMAT, EXTENT, TIMING, ALLOCATION OF EXPENSES AND OTHER CONDITIONS FOR THE DISCOVERY OF THE ELECTRONICALLY STORED INFORMATION.

(4) WHEN INFORMATION SUBJECT TO A SUBPOENA IS WITHHELD ON A CLAIM THAT IT IS PRIVILEGED OR SUBJECT TO PROTECTION AS TRIAL PREPARATION MATERIALS, THE CLAIM SHALL BE MADE EXPRESSLY AND SHALL BE SUPPORTED BY A DESCRIPTION OF THE NATURE OF THE DOCUMENTS, COMMUNICATIONS, OR THINGS NOT PRODUCED THAT IS SUFFICIENT TO ENABLE THE DEMANDING PARTY TO CONTEST THE CLAIM.

(5) IF INFORMATION IS PRODUCED IN RESPONSE TO A SUBPOENA THAT IS SUBJECT TO A CLAIM OF PRIVILEGE OR OF PROTECTION AS TRIAL-PREPARATION MATERIAL, THE PERSON MAKING THE CLAIM MAY NOTIFY ANY PARTY THAT RECEIVED THE INFORMATION OF THE CLAIM AND THE BASIS FOR IT. AFTER BEING NOTIFIED, A RECEIVING PARTY MUST PROMPTLY RETURN, SEQUESTER, OR DESTROY THE SPECIFIED INFORMATION AND ANY COPIES WITHIN THE PARTY'S POSSESSION, CUSTODY OR CONTROL. A PARTY MAY NOT USE OR DISCLOSE THE INFORMATION UNTIL THE CLAIM IS RESOLVED. A RECEIVING PARTY MAY PROMPTLY PRESENT THE INFORMATION TO THE COURT UNDER SEAL FOR A DETERMINATION OF THE CLAIM OF PRIVILEGE OR OF PROTECTION AS TRIAL-PREPARATION MATERIAL. IF THE RECEIVING PARTY DISCLOSED THE INFORMATION BEFORE BEING NOTIFIED, IT MUST TAKE REASONABLE STEPS TO RETRIEVE IT. THE PERSON WHO PRODUCED THE INFORMATION MUST PRESERVE THE INFORMATION UNTIL THE CLAIM IS RESOLVED.

EXHIBIT A

DEFINITIONS AND INSTRUCTIONS

A. The following terms shall have the meanings indicated below:

- (1) The term "Respondents" shall mean William S. Booth, Daniel L. Darland, Tracy L. Jones, and Latonya D. Thurman, individually and as the committee supporting the Ohio Drug Price Relief Act, and their present and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, attorneys, and other persons or entities acting or purporting to act on their behalf.
- (2) The term "Petition" shall mean the initiative petition filed with the Ohio Secretary of State on December 22, 2015 proposing to enact Section 194.01 of the Ohio Revised Code, sometimes referred to as "The Ohio Drug Price Relief Act."
- (3) The term "person" shall mean and include natural persons, governmental entities, proprietorships, corporations, partnerships, joint ventures, and each other form of organization, entity or association.
- (4) The term "document" is used in the broadest possible sense and shall mean, without limitation, any kind of written, printed, recorded or graphic matter, however produced or reproduced, of any kind or description, whether sent or received or neither, including originals, copies and drafts and both sides of originals, copies and drafts, and including but not limited to papers, books, letters, correspondence, telegrams, cables, telex messages, electronic messages or electronic mail (whether or not stored or recorded on-line or off-line in archive storage), financial statements, memoranda, notes, notations, work papers, transcripts, minutes, reports and recordings of telephone conversations or other conversations, or of interviews, or of conferences or other meetings, affidavits, statements, summaries, opinions, reports, studies, analyses, evaluations, contracts, agreements, journals, statistical records, desk calendars, appointment books, diaries, expense account records, lists, tabulations, summaries, sound recordings, videotapes, word processing disks and/or memory or archive systems, computer disks and/or memory or archive systems, computer printouts, data processing input and output, magnetic tapes, magnetic disks, microfilms, all other records kept by electronic, magnetic, photographic, optical or mechanical means, and things similar to any of the foregoing, however denominated.
- (5) The term "communication" shall mean the transmission of any verbal or nonverbal, written or non-written message, information, sign, symbol, or behavior, and shall include the process by which such transmission occurs.
- (6) The words "documents relating to" shall mean documents containing, constituting, showing, evidencing, concerning, pertaining to, relating to, and/or referring to, whether directly or indirectly.

B. The singular number and masculine gender shall include, and be applied as, the plural or the feminine gender or neuter, and vice-versa, as the circumstances of the particular request may make appropriate.

C. If you deem any request for documents to call for the production of privileged or otherwise nondisclosable materials and you assert such claim, please furnish a list at the time of production identifying each document so withheld together with the following information:

- (1) the reason for withholding each such document or material, stated with sufficient particularity so as to permit the Court to adjudicate the validity of the claimed privilege;

- (2) a statement of the facts constituting the basis for any claim of privilege or other ground of non-disclosure; and
- (3) a brief description of each such document or other material, including:
 - (a) the date of the document;
 - (b) the name of its author(s) or preparer(s) and an identification by employment and title of each such person(s);
 - (c) the name of each person to whom the document or other material was sent or who has had access to, or custody of, the document or other material, together with an identification of each such person(s);
 - (d) the specific request to which the document or other material is responsive; and
 - (e) in the case of any document or other material that relates in any way to a meeting or conversation, identification of such meeting or conversation and the persons attending or participating in such meeting or conversation.

D. With respect to each document request, it is requested that you identify and produce all documents that are known to you or that you can locate or discover that are in your possession, custody or control, from whatever source derived, which, directly or indirectly, relate, refer or pertain to the subject matter of the request made, including, without limitation, all such documents in the files (whether they be denominated personal, business or any other files) in your possession, custody or control or, as applicable, of your employees, agents, representatives or other persons acting on your behalf or under your control.

E. It is requested that you produce all responsive documents and other materials in an orderly manner (and with appropriate markings or other identification) so that a reasonable person will be able to identify the source of the document or other material, the file in which the document or other material was maintained, the person to whom such file belongs, and the specific request to which the document or other material is responsive.

DOCUMENTS TO BE PRODUCED

1. Please produce all communications and documents relating in any way thereto between you and any person that you utilized to circulate the Petition (including without limitation any handouts, manuals, training, and/or instructions).
2. Please produce all communications and documents relating in any way thereto between you and Respondents (including without limitation any handouts, manuals, training, and/or instructions).
3. Please produce all communications and documents relating in any way thereto between you and any of the following persons who filed a Form 15 ("Statement of Receiving or Providing Compensation for Circulating a Statewide Petition") with the Ohio Secretary of State in regard to the Petition: PCI Consultants, Inc., Angelo Paparella, DRW Campaigns LLC, Dustin Wefel, Elite Campaigns, Inc., Eric Tincher, Ohio Petitioning Partners LLC, Pamela Lauter, Ballot Access LLC, John Michael, Educated Voters, Cody Eldred, Elizabeth Page, Kelvin Moore, David Saddler, and/or Xavier Malagon (including without limitation any handouts, manuals, training, and/or instructions).
4. Please produce all contracts and agreements, and documents relating in any way thereto, between you and any person that you utilized to circulate the Petition.
5. Please produce all contracts and agreements, and documents relating in any way thereto, between you and Respondents.
6. Excluding part-petitions of the Petition, please produce all documents relating to the permanent residence address of Fifi Harper.
7. Excluding part-petitions of the Petition, please produce all documents relating to the permanent residence address of Roy Jackson.
8. Excluding part-petitions of the Petition, please produce all documents relating to the permanent residence address of Kelvin Moore.
9. Excluding part-petitions of the Petition, please produce all documents relating to the permanent residence address of Kacey Veliquette.
10. Excluding part-petitions of the Petition, please produce all documents relating to the alteration of, or striking of names on, any part-petition of the Petition prior to submission to the Ohio Secretary of State by a person who was not a signer of the part-petition, an attorney in fact for disabled voters acting pursuant to R.C. 3501.382, or the circulator of the part-petition.
11. Please produce any policies and/or procedures and documents relating in any way thereto relating to the alteration of, or striking of names on, part-petitions of petitions circulated by you or persons employed by you.

12. Please produce all documents relating in any way to actions you undertook to ensure that the persons that you utilized to circulate the Petition were knowledgeable of and would comply with Ohio election law.
13. Please produce all documents relating in any way to actions you undertook to ensure that no person that circulated the Petition was ineligible to do so under Ohio election law.
14. Excluding part-petitions of the Petition, please produce all documents relating to the failure of any circulator of a part-petition to attest to the correct number of signatures that appeared on such part-petition.
15. Excluding part-petitions of the Petition, please produce all documents relating to the refusal of any circulator of a part-petition to attest to the incorrect number of signatures that appeared on such part-petition.
16. Please produce any policies and/or procedures and documents relating in any way thereto relating to the attestation of the number of signatures on an individual part-petition of petitions circulated by you or persons employed by you.
17. Please produce all documents or communications with any circulator of part-petitions of the Petition who refused or objected to placing a false attestation of the number of signatures on an individual part-petition of petitions circulated by such circulator.
18. Please produce all documents or communications with any of the following circulators of part-petitions of the Petition: Adrienne Raishawn Collins and/or Kevin Hawkins.
19. Please produce all documents relating to or reflecting criminal background checks you performed or requested on circulators of part-petitions of the Petition prior to the date they began circulating part-petitions.
20. Please produce all documents relating to or reflecting criminal background checks you performed or requested on circulators of part-petitions of the Petition at any time.
21. Please produce all IRS forms (including but not limited to W-9, W-2, or 1099 forms) related to any of the following circulators of part-petitions of the Petition: Michael Mayo, Walter Searcy, Stephanie Cole, Sean Thomas, and/or Antoine Woods.
22. Please produce documents showing the date of birth and/or social security number for the following circulators of part-petitions of the Petition: Michael Mayo, Walter Searcy, Stephanie Cole, Sean Thomas, and/or Antoine Woods.
23. Please produce the employment application and personnel file (or commensurate file) for the following circulators of part-petitions of the Petition: Fifi Harper, Roy Jackson, Kelvin Moore, and/or Kacey Veliquette.
24. Please produce all IRS forms (including but not limited to W-9, W-2, or 1099 forms) related to any of the following circulators of part-petitions of the Petition: Fifi Harper, Roy Jackson, Kelvin Moore, and/or Kacey Veliquette.

25. Please produce documents showing the date of birth and/or social security number for the following circulators of part-petitions of the Petition: Fifi Harper, Roy Jackson, Kelvin Moore, and/or Kacey Veliquette.

26. Please produce the employment application and personnel file (or commensurate file) for the following circulators of part-petitions of the Petition: Fifi Harper, Roy Jackson, Kelvin Moore, and/or Kacey Veliquette.

Counsel of Record
The Ohio Manufacturers' Association v. Ohioans for Drug Price Relief Act, et al.
Ohio Supreme Court Case No. 2016-0313

Kurtis A. Tunnell
Anne Marie Sferra
Nelson M. Reid
James P. Schuck
BRICKER & ECKLER LLP
100 South Third Street
Columbus, Ohio 43215
(614) 227-2300 (Telephone)
(614) 227-2390 (Facsimile)

Counsel for Relators
The Ohio Manufacturers' Association, The Ohio Chamber of Commerce,
Pharmaceutical Research and Manufacturers of America, Keith A. Lake, and Ryan Augsburg

Steven T. Voigt
Senior Assistant Attorney General
Brodi J. Conover
Assistant Attorney General
Constitutional Offices Section
30 E. Broad Street, 16th Floor
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(614) 466-2872 (Telephone)
(614) 728-7592 (Facsimile)

Counsel for Respondent Secretary Jon Husted

Donald J. McTigue
J. Corey Colombo
Derek S. Clinger
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545 East Town Street
Columbus, Ohio 43215
(614) 263-7000 (Telephone)
(614) 263-7078 (Facsimile)

Counsel for Respondents William S. Booth, Daniel L. Darland, Tracy L. Jones, and Latonya D. Thurman

**SUBPOENA FOR
OUT-OF-STATE CASE**
Case No. ADMIN-2016-
0017-A7

PROOF OF SERVICE

TO PROCESS SERVER: You must make and file your return with the person requesting the subpoena. If you are unable to complete service, you must return this original and all copies to the person requesting the subpoena.

