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

RELATORS' MOTION TO AMEND BRIEFING SCHEDULE

Relators The Ohio Manufacturers' Association, The Ohio Chamber of Commerce, Pharmaceutical Research and Manufacturers of America, Keith Lake, and Ryan R. Augsburger (collectively "Relators") respectfully move this Court to adjust the briefing schedule entered on May 18, 2016 by two weeks. The Court's schedule requires Relators to file their evidence and brief on June 8, 2016. But, prior to receiving the May 18, 2016 scheduling order, Relators already had served subpoenas and scheduled depositions for June 8 (Eric Tincher - Michigan) and June 14 (Ballot Access LLC - Utah). And, on May 18, another subpoena (that had been out for several days) was served scheduling a deposition on June 10 (Dustin Wefel - Michigan).¹

Additionally, on May 2, 2016, Relators served a subpoena requesting documents on PCI Consultants, Inc. ("PCI"), believed to be the lead petition circulating company, requesting that documents be produced on May 13, 2016. On May 12, 2016, PCI requested an extension through June 12, 2016, asserting that it was too busy with other petition drives to respond to the subpoena. Relators were inclined to accommodate this request and take PCI's deposition within a week or so after receiving the documents. Now, in light of the May 18, 2016 scheduling order, Relators' initial willingness to cooperate with PCI may prejudice Relators. Relators may be forced to file a motion to compel PCI to comply with the subpoena in California and there is no certainty that such motion will be resolved by June 8, let alone prior to that date so that Relators can meaningfully use the information in a brief filed on June 8, 2016.

Relators have been diligent in seeking discovery to supplement the evidence they have (including what is apparent on the face of the part-petitions), but obtaining discovery from

¹ It was extremely difficult to serve Eric Tincher and Dustin Wefel, as both intentionally evaded service. Wefel, whose companies collected more signatures than any other (over 79,000), ripped the subpoena into pieces in front of the process server when he was finally served. A motion to compel him to comply was filed in Michigan and a hearing is scheduled for May 23, 2016.

circulators and petition-circulating companies has proven extremely difficult. Relators' efforts have been met almost uniformly with resistance and/or non-compliance. Many of the witnesses cannot be found at the addresses they provided. Others have intentionally evaded service. Several were served with subpoenas and failed to appear. As a result, it has taken longer than anticipated to obtain documents from and to depose third-party circulating companies and their principals.

Statement of Facts Regarding Relators' Efforts to Obtain Discovery from Persons and Entities Responsible for Circulation of the Petition

A. The Committee Claims No Knowledge of Facts Related to the Issues in this Case

Relators filed this action on February 29, 2016 against Respondents William S. Booth, Daniel L. Darland, Tracy L. Jones, and Latonya D. Thurman, known as the Committee for the Ohio Drug Price Relief Act (collectively, the "Committee") and the Ohio Secretary of State ("Secretary").

On March 11, 2016, Relators served their first set of interrogatories, request for production of documents, and request for admissions to the Committee. In the letter accompanying these discovery requests, Relators offered to stipulate "to the primary relevant facts in order to further streamline the process of presenting evidence and briefing." (Ex. A, March 11, 2016 Letter to Don McTigue.) Relators also indicated that they would "withdraw or revise the discovery requests" if the Committee expressed an interest in stipulations as set forth in the letter. (*Id.*) On March 15, 2016, counsel for the Committee sent an email acknowledging receipt of the letter proposing stipulations and stating: "My clients will consider them [proposed stipulations] and I will be back to you after a reasonable time to review the factual statements set

forth.” (Ex. B, March 15, 2016 Email from Don McTigue.) Relators never heard from the Committee again on this topic.

On March 25, 2016, Relators served their second set of interrogatories, request for production of documents, and request for admissions to the Committee. The letter accompanying these discovery requests included a list of 28 persons and entities Relators desired to depose and stated “[a]nother way to expedite this matter would be for your clients to make these persons available for depositions in Ohio * * * [which] would save significant time and resources of the Court * * * .” (Ex. C, March 25, 2016 Letter to Don McTigue.) The Committee never responded to this request.