CERTIFICATE / AFFIDAVIT OF SERVICE / NON-SERVICE

OFFICER CERTIFICATE OR **AFFIDAVIT OF PROCESS SERVER**
 I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that: (notarization not required) Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)

I served a copy of the subpoena, together with _____ Attachment _____ (Including any required fees) by _____ on:

<input checked="" type="checkbox"/> personal service	<input type="checkbox"/> registered or certified mail (copy of return receipt attached)	
Name(s) <u>ERIC TINCHER FOR/ Elite Campaigns INC.</u>	Complete address(es) of service <u>816 DENVER Kalamazoo, MI 49009</u>	Day, date, time <u>Wednesday 5-11-2016 6:14pm</u>

I have personally attempted to serve the subpoena and required fees, if any, together with _____ Attachment _____ on the following person and have been unable to complete service.

Name(s)	Complete address(es) of service	Day, date, time

I declare that the statements above are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	TOTAL FEE
\$		\$	
Incorrect address fee	Miles traveled	Fee	\$
\$		\$	

Ethan Thomas
Signature
Ethan Thomas
Name (type or print)
Process Server
Title

Subscribed and sworn to before me on 5-13-16 Date _____ County, Michigan.
 My commission expires: 11-21-18 Date Signature: Christina Puckett Deputy court clerk/Notary public
 Notary public, State of Michigan, County of Macomb

 **CHRISTINA PUCKETT**
Notary Public, State of Michigan
County of Macomb
My Commission Expires Nov. 21, 2018

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the subpoena and required fees, if any, together with _____ Attachment _____

_____ on _____ Day, date, time
 _____ on behalf of _____
 Signature

1 BRICKER & ECKLER LLP
KURTIS A. TUNNELL, State Bar No. 0038569
2 *ktunnell@bricker.com*
ANNE MARIE SFERRA, State Bar No. 0030855
3 *asferra@bricker.com*
NELSON M. REID, State Bar No. 0068434
4 *nreid@bricker.com*
JAMES P. SCHUCK, State Bar No. 0072356
5 *jschuck@bricker.com*
100 South Third Street
6 Columbus, Ohio 43215
Telephone: (614) 227-2300
7 Facsimile: (614) 227-2390

8 CALDWELL LESLIE & PROCTOR, PC
ROBYN C. CROWTHER, Cal. State Bar No. 193840
9 *crowther@caldwell-leslie.com*
NOAH PEREZ-SILVERMAN, Cal. State Bar No. 260998
10 *perez-silverman@caldwell-leslie.com*
725 South Figueroa Street, 31st Floor
11 Los Angeles, California 90017-5524
Telephone: (213) 629-9040
12 Facsimile: (213) 629-9022

13 Attorneys for Relators

14 SUPREME COURT OF OHIO

15
16 THE OHIO MANUFACTURERS'
ASSOCIATION; THE OHIO CHAMBER OF
17 COMMERCE; PHARMACEUTICAL
RESEARCH AND MANUFACTURERS OF
18 AMERICA; KEITH A. LAKE; RYAN R.
AUGSBURGER,

19 Relators,

20 v.

21 OHIOANS FOR DRUG PRICE RELIEF
ACT, by an through its Committee;
22 WILLIAM S. BOOTH; DANIEL L.
DARLAND; TRACY L. JONES; LATONYA
23 D. THURMAN; HON. JON HUSTED, in his
24 official capacity as Ohio Secretary of State,

25 Respondents.
26
27
28

Case No. 2016-0313

**NOTICE OF DEPOSITION SUBPOENA
FOR PRODUCTION OF DOCUMENTS
TO CUSTODIAN OF RECORDS, PCI
CONSULTANTS, INC.**

Date: May 13, 2016

Time: 10:00 a.m.

**Place: 1601 James M. Wood Blvd.
Los Angeles, CA 90015**

Action Filed: February 29, 2016

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE** that, pursuant to California Code of Civil Procedure
3 §§ 2029.100-2029.900, 2020.410-2020.440, Relators The Ohio Manufacturers' Association, The
4 Ohio Chamber of Commerce, Pharmaceutical Research and Manufacturers of America, Keith A.
5 Lake, and Ryan R. Augsburger ("Relators"), by and through their attorneys, served non-party PCI
6 Consultants, Inc. with a Deposition Subpoena for the Production of Business Records (the
7 "Subpoena"). A true and correct copy of the Subpoena is attached hereto as Exhibit 1. PCI
8 Consultants, Inc., is required to produce at the time and place set forth in the Subpoena all
9 documents, records or other materials identified in Exhibit A to the Subpoena.

10
11 DATED: May 2, 2016

CALDWELL LESLIE & PROCTOR, PC
ROBYN C. CROWTHER
NOAH PEREZ-SILVERMAN

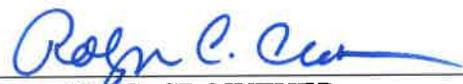
12
13
14 By 
15 ROBYN C. CROWTHER
16 Attorneys for Relators
17
18
19
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21
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EXHIBIT 1

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Robyn Crowther, S.B. # 193840 Noah Perez-Silverman, S.B. # 260998 Caldwell Leslie & Proctor, P.C. 725 South Figueroa St., 31st Floor Los Angeles, CA 90017 TELEPHONE NO.: 213-629-9040 FAX NO.: 213-629-9022 E-MAIL ADDRESS: crowther@caldwell-leslie.com ATTORNEY FOR (Name): The Ohio Manufacturers' Association, et al.	FOR COURT USE ONLY
Court for county in which discovery is to be conducted: SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: 111 N. Hill Street CITY, STATE, AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Stanley Mosk	
Court in which action is pending: Name of Court: Supreme Court of Ohio STREET ADDRESS: 65 South Front Street MAILING ADDRESS: 65 South Front Street CITY, STATE, AND ZIP CODE: Columbus, OH 43215 COUNTRY: United States of America	
PLAINTIFF/PETITIONER: The Ohio Manufacturers' Association, et al., Relators DEFENDANT/RESPONDENT: Ohioans for Drug Price Relief Act, et al., Respondents	CALIFORNIA CASE NUMBER (if any assigned by court): N/A
SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS IN ACTION PENDING OUTSIDE CALIFORNIA	CASE NUMBER (of action pending outside California): 2016-0313

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):
 PCI Consultants, Inc., 26500 W. Agoura Road, Suite 102-146, Calabasas, CA 91302
1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3, as follows:

To (name of deposition officer): Pablo Sanchez, Senior Account Executive, iDiscover
 On (date): May 13, 2016 At (time): 10:00 a.m.
 Location (address): 1601 James M. Wood Blvd., Los Angeles, CA 90015

Do not release the requested records to the deposition officer prior to the date and time stated above.

- a. by delivering a true, legible, and durable copy of the business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.
- b. by delivering a true, legible, and durable copy of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 1563(b).
- c. by making the original business records described in item 3 available for inspection at your business address by the attorney's representative and permitting copying at your business address under reasonable conditions during normal business hours.
2. The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the deposition subpoena, or 15 days after service, whichever date is later). Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(b). The records must be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1561.
3. The records to be produced are described as follows (if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified):
 See Exhibit A (true copy of Ohio Supreme Court subpoena)
- Continued on Attachment 3 (use form MC-025).
4. Attorneys of record in this action or parties without attorneys are (name, address, telephone number, and name of party represented):
 See attachment 4

Continued on Attachment 4 (use form MC-025).

PLAINTIFF/PETITIONER: The Ohio Manufacturers' Association, et al., Relators DEFENDANT/RESPONDENT: Ohioans for Drug Price Relief Act, et	CASE NUMBER (of action pending outside California): 2016-0313
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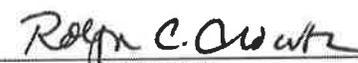
5. If you have been served with this subpoena as a custodian of consumer or employee records under Code of Civil Procedure section 1985.6 and a motion to quash or an objection has been served on you, a court order or agreement of the parties, witnesses, and consumer or employee affected must be obtained before you are required to produce consumer or employee records.
6. Other terms or provisions from out-of-state subpoena, if any (specify):

Continued on Attachment 6 (use form MC-025).

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF \$500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: April 22, 2016

Robyn C. Crowther
(TYPE OR PRINT NAME)


(SIGNATURE OF PERSON ISSUING SUBPOENA)

Attorney for Relators
(TITLE)

PROOF OF SERVICE OF SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS

1. I served this Subpoena for Production of Business Records in Action Pending Outside California by personally delivering a copy to the person served as follows:
- a. Person served (name):
- b. Address where served:

c. Date of delivery: d. Time of delivery:

e. Witness fees and mileage both ways (check one):
(1) were paid. Amount: \$ _____

(2) were not paid.

(3) were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was (specify): \$ _____

f. Fee for service: \$ _____

2. I received this subpoena for service on (date):

3. I also served a completed Proof of Service of Notice to Consumer or Employee and Objection (form SUBP-025) by personally delivering a copy to the person served as described in 1 above.

4. Person serving:

- a. Not a registered California process server
b. California sheriff or marshal
c. Registered California process server
d. Employee or independent contractor of a registered California process server
e. Exempt from registration under Business and Professions Code section 22350(b)
f. Registered professional photocopier
g. Exempt from registration under Business and Professions Code section 22451
h. Name, address, telephone number, and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Date:

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.
Date:

(SIGNATURE)

(SIGNATURE)

SHORT TITLE: Ohio Manufacturers' Ass'n v. Ohioans for Drug Price Relief Act	CASE NUMBER: 2016-0313
--	---------------------------

ATTACHMENT (Number): 4*(This Attachment may be used with any Judicial Council form.)*

1. Counsel for Relators The Ohio Manufacturers' Association, The Ohio Chamber of Commerce, Pharmaceutical Research and Manufacturers of America, Keith A. Lake, and Ryan Augsburgers:

Kurtis A. Tunnell
 Anne Marie Sferra
 Nelson M. Reid
 James P. Schuck
 Bricker & Eckler LLP
 100 South Third Street
 Columbus, Ohio 43215
 (614) 227-2300 (Telephone)
 (614) 227-2390 (Facsimile)

2. Counsel for Respondent Secretary Jon Husted:

Steven T. Voigt
 Senior Assistant Attorney General
 Brodi J. Conover
 Assistant Attorney General
 Constitutional Offices Section
 30 E. Broad Street, 16th Floor
 Columbus, Ohio 43215
 (614) 466-2872 (Telephone)
 (614) 728-7592 (Facsimile)

3. Counsel for Respondents William S. Booth, Daniel L. Darland, Tracy L. Jones, and Latonya D. Thurman

Donald J. McTigue
 J. Corey Colombo
 Derek S. Clinger
 McTigue & Colombo
 545 East Town Street
 Columbus, Ohio 43215
 (614) 263-7000 (Telephone)
 (614) 263-7078 (Facsimile)

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 1 of 1
 (Add pages as required)

EXHIBIT A

IN THE SUPREME COURT OF OHIO
Subpoena for Production of Documents

The Ohio Manufacturers' Association, et al.
Relators

Case No. 2016-0313

v.

Ohioans for Drug Price Relief Act, et al.
Respondents.

The State of Ohio
Franklin County, ss

To: Attorney Process Server _____ Sheriff of _____ County, CA

YOU ARE HEREBY COMMANDED TO SERVE THE FOLLOWING NAMED PERSON, to wit:

Person Business

PCI Consultants, Inc.
Last Name/Business Name

26500 W. Agoura Rd., Ste. 102-146
Street Address

First Name Mid. Init. Designation

Address Line 2

Address Line 3

Calabasas

City

CA

91302

State

Zip Code

To produce documents to Pablo Sanchez, iDiscover, 1601 James M. Wood Blvd., Los Angeles, CA
90015

- Attend and give testimony at a deposition on the date, time, and at the place specified above.
 Produce and permit inspection and copying on the date and at the time and place specified above, of any designated documents or electronically stored information that are in your possession, custody, or control **as described in Exhibit A attached hereto.**
 Produce and permit inspection and copying, testing, or sampling on the date and at the time and place specified above, of any tangible things that are in your possession, custody, or control.

Anne Marie Serra 0030855 (614) 227-2300 Atty. for Relators
Attorney Name Supreme Ct No. Phone

Sheriff's Fees

- I received this subpoena on the ____ day of _____, 2016, and served the party by _____ on the ____ day of _____, 2016.
 I was unable to complete service for the following reason: _____

Service _____
Mileage _____
Copy _____
Total _____

NOTE: READ ALL INFORMATION ON THE SECOND PAGE OF THIS SUBPOENA

CIVILRULE 45(C) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS

(1) A PARTY OR AN ATTORNEY RESPONSIBLE FOR THE ISSUANCE AND SERVICE OF A SUBPOENA SHALL TAKE REASONABLE STEPS TO AVOID IMPOSING UNDUE BURDEN OR EXPENSE ON A PERSON SUBJECT TO THAT SUBPOENA.

(2) (a) A PERSON COMMANDED TO PRODUCE UNDER DIVISIONS (A)(1)(B)(II), (III), (IV), OR (V) OF THIS RULE NEED NOT APPEAR IN PERSON AT THE PLACE OF PRODUCTION OR INSPECTION UNLESS COMMANDED TO ATTEND AND GIVE TESTIMONY AT A DEPOSITION, HEARING, OR TRIAL.

(b) SUBJECT TO DIVISION (D)(2) OF THIS RULE, A PERSON COMMANDED TO PRODUCE UNDER DIVISIONS (A)(1)(B)(II), (III), (IV), OR (V) OF THIS RULE MAY, WITHIN FOURTEEN DAYS AFTER SERVICE OF THE SUBPOENA OR BEFORE THE TIME SPECIFIED FOR COMPLIANCE IF SUCH TIME IS LESS THAN FOURTEEN DAYS AFTER SERVICE, SERVE UPON THE PARTY OR ATTORNEY DESIGNATED IN THE SUBPOENA WRITTEN OBJECTIONS TO PRODUCTION. IF OBJECTION IS MADE, THE PARTY SERVING THE SUBPOENA SHALL NOT BE ENTITLED TO PRODUCTION EXCEPT PURSUANT TO AN ORDER OF THE COURT BY WHICH THE SUBPOENA WAS ISSUED. IF OBJECTION HAS BEEN MADE, THE PARTY SERVING THE SUBPOENA, UPON NOTICE TO THE PERSON COMMANDED TO PRODUCE, MAY MOVE AT ANY TIME FOR AN ORDER TO COMPEL THE PRODUCTION. AN ORDER TO COMPEL PRODUCTION SHALL PROTECT ANY PERSON WHO IS NOT A PARTY OR AN OFFICER OF A PARTY FROM SIGNIFICANT EXPENSE RESULTING FROM THE PRODUCTION COMMANDED.

(3) ON TIMELY MOTION, THE COURT FROM WHICH THE SUBPOENA WAS ISSUED SHALL QUASH OR MODIFY THE SUBPOENA, OR ORDER APPEARANCE OR PRODUCTION ONLY UNDER SPECIFIED CONDITIONS, IF THE SUBPOENA DOES ANY OF THE FOLLOWING:

(a) FAILS TO ALLOW REASONABLE TIME TO COMPLY;

(b) REQUIRES DISCLOSURE OF PRIVILEGED OR OTHERWISE PROTECTED MATTER AND NO EXCEPTION OR WAIVER APPLIES;

(c) REQUIRES DISCLOSURE OF A FACT KNOWN OR OPINION HELD BY AN EXPERT NOT RETAINED OR SPECIALLY EMPLOYED BY ANY PARTY IN ANTICIPATION OF LITIGATION OR PREPARATION FOR TRIAL AS DESCRIBED BY CIV. R. 26(B)(4), IF THE FACT OR OPINION DOES NOT DESCRIBE SPECIFIC EVENTS OR OCCURRENCES IN DISPUTE AND RESULTS FROM STUDY BY THAT EXPERT THAT WAS NOT MADE AT THE REQUEST OF ANY PARTY;

(d) SUBJECTS A PERSON TO UNDUE BURDEN.

(4) BEFORE FILING A MOTION PURSUANT TO DIVISION (C)(3)(d) OF THIS RULE, A PERSON RESISTING DISCOVERY UNDER THIS RULE SHALL ATTEMPT TO RESOLVE ANY CLAIM OF UNDUE BURDEN THROUGH DISCUSSIONS WITH THE ISSUING ATTORNEY. A MOTION FILED PURSUANT TO DIVISION (C)(3)(d) OF THIS RULE SHALL BE SUPPORTED BY AN AFFIDAVIT OF THE SUBPOENAED PERSON OR A CERTIFICATE OF THAT PERSON'S ATTORNEY OF THE EFFORTS MADE TO RESOLVE ANY CLAIM OF UNDUE BURDEN.

(5) IF A MOTION IS MADE UNDER DIVISION (C)(3)(e) OR (C)(3)(d) OF THIS RULE, THE COURT SHALL QUASH OR MODIFY THE SUBPOENA UNLESS THE PARTY IN WHOSE BEHALF THE SUBPOENA IS ISSUED SHOWS A SUBSTANTIAL NEED FOR THE TESTIMONY OR MATERIAL THAT CANNOT BE OTHERWISE MET WITHOUT UNDUE HARDSHIP AND ASSURES THAT THE PERSON TO WHOM THE SUBPOENA IS ADDRESSED WILL BE REASONABLY COMPENSATED.

CIVIL RULE 45 (D) DUTIES IN RESPONDING TO SUBPOENA.

(1) A PERSON RESPONDING TO A SUBPOENA TO PRODUCE DOCUMENTS SHALL, AT THE PERSON'S OPTION, PRODUCE THEM AS THEY ARE KEPT IN THE USUAL COURSE OF BUSINESS OR ORGANIZED AND LABELED TO CORRESPOND WITH THE CATEGORIES IN THE SUBPOENA. A PERSON PRODUCING DOCUMENTS OR ELECTRONICALLY STORED INFORMATION PURSUANT TO A SUBPOENA FOR THEM SHALL PERMIT THEIR INSPECTION AND COPYING BY ALL PARTIES PRESENT AT THE TIME AND PLACE SET IN THE SUBPOENA FOR INSPECTION AND COPYING.

(2) IF A REQUEST DOES NOT SPECIFY THE FORM OR FORMS FOR PRODUCING ELECTRONICALLY STORED INFORMATION, A PERSON RESPONDING TO A SUBPOENA MAY PRODUCE THE INFORMATION IN A FORM OR FORMS IN WHICH THE INFORMATION IS ORDINARILY MAINTAINED IF THAT FORM IS REASONABLY USEABLE, OR IN ANY FORM THAT IS REASONABLY USEABLE. UNLESS ORDERED BY THE COURT OR AGREED TO BY THE PERSON SUBPOENAED, A PERSON RESPONDING TO A SUBPOENA NEED NOT PRODUCE THE SAME ELECTRONICALLY STORED INFORMATION IN MORE THAN ONE FORM.

(3) A PERSON NEED NOT PROVIDE DISCOVERY OF ELECTRONICALLY STORED INFORMATION WHEN THE PRODUCTION IMPOSES UNDUE BURDEN OR EXPENSE. ON MOTION TO COMPEL DISCOVERY OR FOR A PROTECTIVE ORDER, THE PERSON FROM WHOM ELECTRONICALLY STORED INFORMATION IS SOUGHT MUST SHOW THAT THE INFORMATION IS NOT REASONABLY ACCESSIBLE BECAUSE OF UNDUE BURDEN OR EXPENSE. IF A SHOWING OF UNDUE BURDEN OR EXPENSE IS MADE, THE COURT MAY NONETHELESS ORDER PRODUCTION OF ELECTRONICALLY STORED INFORMATION IF THE REQUESTING PARTY SHOWS GOOD CAUSE. THE COURT SHALL CONSIDER THE FACTORS IN CIV. R. 26(B)(4) WHEN DETERMINING IF GOOD CAUSE EXISTS. IN ORDERING PRODUCTION OF ELECTRONICALLY STORED INFORMATION, THE COURT MAY SPECIFY THE FORMAT, EXTENT, TIMING, ALLOCATION OF EXPENSES AND OTHER CONDITIONS FOR THE DISCOVERY OF THE ELECTRONICALLY STORED INFORMATION.

(4) WHEN INFORMATION SUBJECT TO A SUBPOENA IS WITHHELD ON A CLAIM THAT IT IS PRIVILEGED OR SUBJECT TO PROTECTION AS TRIAL PREPARATION MATERIALS, THE CLAIM SHALL BE MADE EXPRESSLY AND SHALL BE SUPPORTED BY A DESCRIPTION OF THE NATURE OF THE DOCUMENTS, COMMUNICATIONS, OR THINGS NOT PRODUCED THAT IS SUFFICIENT TO ENABLE THE DEMANDING PARTY TO CONTEST THE CLAIM.

(5) IF INFORMATION IS PRODUCED IN RESPONSE TO A SUBPOENA THAT IS SUBJECT TO A CLAIM OF PRIVILEGE OR OF PROTECTION AS TRIAL-PREPARATION MATERIAL, THE PERSON MAKING THE CLAIM MAY NOTIFY ANY PARTY THAT RECEIVED THE INFORMATION OF THE CLAIM AND THE BASIS FOR IT. AFTER BEING NOTIFIED, A RECEIVING PARTY MUST PROMPTLY RETURN, SEQUESTER, OR DESTROY THE SPECIFIED INFORMATION AND ANY COPIES WITHIN THE PARTY'S POSSESSION, CUSTODY OR CONTROL. A PARTY MAY NOT USE OR DISCLOSE THE INFORMATION UNTIL THE CLAIM IS RESOLVED. A RECEIVING PARTY MAY PROMPTLY PRESENT THE INFORMATION TO THE COURT UNDER SEAL FOR A DETERMINATION OF THE CLAIM OF PRIVILEGE OR OF PROTECTION AS TRIAL-PREPARATION MATERIAL. IF THE RECEIVING PARTY DISCLOSED THE INFORMATION BEFORE BEING NOTIFIED, IT MUST TAKE REASONABLE STEPS TO RETRIEVE IT. THE PERSON WHO PRODUCED THE INFORMATION MUST PRESERVE THE INFORMATION UNTIL THE CLAIM IS RESOLVED.