On April 8, 2016, Relators received the Committee’s responses to Relators’ first set of discovery requests. (Ex. A to Relators’ Motion for Partial Summary Judgment, filed May 13, 2016.) Despite having a statutory obligation under R.C. 3519.02 to represent the petitioners in all matters relating to the Ohio Drug Price Relief Act Petition (the “Petition”), the Committee claimed very little knowledge of and no responsibility for circulation of the Petition. A couple of weeks later, Relators received the Committee’s responses to Relators’ second set of discovery requests, which similarly indicated no knowledge of any relevant facts.

B. Discovery Targeted at Petition Circulating Companies

Upon being advised by the Committee that it had virtually no knowledge of the Petition circulation efforts, Relators began issuing subpoenas to obtain discovery from third-parties. One group from whom discovery was sought was the petition circulating companies who managed and/or supervised the circulation of the part-petitions. All persons/entities who compensate others to circulate part-petitions or who are compensated for supervising circulators of part-

petitions must file a “Form 15” with the Secretary. Relators sought discovery from the following persons/entities who filed a Form 15 in connection with the Petition:

- PCI Consultants, Inc. (providing an address in California)²
- Angelo Paparella (owner/principal of PCI, providing an address in California)
- DRW Campaigns, LLC (providing an address in Michigan)
- DRW Campaigns, Inc. (providing an address in Michigan, but different from DRW Campaigns LLC)
- Dustin Wefel (owner/principal of DRW Campaigns LLC and DRW Campaigns, Inc., providing an address in Michigan)
- Elite Campaigns, Inc. (providing an address in Michigan)
- Eric Tincher (owner/principal of Elite Campaigns, Inc., providing an address in Michigan)
- Ballot Access LLC (providing an address in Utah)
- Educated Voters (providing an address in Ohio), and
- Cody Eldred (affiliated with Educated Voters, providing addresses in Ohio, Kentucky, and Florida).³
- David Sadler (providing a Michigan address)

All of these persons and entities were on the list sent to the Committee on March 25, 2016.

Collectively these persons/entities were responsible for more than 90 percent of the signatures collected. Although PCI and Paparella were not listed on the part-petitions as paying the circulators, they apparently managed the entire process. Relators’ efforts to obtain discovery

² The reference “to providing an address” means the address provided on the Form 15 filed with the Secretary.

³ Eldred used Ohio and Kentucky addresses on his Form 15s and a Florida address on the part-petitions he circulated.

from these persons/entities have only recently resulted in successful service of several subpoenas.

For all of the persons and entities located outside of Ohio, Relators first had to retain counsel in California, Michigan, Utah, and Florida, before issuing subpoenas to all of the persons and entities listed above.⁴ Relators encountered difficulties in serving most of these persons. Some provided addresses at which service could not be made, such as a UPS mailbox. Some could not be located at the addresses they provided. Others intentionally evaded service personally and as registered agent of a company (as set forth below). As a result, subpoenas had to be reissued and re-served because the time period within which the witnesses were to produce documents had expired before they were located and served.

Below are examples of Relators efforts and the status of discovery for each of the persons and entities listed above.

1. PCI/Angelo Paparella

Angelo Paparella is the owner/principal of PCI, the lead petition circulating company for the Petition (according to the Committee's answers to interrogatories). When the process server went to serve Paparella on April 23, 2016 at the address listed on his Form 15, he could not be served there. The address provided by Paparella was the address of a UPS store where Paparella has a mailbox. Upon further investigation, a residential address for Paparella was found. The process server attempted to serve Paparella three times at the residential address in late April, but no one responded to the intercom and the process server could not get beyond the gate to the house. (Ex. D, Diligence Declaration of Process Server.)

⁴ Among other things, this requires finding a location to conduct the deposition in the county where the deponent resides (which is not necessarily where counsel has an office), opening a court file in and obtaining a subpoena from the host state when required, and finding and serving the witness under the law of the host state.

The address listed on the Form 15 for PCI is the same UPS store as listed by Paparella (which is also the address listed on PCI's website). Service of a subpoena for the production of documents was made on PCI through its registered agent on May 2, 2016. Documents were to be produced on May 13, 2016. On May 6, 2016, counsel for PCI sent a written response to the subpoena, objecting to all requests for documents. (Ex. E, May 6, 2016 Response from PCI's Counsel.)

During a telephone call with PCI counsel on May 12, 2016 to discuss PCI's objections to producing documents, PCI's counsel indicated that PCI is a "small shop" and that essentially Paparella is PCI. He also indicated that this is a very busy time in the petition circulation business and that Paparella was simply too busy to respond by the May 13 deadline.⁵ PCI's counsel said that PCI would produce documents, but needed an extension through June 12, 2016. In an effort to cooperate and to avoid having to file a motion to compel in California, Relators were inclined to agree to provide additional time, as long as a deposition could be scheduled shortly after the documents were received.

The current status of discovery from PCI and Paparella is that PCI has been served with a subpoena to produce documents on or before May 13, 2016 (Ex. F, copy of subpoena served on PCI on May 2, 2016), but asked for additional time to respond prior to the scheduling order entered in this case. Relators intended to depose Paparella a week or so after the documents were received on June 12, 2016.

⁵ Notably, while Paparella was too busy to look for documents to respond to Relators' subpoena served on May 2, 2016, he was not too busy to serve as an affiant for the Committee in a new federal court suit filed on May 16, 2016, now pending before Judge Watson. Paparella executed his affidavit in support of the Committee's motion for a temporary restraining order in California on May 14, 2016. *See Jones v. Husted*, Case No. 2:16-cv-438, Plaintiff's Motion for Temporary Restraining Order, filed in Case No. 2:16, Affidavit of Angelo Paparella attached.

2. DRW Campaigns LLC, DRW Campaigns, Inc. and Dustin Wefel

Dustin Wefel and his companies, DRW Campaigns LLC and DRW Campaigns, Inc. (“DRW”), circulated part-petitions containing more than 79,000 signatures.

A process server attempted to serve Wefel and DRW several times between April 29 and May 2, 2016. On April 30, 2016, the process server left his business card at Wefel’s home address. Wefel called the process server and acknowledged that he knew that Relators were attempting to serve subpoenas on him, but stated he would not cooperate by accepting service individually or as registered agent of DRW. (Ex. G, Affidavit of Joshua Southwell.)

Wefel was served the evening of May 2, 2016. He punched the process server’s car, yelled profanities at her, and immediately ripped the subpoena into pieces in front of her. (Ex. H, Affidavit of Jennifer Ryan.) He was to produce documents on May 3, 2016. Because he did not produce any documents, a motion to compel Wefel’s compliance with the subpoena was filed in Michigan and is set for a hearing on May 23, 2016.

After obtaining a court order to serve Wefel by an alternative method of service, on May 9, 2016, Wefel was served with a subpoena for his deposition scheduled for June 10, 2016. (Ex. I, copy of subpoenas served on Dustin Wefel and DRW Campaigns, Inc. on May 19, 2015.)

The current status of discovery from Wefel and DRW is that Relators are awaiting documents from Wefel and DRW and Wefel’s deposition is scheduled on June 10, 2016 in Flint, Michigan.

3. Elite Campaigns, Inc./Eric Tincher

Eric Tincher and his company Elite Campaigns Inc. (“Elite”) circulated part-petitions containing more than 20,000 signatures.

The process server could not serve Elite Campaigns, Inc. at the address listed on the Form 15 filed with the Secretary because it was a UPS mailbox, where service could not be made. Eric Tincher is the registered agent for Elite Campaigns, Inc., so service was attempted to be made on him. The initial subpoenas being served on Elite Campaigns, Inc. and Tincher requested documents to be produced by May 3, 2016.

The process server left a card for Tincher at his residence when he attempted to serve him there. On April 26, 2016, Tincher called back and said he had moved to Missouri. Upon further investigation, there was no indication that Tincher had moved to Missouri, so service was attempted again on May 3, 2016. A woman who answered the door identified herself as Tincher's sister and indicated that he was out of town until the following week.