EXHIBIT A

DEFINITIONS AND INSTRUCTIONS

A. The following terms shall have the meanings indicated below:

- (1) The term "Respondents" shall mean William S. Booth, Daniel L. Darland, Tracy L. Jones, and Latonya D. Thurman, individually and as the committee supporting the Ohio Drug Price Relief Act, and their present and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, attorneys, and other persons or entities acting or purporting to act on their behalf.
- (2) The term "Petition" shall mean the initiative petition filed with the Ohio Secretary of State on December 22, 2015 proposing to enact Section 194.01 of the Ohio Revised Code, sometimes referred to as "The Ohio Drug Price Relief Act."
- (3) The term "person" shall mean and include natural persons, governmental entities, proprietorships, corporations, partnerships, joint ventures, and each other form of organization, entity or association.
- (4) The term "document" is used in the broadest possible sense and shall mean, without limitation, any kind of written, printed, recorded or graphic matter, however produced or reproduced, of any kind or description, whether sent or received or neither, including originals, copies and drafts and both sides of originals, copies and drafts, and including but not limited to papers, books, letters, correspondence, telegrams, cables, telex messages, electronic messages or electronic mail (whether or not stored or recorded on-line or off-line in archive storage), financial statements, memoranda, notes, notations, work papers, transcripts, minutes, reports and recordings of telephone conversations or other conversations, or of interviews, or of conferences or other meetings, affidavits, statements, summaries, opinions, reports, studies, analyses, evaluations, contracts, agreements, journals, statistical records, desk calendars, appointment books, diaries, expense account records, lists, tabulations, summaries, sound recordings, videotapes, word processing disks and/or memory or archive systems, computer disks and/or memory or archive systems, computer printouts, data processing input and output, magnetic tapes, magnetic disks, microfilms, all other records kept by electronic, magnetic, photographic, optical or mechanical means, and things similar to any of the foregoing, however denominated.
- (5) The term "communication" shall mean the transmission of any verbal or nonverbal, written or non-written message, information, sign, symbol, or behavior, and shall include the process by which such transmission occurs.
- (6) The words "documents relating to" shall mean documents containing, constituting, showing, evidencing, concerning, pertaining to, relating to, and/or referring to, whether directly or indirectly.

B. The singular number and masculine gender shall include, and be applied as, the plural or the feminine gender or neuter, and vice-versa, as the circumstances of the particular request may make appropriate.

C. If you deem any request for documents to call for the production of privileged or otherwise nondisclosable materials and you assert such claim, please furnish a list at the time of production identifying each document so withheld together with the following information:

- (1) the reason for withholding each such document or material, stated with sufficient particularity so as to permit the Court to adjudicate the validity of the claimed privilege;

(2) a statement of the facts constituting the basis for any claim of privilege or other ground of non-disclosure; and

(3) a brief description of each such document or other material, including:

(a) the date of the document;

(b) the name of its author(s) or preparer(s) and an identification by employment and title of each such person(s);

(c) the name of each person to whom the document or other material was sent or who has had access to, or custody of, the document or other material, together with an identification of each such person(s);

(d) the specific request to which the document or other material is responsive; and

(e) in the case of any document or other material that relates in any way to a meeting or conversation, identification of such meeting or conversation and the persons attending or participating in such meeting or conversation.

D. With respect to each document request, it is requested that you identify and produce all documents that are known to you or that you can locate or discover that are in your possession, custody or control, from whatever source derived, which, directly or indirectly, relate, refer or pertain to the subject matter of the request made, including, without limitation, all such documents in the files (whether they be denominated personal, business or any other files) in your possession, custody or control or, as applicable, of your employees, agents, representatives or other persons acting on your behalf or under your control.

E. It is requested that you produce all responsive documents and other materials in an orderly manner (and with appropriate markings or other identification) so that a reasonable person will be able to identify the source of the document or other material, the file in which the document or other material was maintained, the person to whom such file belongs, and the specific request to which the document or other material is responsive.

DOCUMENTS TO BE PRODUCED

1. Please produce all communications and documents relating in any way thereto between you and any person that you utilized to circulate the Petition (including without limitation any handouts, manuals, training, and/or instructions).
2. Please produce all communications and documents relating in any way thereto between you and Respondents (including without limitation any handouts, manuals, training, and/or instructions).
3. Please produce all communications and documents relating in any way thereto between you and any of the following persons who filed a Form 15 ("Statement of Receiving or Providing Compensation for Circulating a Statewide Petition") with the Ohio Secretary of State in regard to the Petition: PCI Consultants, Inc., Angelo Paparella, DRW Campaigns LLC, Dustin Wefel, Elite Campaigns, Inc., Eric Tinchler, Ohio Petitioning Partners LLC, Pamela Lauter, Ballot Access LLC, John Michael, Educated Voters, Cody Eldred, Elizabeth Page, Kelvin Moore, David Saddler, and/or Xavier Malagon (including without limitation any handouts, manuals, training, and/or instructions).
4. Please produce all contracts and agreements, and documents relating in any way thereto, between you and any person that you utilized to circulate the Petition.
5. Please produce all contracts and agreements, and documents relating in any way thereto, between you and Respondents.
6. Excluding part-petitions of the Petition, please produce all documents relating to the permanent residence address of Fifi Harper.
7. Excluding part-petitions of the Petition, please produce all documents relating to the permanent residence address of Roy Jackson.
8. Excluding part-petitions of the Petition, please produce all documents relating to the permanent residence address of Kelvin Moore.
9. Excluding part-petitions of the Petition, please produce all documents relating to the permanent residence address of Kacey Veliquette.
10. Excluding part-petitions of the Petition, please produce all documents relating to the alteration of, or striking of names on, any part-petition of the Petition prior to submission to the Ohio Secretary of State by a person who was not a signer of the part-petition, an attorney in fact for disabled voters acting pursuant to R.C. 3501.382, or the circulator of the part-petition.
11. Please produce any policies and/or procedures and documents relating in any way thereto relating to the alteration of, or striking of names on, part-petitions of the Petition circulated by you or persons you utilized to circulate part-petitions of the Petition.

12. Please produce all documents relating in any way to actions you undertook to ensure that the persons that you utilized to circulate the Petition were knowledgeable of and would comply with Ohio election law.
13. Please produce all documents relating in any way to actions you undertook to ensure that no person that circulated the Petition was ineligible to do so under Ohio election law.
14. Excluding part-petitions of the Petition, please produce all documents relating to the failure of any circulator of a part-petition to attest to the correct number of signatures that appeared on such part-petition.
15. Excluding part-petitions of the Petition, please produce all documents relating to the refusal of any circulator of a part-petition to attest to the incorrect number of signatures that appeared on such part-petition.
16. Please produce any policies and/or procedures and documents relating in any way thereto relating to the attestation of the number of signatures on an individual part-petition of the Petition circulated by you or persons you utilized to circulate part-petitions of the Petition.
17. Please produce all documents or communications with any circulator of part-petitions of the Petition who refused or objected to placing a false attestation of the number of signatures on an individual part-petition of petitions circulated by such circulator.
18. Please produce all documents or communications with any of the following circulators of part-petitions of the Petition: Adrienne Raishawn Collins and/or Kevin Hawkins.
19. Please produce all documents relating to or reflecting criminal background checks you performed or requested on circulators of part-petitions of the Petition prior to the date they began circulating part-petitions.
20. Please produce all documents relating to or reflecting criminal background checks you performed or requested on circulators of part-petitions of the Petition at any time.
21. Please produce all documents submitted to the IRS relating to any of the following circulators of part-petitions of the Petition: Michael Mayo, Walter Searcy, Stephanie Cole, Sean Thomas, and/or Antoine Woods.
22. Please produce documents showing the date of birth and/or social security number for the following circulators of part-petitions of the Petition: Michael Mayo, Walter Searcy, Stephanie Cole, Sean Thomas, and/or Antoine Woods.
23. Please produce all documents received from or referring or relating to any of the following circulators of part-petitions of the Petition: Fifi Harper, Roy Jackson, Kelvin Moore, and/or Kacey Veliquette.
24. Please produce all documents submitted to the IRS relating to any of the following circulators of part-petitions of the Petition: Fifi Harper, Roy Jackson, Kelvin Moore, and/or Kacey Veliquette.
25. Please produce documents showing the date of birth and/or social security number for the following circulators of part-petitions of the Petition: Fifi Harper, Roy Jackson, Kelvin Moore, and/or Kacey Veliquette.

26. Please produce all documents received from or referring or relating to any of the following circulators of part-petitions of the Petition: Fifi Harper, Roy Jackson, Kelvin Moore, and/or Kacey Veliquette.

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 725 South Figueroa Street, 31st Floor, Los Angeles, CA 90017-5524.

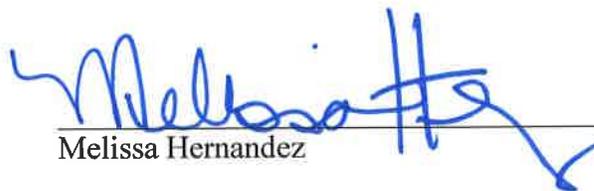
On May 2, 2016, I served true copies of the following document(s) described as **NOTICE OF DEPOSITION SUBPOENA FOR PRODUCTION OF DOCUMENTS TO CUSTODIAN OF RECORDS, PCI CONSULTANTS, INC.** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Caldwell Leslie & Proctor, PC's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 2, 2016, at Los Angeles, California.


Melissa Hernandez

Counsel of Record
The Ohio Manufacturers' Association v. Ohioans for Drug Price Relief Act, et al.
Ohio Supreme Court Case No. 2016-0313

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Nelson M. Reid
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Counsel for Respondents William S. Booth, Daniel L. Darland, Tracy L. Jones, and Latonya D. Thurman

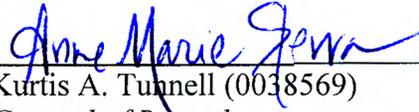
IN THE SUPREME COURT OF OHIO

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

RELATORS' NOTICE OF DEPOSITION OF ERIC TINCHER

PLEASE TAKE NOTICE that pursuant to Rule 30 of the Ohio Rules of Civil Procedure, counsel for the Relators will take the deposition of Eric Tinchler on June 8, 2016 at 2:00 p.m. at Western Michigan University Campus, Fetzer Business Center, 2350 Business Court, Kalamazoo, MI 49008 for purposes of trial and for any other purpose permitted by the Ohio Rules of Evidence and Civil Procedure. This deposition shall be held before a court reporter. The deposition will continue from day to day until completed. A copy of the subpoena issued to Mr. Tinchler is attached hereto.

Respectfully submitted,



Kurtis A. Tunnell (0038569)

Counsel of Record

Anne Marie Sferra (0030855)

Nelson M. Reid (0068434)

James P. Schuck (0072356)

BRICKER & ECKLER LLP

100 South Third Street

Columbus, Ohio 43215

(614) 227-2300 (Telephone)

(614) 227-2390 (Facsimile)

ktunnell@bricker.com

asferra@bricker.com

nreid@bricker.com

jschuck@bricker.com

Counsel for Relators

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served via electronic mail on

May 18, 2016 upon:

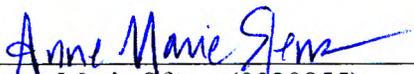
MICHAEL DeWINE
Ohio Attorney General

Steven T. Voigt
Senior Assistant Attorney General
Brodi J. Conover
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ccolombo@electionlawgroup.com
dclinger@electionlawgroup.com

Counsel for Respondents William S. Booth, Daniel L. Darland, Tracy L. Jones, and Latonya D. Thurman



Anne Marie Serra (0030855)

Approved, SCAO

Original - Return
1st copy - Person subject to subpoena
2nd copy - Requesting person's file

STATE OF MICHIGAN 9th JUDICIAL CIRCUIT Kalamazoo COUNTY	SUBPOENA FOR OUT-OF-STATE CASE	ADMIN-2016-0017-A7
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Court address Kalamazoo County Circuit Court, 227 W. Michigan Ave., Kalamazoo, MI 49007	Court telephone no. (269) 383-8837
--	---------------------------------------

This subpoena is issued for the following out-of-state case under MCL 600.2201 *et seq.*

Case name The Ohio Manufacturers' Association, et al. v. Ohioans for Drug Price Relief Act, et al.		
Name of state/territory where case is filed Ohio	Name of court The Supreme Court of Ohio	Case number 2016-0313

Note: Attach a separate sheet containing the names, addresses, and telephone numbers of all attorneys of record and any parties not represented by an attorney.

Person requesting subpoena Eric K. Shih (P71326)			
Address Clark Hill PLC, 500 Woodward Ave., Suite 3500			
City Detroit	State MI	Zip 48226	Telephone no. (313) 965-8813

In the Name of the People of the State of Michigan. TO:

Eric Tincher, 816 Denner Street, Kalamazoo, MI 49006

YOU ARE ORDERED TO COMPLY WITH THE ATTACHED OUT-OF-STATE SUBPOENA:

1. Appear personally at the time and place stated below for the purposes stated in that subpoena:

Date: June 8, 2016

Time: 2:00 pm

Location: Western Michigan University Campus, Fetzer Business Center, 2350 Business Court, Kalamazoo, MI 49008

2. Produce/Permit inspection or copying of the items stated in that subpoena.

3. Permit inspection of the premises identified in that subpoena.



THE TERMS OF THE OUT-OF-STATE SUBPOENA ARE INCORPORATED IN THIS ORDER BY REFERENCE. FAILURE TO OBEY THE COMMANDS OF THE SUBPOENA MAY SUBJECT YOU TO PENALTY FOR CONTEMPT OF COURT.

5-9-2016
Date

Jessica Boddy
Circuit Court Clerk

**SUBPOENA FOR
OUT-OF-STATE CASE**
Case No. _____

PROOF OF SERVICE

TO PROCESS SERVER: You must make and file your return with the person requesting the subpoena. If you are unable to complete service, you must return this original and all copies to the person requesting the subpoena.

CERTIFICATE / AFFIDAVIT OF SERVICE / NON-SERVICE

<input type="checkbox"/> OFFICER CERTIFICATE I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that: (notarization not required)	OR	<input type="checkbox"/> AFFIDAVIT OF PROCESS SERVER Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)
--	----	---

I served a copy of the subpoena, together with _____ (including any required fees) by _____ Attachment

personal service registered or certified mail (copy of return receipt attached) on:

Name(s)	Complete address(es) of service	Day, date, time

I have personally attempted to serve the subpoena and required fees, if any, together with _____ Attachment on the following person and have been unable to complete service.

Name(s)	Complete address(es) of service	Day, date, time

I declare that the statements above are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee		Signature
\$		\$		_____
Incorrect address fee	Miles traveled	Fee	TOTAL FEE	Name (type or print)
\$		\$	\$	_____
				Title

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Date Signature: _____ Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the subpoena and required fees, if any, together with _____ Attachment

_____ on _____
Day, date, time

_____ on behalf of _____
Signature

IN THE SUPREME COURT OF OHIO
Subpoena for Deposition

The Ohio Manufacturers' Association, et al.
Relators

Case No. 2016-0313

v.

Ohioans for Drug Price Relief Act, et al.
Respondents.

The State of Ohio
Franklin County, ss

To: Attorney Process Server _____ Sheriff of _____ County, OH

YOU ARE HEREBY COMMANDED TO SERVE THE FOLLOWING NAMED PERSON, to wit:

Person Business

<u>Tincher</u>		<u>816 Denner Street</u>
Last Name/Business Name		Street Address
<u>Eric</u>		_____
First Name	Mid. Init. Designation	Address Line 2

		Address Line 3
		<u>Kalamazoo</u>
		City
		<u>MI</u> <u>49006</u>
		State Zip Code

To be and appear at Western Michigan University Campus, Fetzer Business Center, 2350 Business Court, Kalamazoo, MI 49008 on the 8th day of June, 2016 at 2:00 p.m.

- Attend and give testimony at a deposition on the date, time, and at the place specified above.
- Produce and permit inspection and copying on the date and at the time and place specified above, of any designated documents or electronically stored information that are in your possession, custody, or control.
- Produce and permit inspection and copying, testing, or sampling on the date and at the time and place specified above, of any tangible things that are in your possession, custody, or control.

Anne Marie Stieria 0030855 (614) 227-2300 Atty. for Relators
Attorney Name Supreme Ct No. Phone

Sheriff's Fees I received this subpoena on the ____ day of _____, 2016, and served the party by _____ on the ____ day of _____, 2016.

Service _____ I was unable to complete service for the following reason: _____

Mileage _____

Copy _____

Total _____

NOTE: READ ALL INFORMATION ON THE SECOND PAGE OF THIS SUBPOENA

CIVIL RULE 45(C) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS

(1) A PARTY OR AN ATTORNEY RESPONSIBLE FOR THE ISSUANCE AND SERVICE OF A SUBPOENA SHALL TAKE REASONABLE STEPS TO AVOID IMPOSING UNDUE BURDEN OR EXPENSE ON A PERSON SUBJECT TO THAT SUBPOENA.

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(b) SUBJECT TO DIVISION (D)(2) OF THIS RULE, A PERSON COMMANDED TO PRODUCE UNDER DIVISIONS (A)(1)(B)(II), (III), (IV), OR (V) OF THIS RULE MAY, WITHIN FOURTEEN DAYS AFTER SERVICE OF THE SUBPOENA OR BEFORE THE TIME SPECIFIED FOR COMPLIANCE IF SUCH TIME IS LESS THAN FOURTEEN DAYS AFTER SERVICE, SERVE UPON THE PARTY OR ATTORNEY DESIGNATED IN THE SUBPOENA WRITTEN OBJECTIONS TO PRODUCTION. IF OBJECTION IS MADE, THE PARTY SERVING THE SUBPOENA SHALL NOT BE ENTITLED TO PRODUCTION EXCEPT PURSUANT TO AN ORDER OF THE COURT BY WHICH THE SUBPOENA WAS ISSUED. IF OBJECTION HAS BEEN MADE, THE PARTY SERVING THE SUBPOENA, UPON NOTICE TO THE PERSON COMMANDED TO PRODUCE, MAY MOVE AT ANY TIME FOR AN ORDER TO COMPEL THE PRODUCTION. AN ORDER TO COMPEL PRODUCTION SHALL PROTECT ANY PERSON WHO IS NOT A PARTY OR AN OFFICER OF A PARTY FROM SIGNIFICANT EXPENSE RESULTING FROM THE PRODUCTION COMMANDED.

(3) ON TIMELY MOTION, THE COURT FROM WHICH THE SUBPOENA WAS ISSUED SHALL QUASH OR MODIFY THE SUBPOENA, OR ORDER APPEARANCE OR PRODUCTION ONLY UNDER SPECIFIED CONDITIONS, IF THE SUBPOENA DOES ANY OF THE FOLLOWING:

(a) FAILS TO ALLOW REASONABLE TIME TO COMPLY;

(b) REQUIRES DISCLOSURE OF PRIVILEGED OR OTHERWISE PROTECTED MATTER AND NO EXCEPTION OR WAIVER APPLIES;

(c) REQUIRES DISCLOSURE OF A FACT KNOWN OR OPINION HELD BY AN EXPERT NOT RETAINED OR SPECIALLY EMPLOYED BY ANY PARTY IN ANTICIPATION OF LITIGATION OR PREPARATION FOR TRIAL AS DESCRIBED BY CIV. R. 26(B)(4), IF THE FACT OR OPINION DOES NOT DESCRIBE SPECIFIC EVENTS OR OCCURRENCES IN DISPUTE AND RESULTS FROM STUDY BY THAT EXPERT THAT WAS NOT MADE AT THE REQUEST OF ANY PARTY;

(d) SUBJECTS A PERSON TO UNDUE BURDEN.

(4) BEFORE FILING A MOTION PURSUANT TO DIVISION (C)(3)(d) OF THIS RULE, A PERSON RESISTING DISCOVERY UNDER THIS RULE SHALL ATTEMPT TO RESOLVE ANY CLAIM OF UNDUE BURDEN THROUGH DISCUSSIONS WITH THE ISSUING ATTORNEY. A MOTION FILED PURSUANT TO DIVISION (C)(3)(d) OF THIS RULE SHALL BE SUPPORTED BY AN AFFIDAVIT OF THE SUBPOENAED PERSON OR A CERTIFICATE OF THAT PERSON'S ATTORNEY OF THE EFFORTS MADE TO RESOLVE ANY CLAIM OF UNDUE BURDEN.

(5) IF A MOTION IS MADE UNDER DIVISION (C)(3)(c) OR (C)(3)(d) OF THIS RULE, THE COURT SHALL QUASH OR MODIFY THE SUBPOENA UNLESS THE PARTY IN WHOSE BEHALF THE SUBPOENA IS ISSUED SHOWS A SUBSTANTIAL NEED FOR THE TESTIMONY OR MATERIAL THAT CANNOT BE OTHERWISE MET WITHOUT UNDUE HARDSHIP AND ASSURES THAT THE PERSON TO WHOM THE SUBPOENA IS ADDRESSED WILL BE REASONABLY COMPENSATED.

CIVIL RULE 45 (D) DUTIES IN RESPONDING TO SUBPOENA.

(1) A PERSON RESPONDING TO A SUBPOENA TO PRODUCE DOCUMENTS SHALL, AT THE PERSON'S OPTION, PRODUCE THEM AS THEY ARE KEPT IN THE USUAL COURSE OF BUSINESS OR ORGANIZED AND LABELED TO CORRESPOND WITH THE CATEGORIES IN THE SUBPOENA. A PERSON PRODUCING DOCUMENTS OR ELECTRONICALLY STORED INFORMATION PURSUANT TO A SUBPOENA FOR THEM SHALL PERMIT THEIR INSPECTION AND COPYING BY ALL PARTIES PRESENT AT THE TIME AND PLACE SET IN THE SUBPOENA FOR INSPECTION AND COPYING.

(2) IF A REQUEST DOES NOT SPECIFY THE FORM OR FORMS FOR PRODUCING ELECTRONICALLY STORED INFORMATION, A PERSON RESPONDING TO A SUBPOENA MAY PRODUCE THE INFORMATION IN A FORM OR FORMS IN WHICH THE INFORMATION IS ORDINARILY MAINTAINED IF THAT FORM IS REASONABLY USEABLE, OR IN ANY FORM THAT IS REASONABLY USEABLE, UNLESS ORDERED BY THE COURT OR AGREED TO BY THE PERSON SUBPOENAED. A PERSON RESPONDING TO A SUBPOENA NEED NOT PRODUCE THE SAME ELECTRONICALLY STORED INFORMATION IN MORE THAN ONE FORM.

(3) A PERSON NEED NOT PROVIDE DISCOVERY OF ELECTRONICALLY STORED INFORMATION WHEN THE PRODUCTION IMPOSES UNDUE BURDEN OR EXPENSE. ON MOTION TO COMPEL DISCOVERY OR FOR A PROTECTIVE ORDER, THE PERSON FROM WHOM ELECTRONICALLY STORED INFORMATION IS SOUGHT MUST SHOW THAT THE INFORMATION IS NOT REASONABLY ACCESSIBLE BECAUSE OF UNDUE BURDEN OR EXPENSE. IF A SHOWING OF UNDUE BURDEN OR EXPENSE IS MADE, THE COURT MAY NONETHELESS ORDER PRODUCTION OF ELECTRONICALLY STORED INFORMATION IF THE REQUESTING PARTY SHOWS GOOD CAUSE. THE COURT SHALL CONSIDER THE FACTORS IN CIV. R. 26(B)(4) WHEN DETERMINING IF GOOD CAUSE EXISTS. IN ORDERING PRODUCTION OF ELECTRONICALLY STORED INFORMATION, THE COURT MAY SPECIFY THE FORMAT, EXTENT, TIMING, ALLOCATION OF EXPENSES AND OTHER CONDITIONS FOR THE DISCOVERY OF THE ELECTRONICALLY STORED INFORMATION.