Because the date to respond to the subpoenas had expired before they were served, new subpoenas had to be issued. The new subpoenas, for the production of documents and scheduling Tincher's deposition, were served on May 11, 2016.

The current status of discovery from Tincher and Elite Campaigns., Inc. is that documents are due May 25, 2016 and Tincher's deposition is scheduled on June 8, 2016 in Kalamazoo, Michigan. (Ex. J, copy of subpoenas served on Eric Tincher and Elite Campaigns, Inc. on May 11, 2016)

4. Ballot Access, Inc.

Ballot Access, Inc. ("Ballot Access") listed an address in Provo, Utah as its address on the Form 15 filed with the Secretary. The subpoenas for the production of documents and a deposition were served on Ballot Access on May 12, 2016.

The current status of discovery from Ballot Access is that documents are due on May 24, 2016 and a Rule 30(B)(5) deposition is scheduled for June 14, 2016 in Provo, Utah. (Ex. K, copies of subpoenas served on Ballot Access, Inc. on May 12, 2016.)

5. Educated Voters/Cody Eldred

Cody Eldred is believed to be the owner/principal of Educated Voters, which was responsible for part-petitions containing more than 40,000 signatures.

When service was attempted in April 2016 on Educated Voters at the address listed on its Form 15 filed with the Secretary, it was a vacant store front in Cincinnati, Ohio. No forwarding address was available from the U.S. Postal Service and no alternative address has been found for Educated Voters.

Eldred provided addresses in Ohio and Kentucky on the Form 15s he filed with the Secretary and provided a third address in Florida on part-petitions that he circulated. When service on Eldred failed in Ohio, Relators attempted to have a subpoena issued for him in Kentucky. During this time, Relators learned that Eldred was circulating petitions in Missouri, so it would have been futile at that time to try to serve him in Kentucky. Upon further investigation, it appears that Eldred is a resident of Florida. Eldred has not yet been served with a subpoena in Florida.⁶

The current status of discovery from Educated Voters and Cody Eldred is that they have not yet been served with subpoenas.

⁶ Florida requires the appointment of a commission from the court where the matter is pending in order to issue a subpoena. This process is under way. The subpoena submitted to the Court on May 20, 2016 with the motion to appoint a commission to issue the subpoena schedules Eldred's deposition for June 6, 2016.

6. David Saddler

David Saddler filed a Form 15 and employed others to circulate more than 1800 part-petitions, containing more than 21,000 signatures. Starting in late April, service has been attempted multiple times on Saddler, but he has not been found. On April 26, 2016, apparently after becoming aware that a process server was trying to reach him, Saddler had his insurance company email documents pertaining to an automobile accident to Relators' counsel in Michigan. It is not known how Saddler obtained Michigan counsel's contact information since he was never served with the subpoena, but both Saddler and Tincher are located in Kalamazoo and Tincher spoke with the process server on April 26, 2016.

Because the dates for compliance with the initial subpoenas expired before Saddler could be served, subpoenas had to be re-issued. Since about May 10, a process server has been trying to serve a subpoena for Saddler's deposition on June 10, 2016.

Conclusion

Relators have been diligently pursuing discovery from the petition circulating companies involved with the Petition⁷ even though they believe the Committee has a legal responsibility to obtain information from these companies and coordinate their depositions. Relators were only recently successful in serving subpoenas on several of the circulation companies and/or their principals (as outlined above) and had depositions scheduled for three of them on or after June 8, 2016 as of the date of this Court's scheduling order.

Of course, this Court was unaware of the status of discovery when it issued its scheduling order requiring Relators to file their evidence and brief on June 8, 2016. Now that the Court has

⁷ Relators have also engaged in other discovery not outlined herein. To date, none of the circulators subpoenaed have appeared for their depositions and several other witnesses could not be served at the addresses provided on the Form 15s they filed or on the part-petitions they circulated.

the additional information set forth in this motion, Relators respectfully request the Court to amend the May 18, 2016 scheduling order as follows:

- Relators' merit brief and evidence due June 22, 2016 (instead of June 8);
- Respondents' merit brief and evidence due within 14 days of the filing of Relators' merit brief; and
- Relators' reply brief due within 7 days of the filing of Respondents' merit brief.