(4) WHEN INFORMATION SUBJECT TO A SUBPOENA IS WITHHELD ON A CLAIM THAT IT IS PRIVILEGED OR SUBJECT TO PROTECTION AS TRIAL PREPARATION MATERIALS, THE CLAIM SHALL BE MADE EXPRESSLY AND SHALL BE SUPPORTED BY A DESCRIPTION OF THE NATURE OF THE DOCUMENTS, COMMUNICATIONS, OR THINGS NOT PRODUCED THAT IS SUFFICIENT TO ENABLE THE DEMANDING PARTY TO CONTEST THE CLAIM.

(5) IF INFORMATION IS PRODUCED IN RESPONSE TO A SUBPOENA THAT IS SUBJECT TO A CLAIM OF PRIVILEGE OR OF PROTECTION AS TRIAL-PREPARATION MATERIAL, THE PERSON MAKING THE CLAIM MAY NOTIFY ANY PARTY THAT RECEIVED THE INFORMATION OF THE CLAIM AND THE BASIS FOR IT. AFTER BEING NOTIFIED, A RECEIVING PARTY MUST PROMPTLY RETURN, SEQUESTER, OR DESTROY THE SPECIFIED INFORMATION AND ANY COPIES WITHIN THE PARTY'S POSSESSION, CUSTODY OR CONTROL. A PARTY MAY NOT USE OR DISCLOSE THE INFORMATION UNTIL THE CLAIM IS RESOLVED. A RECEIVING PARTY MAY PROMPTLY PRESENT THE INFORMATION TO THE COURT UNDER SEAL FOR A DETERMINATION OF THE CLAIM OF PRIVILEGE OR OF PROTECTION AS TRIAL-PREPARATION MATERIAL. IF THE RECEIVING PARTY DISCLOSED THE INFORMATION BEFORE BEING NOTIFIED, IT MUST TAKE REASONABLE STEPS TO RETRIEVE IT. THE PERSON WHO PRODUCED THE INFORMATION MUST PRESERVE THE INFORMATION UNTIL THE CLAIM IS RESOLVED.

Counsel of Record
The Ohio Manufacturers' Association v. Ohioans for Drug Price Relief Act, et al.
Ohio Supreme Court Case No. 2016-0313

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Counsel for Respondents William S. Booth, Daniel L. Darland, Tracy L. Jones, and Latonya D. Thurman

IN THE SUPREME COURT OF OHIO
Subpoena for Production of Documents

The Ohio Manufacturers' Association, et al.

Relators

Case No. 2016-0313

v.

Ohioans for Drug Price Relief Act, et al.

Respondents.

The State of Ohio
Franklin County, ss

To: Attorney Process Server _____ Sheriff of _____ County, OH

YOU ARE HEREBY COMMANDED TO SERVE THE FOLLOWING NAMED PERSON, to wit:

Person Business

Tincher
Last Name/Business Name

816 Denner Street
Street Address

Eric
First Name

Mid. Init. Designation

Address Line 2

Address Line 3

Kalamazoo

City

MI 49006

State Zip Code

To produce documents to Eric Shih at Clark Hill, 500 Woodward Ave., Suite 3500, Detroit, MI 48226 by May 25, 2016.

- Attend and give testimony at a deposition on the date, time, and at the place specified above.
- Produce and permit inspection and copying on the date and at the time and place specified above, of any designated documents or electronically stored information that are in your possession, custody, or control **as described in Exhibit A attached hereto.**
- Produce and permit inspection and copying, testing, or sampling on the date and at the time and place specified above, of any tangible things that are in your possession, custody, or control.

Anne Marie Sferra
Attorney Name

0030855
Supreme Ct No.

(614) 227-2300
Phone

Atty. for Relators

Sheriff's Fees

I received this subpoena on the ____ day of _____, 2016, and served the party by _____ on the ____ day of _____, 2016.

Service _____
Mileage _____
Copy _____
Total _____

I was unable to complete service for the following reason: _____

NOTE: READ ALL INFORMATION ON THE SECOND PAGE OF THIS SUBPOENA

CIVIL RULE 45(C) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS

(1) A PARTY OR AN ATTORNEY RESPONSIBLE FOR THE ISSUANCE AND SERVICE OF A SUBPOENA SHALL TAKE REASONABLE STEPS TO AVOID IMPOSING UNDUE BURDEN OR EXPENSE ON A PERSON SUBJECT TO THAT SUBPOENA.

(2) (a) A PERSON COMMANDED TO PRODUCE UNDER DIVISIONS (A)(1)(B)(II), (III), (IV), OR (V) OF THIS RULE NEED NOT APPEAR IN PERSON AT THE PLACE OF PRODUCTION OR INSPECTION UNLESS COMMANDED TO ATTEND AND GIVE TESTIMONY AT A DEPOSITION, HEARING, OR TRIAL.

(b) SUBJECT TO DIVISION (D)(2) OF THIS RULE, A PERSON COMMANDED TO PRODUCE UNDER DIVISIONS (A)(1)(B)(II), (III), (IV), OR (V) OF THIS RULE MAY, WITHIN FOURTEEN DAYS AFTER SERVICE OF THE SUBPOENA OR BEFORE THE TIME SPECIFIED FOR COMPLIANCE IF SUCH TIME IS LESS THAN FOURTEEN DAYS AFTER SERVICE, SERVE UPON THE PARTY OR ATTORNEY DESIGNATED IN THE SUBPOENA WRITTEN OBJECTIONS TO PRODUCTION. IF OBJECTION IS MADE, THE PARTY SERVING THE SUBPOENA SHALL NOT BE ENTITLED TO PRODUCTION EXCEPT PURSUANT TO AN ORDER OF THE COURT BY WHICH THE SUBPOENA WAS ISSUED. IF OBJECTION HAS BEEN MADE, THE PARTY SERVING THE SUBPOENA, UPON NOTICE TO THE PERSON COMMANDED TO PRODUCE, MAY MOVE AT ANY TIME FOR AN ORDER TO COMPEL THE PRODUCTION. AN ORDER TO COMPEL PRODUCTION SHALL PROTECT ANY PERSON WHO IS NOT A PARTY OR AN OFFICER OF A PARTY FROM SIGNIFICANT EXPENSE RESULTING FROM THE PRODUCTION COMMANDED.

(3) ON TIMELY MOTION, THE COURT FROM WHICH THE SUBPOENA WAS ISSUED SHALL QUASH OR MODIFY THE SUBPOENA, OR ORDER APPEARANCE OR PRODUCTION ONLY UNDER SPECIFIED CONDITIONS, IF THE SUBPOENA DOES ANY OF THE FOLLOWING:

- (a) FAILS TO ALLOW REASONABLE TIME TO COMPLY;
- (b) REQUIRES DISCLOSURE OF PRIVILEGED OR OTHERWISE PROTECTED MATTER AND NO EXCEPTION OR WAIVER APPLIES;
- (c) REQUIRES DISCLOSURE OF A FACT KNOWN OR OPINION HELD BY AN EXPERT NOT RETAINED OR SPECIALLY EMPLOYED BY ANY PARTY IN ANTICIPATION OF LITIGATION OR PREPARATION FOR TRIAL AS DESCRIBED BY CIV. R. 26(B)(4), IF THE FACT OR OPINION DOES NOT DESCRIBE SPECIFIC EVENTS OR OCCURRENCES IN DISPUTE AND RESULTS FROM STUDY BY THAT EXPERT THAT WAS NOT MADE AT THE REQUEST OF ANY PARTY;
- (d) SUBJECTS A PERSON TO UNDUE BURDEN.

(4) BEFORE FILING A MOTION PURSUANT TO DIVISION (C)(3)(d) OF THIS RULE, A PERSON RESISTING DISCOVERY UNDER THIS RULE SHALL ATTEMPT TO RESOLVE ANY CLAIM OF UNDUE BURDEN THROUGH DISCUSSIONS WITH THE ISSUING ATTORNEY. A MOTION FILED PURSUANT TO DIVISION (C)(3)(d) OF THIS RULE SHALL BE SUPPORTED BY AN AFFIDAVIT OF THE SUBPOENAED PERSON OR A CERTIFICATE OF THAT PERSON'S ATTORNEY OF THE EFFORTS MADE TO RESOLVE ANY CLAIM OF UNDUE BURDEN.

(5) IF A MOTION IS MADE UNDER DIVISION (C)(3)(c) OR (C)(3)(d) OF THIS RULE, THE COURT SHALL QUASH OR MODIFY THE SUBPOENA UNLESS THE PARTY IN WHOSE BEHALF THE SUBPOENA IS ISSUED SHOWS A SUBSTANTIAL NEED FOR THE TESTIMONY OR MATERIAL THAT CANNOT BE OTHERWISE MET WITHOUT UNDUE HARDSHIP AND ASSURES THAT THE PERSON TO WHOM THE SUBPOENA IS ADDRESSED WILL BE REASONABLY COMPENSATED.

CIVIL RULE 45 (D) DUTIES IN RESPONDING TO SUBPOENA.

(1) A PERSON RESPONDING TO A SUBPOENA TO PRODUCE DOCUMENTS SHALL, AT THE PERSON'S OPTION, PRODUCE THEM AS THEY ARE KEPT IN THE USUAL COURSE OF BUSINESS OR ORGANIZED AND LABELED TO CORRESPOND WITH THE CATEGORIES IN THE SUBPOENA. A PERSON PRODUCING DOCUMENTS OR ELECTRONICALLY STORED INFORMATION PURSUANT TO A SUBPOENA FOR THEM SHALL PERMIT THEIR INSPECTION AND COPYING BY ALL PARTIES PRESENT AT THE TIME AND PLACE SET IN THE SUBPOENA FOR INSPECTION AND COPYING.

(2) IF A REQUEST DOES NOT SPECIFY THE FORM OR FORMS FOR PRODUCING ELECTRONICALLY STORED INFORMATION, A PERSON RESPONDING TO A SUBPOENA MAY PRODUCE THE INFORMATION IN A FORM OR FORMS IN WHICH THE INFORMATION IS ORDINARILY MAINTAINED IF THAT FORM IS REASONABLY USEABLE, OR IN ANY FORM THAT IS REASONABLY USEABLE. UNLESS ORDERED BY THE COURT OR AGREED TO BY THE PERSON SUBPOENAED, A PERSON RESPONDING TO A SUBPOENA NEED NOT PRODUCE THE SAME ELECTRONICALLY STORED INFORMATION IN MORE THAN ONE FORM.

(3) A PERSON NEED NOT PROVIDE DISCOVERY OF ELECTRONICALLY STORED INFORMATION WHEN THE PRODUCTION IMPOSES UNDUE BURDEN OR EXPENSE. ON MOTION TO COMPEL DISCOVERY OR FOR A PROTECTIVE ORDER, THE PERSON FROM WHOM ELECTRONICALLY STORED INFORMATION IS SOUGHT MUST SHOW THAT THE INFORMATION IS NOT REASONABLY ACCESSIBLE BECAUSE OF UNDUE BURDEN OR EXPENSE. IF A SHOWING OF UNDUE BURDEN OR EXPENSE IS MADE, THE COURT MAY NONETHELESS ORDER PRODUCTION OF ELECTRONICALLY STORED INFORMATION IF THE REQUESTING PARTY SHOWS GOOD CAUSE. THE COURT SHALL CONSIDER THE FACTORS IN CIV. R. 26(B)(4) WHEN DETERMINING IF GOOD CAUSE EXISTS. IN ORDERING PRODUCTION OF ELECTRONICALLY STORED INFORMATION, THE COURT MAY SPECIFY THE FORMAT, EXTENT, TIMING, ALLOCATION OF EXPENSES AND OTHER CONDITIONS FOR THE DISCOVERY OF THE ELECTRONICALLY STORED INFORMATION.

(4) WHEN INFORMATION SUBJECT TO A SUBPOENA IS WITHHELD ON A CLAIM THAT IT IS PRIVILEGED OR SUBJECT TO PROTECTION AS TRIAL PREPARATION MATERIALS, THE CLAIM SHALL BE MADE EXPRESSLY AND SHALL BE SUPPORTED BY A DESCRIPTION OF THE NATURE OF THE DOCUMENTS, COMMUNICATIONS, OR THINGS NOT PRODUCED THAT IS SUFFICIENT TO ENABLE THE DEMANDING PARTY TO CONTEST THE CLAIM.

(5) IF INFORMATION IS PRODUCED IN RESPONSE TO A SUBPOENA THAT IS SUBJECT TO A CLAIM OF PRIVILEGE OR OF PROTECTION AS TRIAL PREPARATION MATERIAL, THE PERSON MAKING THE CLAIM MAY NOTIFY ANY PARTY THAT RECEIVED THE INFORMATION OF THE CLAIM AND THE BASIS FOR IT. AFTER BEING NOTIFIED, A RECEIVING PARTY MUST PROMPTLY RETURN, SEQUESTER, OR DESTROY THE SPECIFIED INFORMATION AND ANY COPIES WITHIN THE PARTY'S POSSESSION, CUSTODY OR CONTROL. A PARTY MAY NOT USE OR DISCLOSE THE INFORMATION UNTIL THE CLAIM IS RESOLVED. A RECEIVING PARTY MAY PROMPTLY PRESENT THE INFORMATION TO THE COURT UNDER SEAL FOR A DETERMINATION OF THE CLAIM OF PRIVILEGE OR OF PROTECTION AS TRIAL PREPARATION MATERIAL. IF THE RECEIVING PARTY DISCLOSED THE INFORMATION BEFORE BEING NOTIFIED, IT MUST TAKE REASONABLE STEPS TO RETRIEVE IT. THE PERSON WHO PRODUCED THE INFORMATION MUST PRESERVE THE INFORMATION UNTIL THE CLAIM IS RESOLVED.

EXHIBIT A

DEFINITIONS AND INSTRUCTIONS

- A. The following terms shall have the meanings indicated below:
- (1) The term "Respondents" shall mean William S. Booth, Daniel L. Darland, Tracy L. Jones, and Latonya D. Thurman, individually and as the committee supporting the Ohio Drug Price Relief Act, and their present and former agents, assigns, employees, partners, successors, predecessors, associates, personnel, attorneys, and other persons or entities acting or purporting to act on their behalf.
 - (2) The term "Petition" shall mean the initiative petition filed with the Ohio Secretary of State on December 22, 2015 proposing to enact Section 194.01 of the Ohio Revised Code, sometimes referred to as "The Ohio Drug Price Relief Act."
 - (3) The term "person" shall mean and include natural persons, governmental entities, proprietorships, corporations, partnerships, joint ventures, and each other form of organization, entity or association.
 - (4) The term "document" is used in the broadest possible sense and shall mean, without limitation, any kind of written, printed, recorded or graphic matter, however produced or reproduced, of any kind or description, whether sent or received or neither, including originals, copies and drafts and both sides of originals, copies and drafts, and including but not limited to papers, books, letters, correspondence, telegrams, cables, telex messages, electronic messages or electronic mail (whether or not stored or recorded on-line or off-line in archive storage), financial statements, memoranda, notes, notations, work papers, transcripts, minutes, reports and recordings of telephone conversations or other conversations, or of interviews, or of conferences or other meetings, affidavits, statements, summaries, opinions, reports, studies, analyses, evaluations, contracts, agreements, journals, statistical records, desk calendars, appointment books, diaries, expense account records, lists, tabulations, summaries, sound recordings, videotapes, word processing disks and/or memory or archive systems, computer disks and/or memory or archive systems, computer printouts, data processing input and output, magnetic tapes, magnetic disks, microfilms, all other records kept by electronic, magnetic, photographic, optical or mechanical means, and things similar to any of the foregoing, however denominated.
 - (5) The term "communication" shall mean the transmission of any verbal or nonverbal, written or non-written message, information, sign, symbol, or behavior, and shall include the process by which such transmission occurs.
 - (6) The words "documents relating to" shall mean documents containing, constituting, showing, evidencing, concerning, pertaining to, relating to, and/or referring to, whether directly or indirectly.
- B. The singular number and masculine gender shall include, and be applied as, the plural or the feminine gender or neuter, and vice-versa, as the circumstances of the particular request may make appropriate.
- C. If you deem any request for documents to call for the production of privileged or otherwise nondisclosable materials and you assert such claim, please furnish a list at the time of production identifying each document so withheld together with the following information:
- (1) the reason for withholding each such document or material, stated with sufficient particularity so as to permit the Court to adjudicate the validity of the claimed privilege;

- (2) a statement of the facts constituting the basis for any claim of privilege or other ground of non-disclosure; and
- (3) a brief description of each such document or other material, including:
 - (a) the date of the document;
 - (b) the name of its author(s) or preparer(s) and an identification by employment and title of each such person(s);
 - (c) the name of each person to whom the document or other material was sent or who has had access to, or custody of, the document or other material, together with an identification of each such person(s);
 - (d) the specific request to which the document or other material is responsive; and
 - (e) in the case of any document or other material that relates in any way to a meeting or conversation, identification of such meeting or conversation and the persons attending or participating in such meeting or conversation.

D. With respect to each document request, it is requested that you identify and produce all documents that are known to you or that you can locate or discover that are in your possession, custody or control, from whatever source derived, which, directly or indirectly, relate, refer or pertain to the subject matter of the request made, including, without limitation, all such documents in the files (whether they be denominated personal, business or any other files) in your possession, custody or control or, as applicable, of your employees, agents, representatives or other persons acting on your behalf or under your control.

E. It is requested that you produce all responsive documents and other materials in an orderly manner (and with appropriate markings or other identification) so that a reasonable person will be able to identify the source of the document or other material, the file in which the document or other material was maintained, the person to whom such file belongs, and the specific request to which the document or other material is responsive.

DOCUMENTS TO BE PRODUCED

1. Please produce all communications and documents relating in any way thereto between you and any person that you utilized to circulate the Petition (including without limitation any handouts, manuals, training, and/or instructions).
2. Please produce all communications and documents relating in any way thereto between you and Respondents (including without limitation any handouts, manuals, training, and/or instructions).
3. Please produce all communications and documents relating in any way thereto between you and any of the following persons who filed a Form 15 ("Statement of Receiving or Providing Compensation for Circulating a Statewide Petition") with the Ohio Secretary of State in regard to the Petition: PCI Consultants, Inc., Angelo Paparella, DRW Campaigns LLC, Dustin Wefel, Elite Campaigns, Inc., Eric Tincher, Ohio Petitioning Partners LLC, Pamela Lauter, Ballot Access LLC, John Michael, Educated Voters, Cody Eldred, Elizabeth Page, Kelvin Moore, David Saddler, and/or Xavier Malagon (including without limitation any handouts, manuals, training, and/or instructions).
4. Please produce all contracts and agreements, and documents relating in any way thereto, between you and any person that you utilized to circulate the Petition.
5. Please produce all contracts and agreements, and documents relating in any way thereto, between you and Respondents.
6. Excluding part-petitions of the Petition, please produce all documents relating to the permanent residence address of Fifi Harper.
7. Excluding part-petitions of the Petition, please produce all documents relating to the permanent residence address of Roy Jackson.
8. Excluding part-petitions of the Petition, please produce all documents relating to the permanent residence address of Kelvin Moore.
9. Excluding part-petitions of the Petition, please produce all documents relating to the permanent residence address of Kacey Veliquette.
10. Excluding part-petitions of the Petition, please produce all documents relating to the alteration of, or striking of names on, any part-petition of the Petition prior to submission to the Ohio Secretary of State by a person who was not a signer of the part-petition, an attorney in fact for disabled voters acting pursuant to R.C. 3501.382, or the circulator of the part-petition.
11. Please produce any policies and/or procedures and documents relating in any way thereto relating to the alteration of, or striking of names on, part-petitions of petitions circulated by you or persons employed by you.

12. Please produce all documents relating in any way to actions you undertook to ensure that the persons that you utilized to circulate the Petition were knowledgeable of and would comply with Ohio election law.
13. Please produce all documents relating in any way to actions you undertook to ensure that no person that circulated the Petition was ineligible to do so under Ohio election law.
14. Excluding part-petitions of the Petition, please produce all documents relating to the failure of any circulator of a part-petition to attest to the correct number of signatures that appeared on such part-petition.
15. Excluding part-petitions of the Petition, please produce all documents relating to the refusal of any circulator of a part-petition to attest to the incorrect number of signatures that appeared on such part-petition.
16. Please produce any policies and/or procedures and documents relating in any way thereto relating to the attestation of the number of signatures on an individual part-petition of petitions circulated by you or persons employed by you.
17. Please produce all documents or communications with any circulator of part-petitions of the Petition who refused or objected to placing a false attestation of the number of signatures on an individual part-petition of petitions circulated by such circulator.
18. Please produce all documents or communications with any of the following circulators of part-petitions of the Petition: Adrienne Raishawn Collins and/or Kevin Hawkins.
19. Please produce all documents relating to or reflecting criminal background checks you performed or requested on circulators of part-petitions of the Petition prior to the date they began circulating part-petitions.
20. Please produce all documents relating to or reflecting criminal background checks you performed or requested on circulators of part-petitions of the Petition at any time.
21. Please produce all IRS forms (including but not limited to W-9, W-2, or 1099 forms) related to any of the following circulators of part-petitions of the Petition: Michael Mayo, Walter Searcy, Stephanie Cole, Sean Thomas, and/or Antoine Woods.
22. Please produce documents showing the date of birth and/or social security number for the following circulators of part-petitions of the Petition: Michael Mayo, Walter Searcy, Stephanie Cole, Sean Thomas, and/or Antoine Woods.
23. Please produce the employment application and personnel file (or commensurate file) for the following circulators of part-petitions of the Petition: Fifi Harper, Roy Jackson, Kelvin Moore, and/or Kacey Veliquette.
24. Please produce all IRS forms (including but not limited to W-9, W-2, or 1099 forms) related to any of the following circulators of part-petitions of the Petition: Fifi Harper, Roy Jackson, Kelvin Moore, and/or Kacey Veliquette.

25. Please produce documents showing the date of birth and/or social security number for the following circulators of part-petitions of the Petition: Fifi Harper, Roy Jackson, Kelvin Moore, and/or Kacey Veliquette.
26. Please produce the employment application and personnel file (or commensurate file) for the following circulators of part-petitions of the Petition: Fifi Harper, Roy Jackson, Kelvin Moore, and/or Kacey Veliquette.

Counsel of Record
The Ohio Manufacturers' Association v. Ohioans for Drug Price Relief Act, et al.
Ohio Supreme Court Case No. 2016-0313

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(614) 263-7078 (Facsimile)

Counsel for Respondents William S. Booth, Daniel L. Darland, Tracy L. Jones, and Latonya D. Thurman

PROOF OF SERVICE

SUBPOENA FOR OUT-OF-STATE CASE Case No. ADMIN-2016-0017

A7

TO PROCESS SERVER: You must make and file your return with the person requesting the subpoena. If you are unable to complete service, you must return this original and all copies to the person requesting the subpoena.