Respectfully submitted,

/s/ Anne Marie Sferra

Kurtis A. Tunnell (0038569)

Counsel of Record

Anne Marie Sferra (0030855)

Nelson M. Reid (0068434)

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Counsel for Relators

CERTIFICATE OF SERVICE

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

May 23, 2016 upon:

MICHAEL DeWINE
Ohio Attorney General

Steven T. Voigt
Senior Assistant Attorney General
Brodi J. Conover
Assistant Attorney General
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/s/ Anne Marie Sferra

Anne Marie Sferra (0030855)

Exhibit A

March 11, 2016

VIA EMAIL

Donald J. McTigue
MCTIGUE & COLOMBO LLC
545 East Town Street
Columbus, Ohio 43215

Re: *The Ohio Manufacturers' Association, et al. v. Ohioans for
Drug Price Relief Act, et al.*
Ohio Supreme Court, Case No. 2016-0313

Dear Mr. McTigue:

Enclosed you will find Relators' First Set of Interrogatories, Request for Production of Documents, and Request for Admissions Propounded to Respondents William S. Booth, Daniel L. Darland, Tracey L. Jones, and Latonya D. Thurman, Individually and as the Committee Supporting the Ohio Drug Price Relief Act.

In your recent filings in this matter, you stated that the issues before the Court are primarily legal ones and that little factual discovery is necessary. Given your representations, we propose stipulating to the primary relevant facts in order to further streamline the process of presenting evidence and briefing.

The proposed stipulations would address the four primary issues Relators have asserted and would generally include:

1. The following circulators did not have permanent residence addresses at the addresses they listed on each of the part-petitions he or she circulated: Fifi Harper, Roy Jackson, Kelvin Moore and Kacey Veliquette.
2. All strikethroughs on the part-petitions were done by petition circulation companies after the circulator had turned in the part-petition and were not done by the signer, attorney-in-fact for a signer, or circulator of that part-petition.
3. All circulators were instructed by either the Committee or the petition circulation companies hired (directly or indirectly) by the Committee to write the number "28" as the number of signatures on the part-petition, regardless of the number of actual signatures on the part-petition.
4. The following individuals are felons who were ineligible (pursuant to R.C. 2967.16(C)(1) and 2010 Ohio Atty.Gen.Op. 2010-002, *see* Challenge, ¶

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March 11, 2016
Page 2

77) to circulate part-petitions under Ohio law during the time they circulated part-petitions of the Petition: Michael Mayo, Walter Searcy, Stephanie Cole, Sean Thomas, and Antoine Woods.

Please let us know if your clients are interested in stipulating to all matters as set forth above by 9:00 a.m. on Tuesday, March 15, 2016. If so, we will withdraw or revise the discovery requests enclosed accordingly. As I will be out of the office on Monday and Tuesday next week, please communicate your response to both me and Jim Schuck (jschuck@bricker.com).

If your clients are interested in proceeding with stipulations, we will also need to stipulate to the part-petitions impacted and the number of signatures thereon to make the process manageable for the Court. While the Supreme Court is certainly capable of reviewing thousands of part-petitions and counting thousands of signatures, we believe it would be much better for the parties, or a Master Commissioner with the assistance of the parties, to do this and present the information to the Court.

Sincerely,


Anne Marie Sferra

cc Steve T. Voight (w/enc.)
AMS/tlh

Exhibit B

Sferra, Anne Marie

From: Don McTigue <dmctigue@electionlawgroup.com>
Sent: Tuesday, March 15, 2016 5:03 PM
To: Sferra, Anne Marie; jschuck@briker.com
Subject: March 11 correspondence

Anne Marie and Jim,

I want to acknowledge receipt of your March 11, 2016 letter in which you propose stipulations. My clients will consider them and I will be back to you after a reasonable time to review the factual statements set forth. However, my clients do not consider themselves bound by the deadline in your letter.

Don

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Exhibit C



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March 25, 2016

VIA EMAIL
ORIGINAL TO FOLLOW BY
ORDINARY U.S. MAIL

Donald J. McTigue
MCTIGUE & COLOMBO LLC
545 East Town Street
Columbus, Ohio 43215

Re: *The Ohio Manufacturers' Association, et al. v. Ohioans for
Drug Price Relief Act, et al.*
Ohio Supreme Court, Case No. 2016-0313

Dear Mr. McTigue:

Enclosed you will find Relators' Second Set of Interrogatories, Request for Production of Documents, and Request for Admissions Propounded to Respondents 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. As you know, on March 11, 2016, we proposed that the parties stipulate to the relevant facts which would significantly minimize discovery and expedite this matter. Since you have not agreed, nor definitively responded, to our request to stipulate to the relevant facts as a means of expediting this matter, it is necessary to serve the enclosed discovery requests.

Also enclosed is a preliminary list of persons (including company representatives) we wish to depose in this matter. Another way to expedite this matter would be for your clients to make these persons available for depositions in Ohio. This would save significant time and administrative resources of the Court in issuing subpoenas. Please let us know by 5:00 p.m. on Tuesday, March 29, 2016, whether you agree to make these persons available as a means to expedite this case.

Sincerely,


Anne Marie Sferra

AMS/th
Enclosure
cc: Steve T. Voight (w/enc.)

RELATORS' PRELIMINARY LIST OF REQUESTED DEPONENTS

A. Companies/Form 15 Filers as Compensating Others

1. PCI Consultants, Inc.
26500 W. Agoura Road, Suite 102-146
Calabasas, California 91302
30(B)(5) Witness
2. Angelo Paparella
26500 W. Agoura Road, Suite 102-146
Calabasas, California 91302
3. DRW Campaigns LLC
3549 S. Dort Highway, Suite 206
Flint, Michigan 48507
30(B)(5) Witness
4. Dustin Wefel
5020 Ford Street
Swartz Creek, Michigan 48473
5. Elite Campaigns, Inc.
5047 W. Main Street, Suite 279
Kalamazoo, Michigan 49009
30(B)(5) Witness
6. Eric Tincher
816 Denner St.
Kalamazoo, Michigan 49006
7. Ohio Petitioning Partners LLC
3909 Pensacola Ave.
Cleveland, Ohio 44109
30(B)(5) Witness
8. Pamela J. Lauter
3909 Pensacola Ave.
Cleveland, Ohio 44109
9. Ballot Access LLC
1121 W. 860 N.
Provo, Utah 84604
30(B)(5) Witness

10. John Michael
1037 NE 65th St., Suite 252
Seattle, Washington 98115
11. Educated Voters
5216 Beechmont Ave.
Cincinnati, Ohio 45230
30(B)(5) Witness
12. Cody Eldred
219 Foote Avenue
Bellevue, Kentucky 41073

Additional Address:
3011 39th Ave, N
St. Petersburg, Fla 33714
13. Elizabeth Page
3143 W. 33rd St., Suite 6
Cleveland, Ohio 44109

Additional Address:
3324 W. 33rd St.
Cleveland, Ohio 44109
14. Kelvin Moore
3143 W. 33rd St., Suite 6
Cleveland, Ohio 44109
15. David Saddler
1028 Clinton Avenue
Kalamazoo, Michigan 49001
16. Xavier A. Malagon
8428 N. St. Rt. 635
Kansas, Ohio 44841

Additional Address:
3208 N. St. Rt. 635
Kansas, Ohio 44841

B. Individual Circulators

17. Fifi Harper
4022 East Greenway Road, #11-312
Phoenix, Arizona 85032

18. Roy Jackson
2100 Brice Road
Reynoldsburg, Ohio 43068
19. Kelvin Moore
3143 West 33rd Street
Cleveland, Ohio 44109
20. Kacey Veliquette
1900 S. Ocean Blvd.
Myrtle Beach, South Carolina 29577
21. Michael Mayo
871 East 141st Street, Apartment 4
Cleveland, Ohio 44110
22. Walter Searcy
58 South Napoleon Ave., #C
Columbus, Ohio 43213
23. Stephanie Cole
524 Baltimore Avenue
Akron, Ohio 44306
24. Sean Thomas
3072 Clifton Terrace
Largo, Florida 33762
25. Antoine Woods
9514 Gorman Avenue
Cleveland, Ohio 44105
26. Adrienne Raishawn Collins
65 E. 7th Avenue
Columbus, Ohio 43201
27. Kevin Hawkins
5767 Arborwood Ct., Apt. B
Columbus, Ohio 43229
28. Nickeye L. Embry
223 North Kendall Str.
Battle Creek, Michigan 49037

29. Hunter Hice
611 Hoek Ct.
Kalamazoo, Michigan 49001

C. Committee

30. 30(B)(5) Witness From Committee

Exhibit D

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Robyn Crowther (SBN 193840) Noah Perez - Silverman (SBN 260998) Caldwell Leslie & Proctor P.C. 725 S. Figueroa Street, Suite 3100 Los Angeles, CA 90017 TELEPHONE NO. (213) 629-9040 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): The Ohio Manufacturers' Association, et al.</p>	<p>FOR COURT USE ONLY</p>
<p>STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: L</p>	
<p>PLAINTIFF/PETITIONER: The Ohio Manufacturers' Association, et al. DEFENDANT/RESPONDENT: Ohioans for Drug Price Relief Act. et al.</p>	
<p style="text-align: center;">DILIGENCE DECLARATION</p> <p style="text-align: right;">CASE NUMBER: 2016-0313</p>	

I, Wilbert Gutierrez, declare:

I am a Process Server and was retained to serve process in the above-referenced matter on the following person or entity: Angelo Paparella

I was on the dates herein mentioned over the age of eighteen years and not a party to the above-entitled action. I am authorized to serve legal process in the State of California. The following facts are within my personal knowledge and if sworn as a witness i can and will truthfully and competently testify thereto.

I Attempted personal service on the following dates and times with the following results:

<u>Business Address:</u>	<u>Date & Time</u>	<u>Results:</u>
26500 W. Agoura Rd., Suite 102-146 Calabasas, CA 91302	04/23/16 11:00 AM	Location is UPS Store, and the subject has P.O. Box at this location.
<u>Home Address:</u> 1720 Tuna Canyon Rd. Topanga, CA 90290	04/27/16 5:02 PM	Address is a large gated property, there is an intercom to contact the occupant but there was no response.
	04/28/16 5:30 PM - 6:30PM	Arrived at 530 PM, there was no response on the intercom. Waited till 6:30PM, no one came or went.
	04/28/16 8:00PM - 830PM	Returned at 8:00PM and waited till 8:30 PM no reply. A package on the mailbox was addressed to "Nickola Paparella", but there were no signs of anyone being there.

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

Date: 05/02/16

Wilbert Gutierrez

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

- Attorney for Defendant
 Respondent Other: Process Server

Exhibit E

RUPPERT

 company

May 6, 2016
Via Regular US Mail and Fax

Robyn Crowther, S.B.
Noah Perez-Silverman
CALDWELL LESLIE & PROCTOR, P.C
725 S. Figueroa St., 31st Floor
Los Angeles, California 90017
(213) 629-9022 (Facsimile)

and

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

RE: Subpoena – PCI Consultants, Inc.
The Ohio Manufacturers' Association, *et al.* v. Ohioans for Drug Price Relief Act, *et al.*
Ohio Supreme Court Case No. 2016-0313

Dear Counselors:

I serve as Ohio counsel to PCI Consultants, Inc. ("PCI")

Attached please find PCI's Response and Objections to the third-party subpoena it received in the above-referenced matter.

As noted in the Response and Objections, my client is willing to make a good-faith, reasonable and diligent effort to locate and forward responsive, non-privileged documents. However, consistent with the Response and Objections, this process may require some clarification of the requests made, as well as an extension of time beyond the subpoena's stated deadline of Friday, May 13, 2016. In fact, my client's is currently working eighteen (18) hour days to meet ballot measure deadlines in Missouri (May 8), California (May 12), Oklahoma (May 26) and Washington / Arizona (July 8).

Jeffrey A. Ruppert
Attorney and Counselor at Law
THE RUPPERT CO., LLC
35 East Gay