CERTIFICATE / AFFIDAVIT OF SERVICE / NON-SERVICE

OFFICER CERTIFICATE

OR

AFFIDAVIT OF PROCESS SERVER

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104(A)(2)), and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)

I served a copy of the subpoena, together with Attachment (including any required fees) by

personal service registered or certified mail (copy of return receipt attached) on:

Form with fields for Name(s), Complete address(es) of service, and Day, date, time. Handwritten: Eric Tincher, 816 Denner Kalamazoo, MI, 49009, Wednesday 5-11-2016 6:14 pm

I have personally attempted to serve the subpoena and required fees, if any, together with Attachment on the following person and have been unable to complete service.

Form with fields for Name(s), Complete address(es) of service, and Day, date, time.

I declare that the statements above are true to the best of my information, knowledge, and belief.

Table with columns: Service fee, Miles traveled, Fee, Incorrect address fee, Miles traveled, Fee, TOTAL FEE.

Signature: Elton Thomas, Name (type of print): Elton Thomas, Title: Process Server

Subscribed and sworn to before me on Date 5-13-16 County, Michigan. My commission expires: 11-21-16 Signature: Christina Puckett Deputy court clerk/Notary public



CHRISTINA PUCKETT Notary Public, State of Michigan County of Macomb My Commission Expires Nov. 21, 2016

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the subpoena and required fees, if any, together with Attachment

on Day, date, time

Signature on behalf of

EXHIBIT C
AFFIDAVIT OF KELVIN MOORE

Further Affiant sayeth naught.

km

Kelvin Moore

SWORN TO and subscribed before me on this 21st day of May, 2016.



Nhuy Hoang

Notary Public

My commission expires: October 14th 2019

EXHIBIT D
AFFIDAVIT OF KACEY VELIQUETTE

AFFIDAVIT OF KACEY VEILLOUETTE

State of Washington
) ss
) Spokane
County of Spokane

I, Kacey Veillette, being first duly sworn and cautioned, do hereby declare that:

1. I am a professional petition circulator and have worked as a professional petition circulator since 2015

2. My job requires me to constantly be travelling and I am unable to maintain a permanent residence. Most of the year I am staying in motels throughout the country as I work as a petition circulator in different states. I travel with my personal possessions.

3. I have not had a permanent residence during the time I have been working as a professional petition circulator.

4. When I am not travelling as part of my job as a petition circulator, I sometimes stay with friends for brief periods of time until I receive a new assignment.

5. In 2015 I circulated petitions in Ohio for the Drug Price Relief Act.

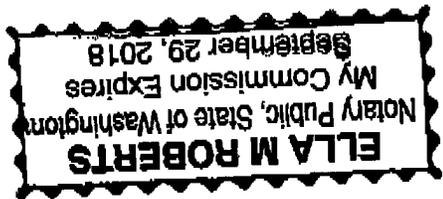
6. On the petitions that I circulated, I listed my address as 1900 South Ocean Boulevard, Myrtle Beach, South Carolina, 29577.

7. This was my address when I obtained my current driver's license. I was unsure which address I should give on the petitions, because I do not have a permanent residence address.

Further Affiant sayeth naught.

Kacey Veillette
Kacey Veillette Kv

SWORN TO and subscribed before me on this 23 day of May, 2016.



Ella M Roberts
Notary Public
My commission expires September 29, 2018

EXHIBIT E
AFFIDAVIT OF FIFI HARPER

AFFIDAVIT OF FIFI HARPER

State of Arkansas)
) SS.
County of Pulaski)

I, Fifi Juanita Harper, being first duly sworn and cautioned, do hereby state that:

1. I am over the age of eighteen and competent to testify from personal knowledge as to the facts set forth herein.
2. I am a veteran of the United State Navy, having served on active duty from February 1, 1982 until July 22, 1985. I received an honorable discharge. I do have disabilities which the Veterans Administration has determined are due to my military service.
3. I am self-employed as a professional petition circulator when work is available. I have been self-employed in this profession for since 2002, off-and-on. This profession requires me to consistently travel throughout the United States. Since 2013 I have been circulating petitions non-stop all over the United States.
4. Because of my military service connected disabilities and my employment as a professional circulator I have not been able to maintain a permanent residence. I have not had a fixed or permanent residential address or permanent residence since the summer of 2015
5. When my service connected disabilities allow me perform the duties of this profession, the profession requires me to travel throughout the United States.
6. While travelling, I stay at hotels and motels for very short periods of time. Sometimes I stay at different hotels and motels in the same state as I move around the state circulating petitions. At times while travelling I sleep in my car. When I am not travelling for work I temporarily stay with friends and family throughout the United States for brief periods of time.

7. I am unmarried and have no children. I have few tangible possessions and those that I do have are taken with me as I travel throughout the United States circulating petitions. I live out of my car and out of my suitcase.
8. In 2015 I was hired to circulate part-petitions for the Ohio Drug Price Relief Act in parts of Ohio.
9. On these part-petitions I listed as my address as 4022 East Greenway Road, #11312 Phoenix, Arizona 85032.
10. This is the address of a business facility that, among other services, hosts mail boxes. This is the only address where I receive personal and professional correspondence. This is the only location at which I can be contacted that is of a permanent, on-going nature. The only other method by which I may be contacted is on my cell phone.
11. I rented this mailbox on August 27, 2015 for a period of three-months and have subsequently continued to renew my rental agreement every three months and continue to use this service to receive correspondence. This is the only place from which when I am absent I have a specific present intention to return.
12. The operator of this facility receives all of my correspondence and provides immediate notification to me by text message when I receive a piece of certified mail at this address.
13. Prior to renting this mailbox my address was 4082 North 12th St Apt 2102 Phoenix, AZ 85014. I resided there from approximately January 2015 to August 2015. During this time, I was travelling and working as a petition circulator and also receiving assistance from veteran's assistance. After June 2015 this assistance ended and I could not afford this apartment while working on the road.
14. While working in Ohio in 2015 I held an Arizona driver's license that was issued in February 2015. I obtained this driver's license exclusively for the purposes of obtaining healthcare from a

Department of Veteran's Affairs medical facility in Arizona, which would not accept me as patient without an Arizona identification.

15. My service connected disabilities have often caused me to become homeless. The employment as a professional petition circulator has allowed me to perform services to others and function in society because the nature of the profession allows me to perform this type of activity even though I have not maintained a permanent residence.

Further Affiant sayeth naught.

Fifi Juanita Harper

Fifi Juanita Harper

SWORN TO and subscribed before me on this 23rd day of May, 2016.



Andrea Faulkner

Notary Public

My commission expires: August 4, 2020

EXHIBIT F
ARKANSAS RECORD CHECK FORM
OF
FIFI HARPER



ARKANSAS STATE POLICE

ASP-122 (Rev. 07/08)

Identification Bureau Individual Record Check Form

Full Name: Fifi Janita Harper, First Middle Last Name Maiden/Other

Date of Birth: 11/1/1963 State of Birth: CA Race: B/A Sex: F

Social Security #: 557-98-5621 Driver's License #: H616-250-63-9016 State 557

Mailing Address: 4402 E Greenway Rd #11-312 Phoenix AZ 85032

Daytime Phone #: (27) 495-8973

I GIVE MY CONSENT FOR THE ARKANSAS STATE POLICE TO CONDUCT A CRIMINAL RECORD SEARCH ON MYSELF AND RELEASE ANY RESULTS TO THE FOLLOWING PERSON OR ENTITY:

Name: Fifi J. Harper (First/MI/Last Name) or Full Name of Agency

Mailing Address: 4402 E Greenway Rd #11-312 Phoenix AZ 85032

Signature: Fifi Janita Harper Date: 4-11-16 (First/MI/Last Name) (Month/Day/Year)

(NO REQUEST WILL BE PROCESSED WITHOUT A NOTARIZED SIGNATURE)

STATE OF Oklahoma COUNTY OF Cherokee

AR920310Z PLACEMENT AND RESIDENTIAL LICENSING UNIT Attn: Kathy MacKay 2017 E. Race Ave. Searcy, AR 72143

Subscribed and sworn before me, a Notary Public, in and for the county and state aforesaid, this the 11th day of April, 2016

[Signature] Notary Public

- 82004 State Record Check 82005 State Record Check



EXHIBIT G
AFFIDAVIT OF ANGELO PAPARELLA

AFFIDAVIT

State of California
County of Los Angeles^{/ss}

I, Angelo Paparella, having been duly sworn and cautioned according to the law, hereby state as follows:

1. I am the Founder and President of Progressive Campaigns, Inc. and PCI Consultants, Inc. ("PCI"), which are nationwide petition management firms that have been in operation since 1992, and are based in Los Angeles, California.
2. PCI is regularly engaged by political organizations and committees seeking to place initiatives on the ballot. PCI provides the full range of services for qualifying ballot measures, including the recruiting, training and supervision of signature gathering companies, and complete petition processing and verification. Since 1992, PCI has gathered more than 58 million signatures and qualified hundreds of state and local initiatives for placement on election ballots.
3. Prior to forming PCI, I served in several senior campaign roles, including as the California Statewide Field Director for the Public Interest Research Groups ("PIRG") and as the National PIRG Field Director.
4. I have been involved with the oversight, management, and supervision of the collection of over one million five hundred thousand (1,500,000) petition signatures in the State of Ohio. This includes four statewide ballot issues since 2002 involving proposed statutes and constitutional amendments, including drug treatment programs (2002), smoke free work places (2006), livestock care and standards (2010), and pharmaceutical prices (2015-2016). I have also been involved with local ballot issues throughout Ohio.
5. I have utilized paid, professional petition circulators in every petition drive that I have managed throughout my career.
6. Based on my experience managing petition drives, professional petition circulators are resource that is indispensable to the success of a petition drive. Professional circulators are experienced in communicating policy ideas to the average voter and have a facility with conversing on diverse policy subjects that can only come with extensive experience in political canvassing, signature collection, and petition circulating. Successfully circulating petitions is both an art and a science, and it takes time and experience to hone the skills necessary to be efficient and successful in this profession.
7. Based on my experience, most petition drives would not succeed if they relied entirely upon unpaid and/or inexperienced petition circulators, as opposed to a

mixture of volunteers and compensated, experienced professionals. Based on my experience, signatures collected by travelling, professional petition circulators almost always represent more than 50% of signatures collected during petition drives in every state other than California.

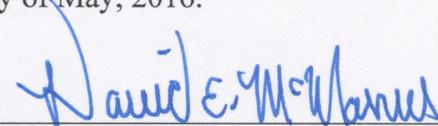
8. Based on my experience managing petition drives, a significant number of professional petition circulators do not have a fixed residential address. Circulating petitions as a profession generally requires extensive travel, irregular pay schedules, and uncertain long-term employment prospects. Based on my observations while managing petition drives and petition circulators, many who engage in this profession choose not to maintain a traditional residence, which is largely incompatible with their profession, but instead live their lives on the road and in motels while they travel and work. They generally own few material possessions. Some will rent a storage unit and others simply keep their few possessions with them as they travel. In most cases, temporary lodging is provided by the company managing the petition drive as they move from one drive to the next and one state to the next. When not on the road working, professional petition circulators may stay with friends throughout the country for brief periods as they wait for their next petition drive assignment. Based on my observations, many professional petition circulators must rely on post office boxes as the only consistent and reliable method to receive communications, other than by cell phone or email.

FURTHER AFFIANT SAYETH NAUGHT



Angelo Paparella

Sworn to and subscribed before me this 23^{RP} day of May, 2016.



Notary Public

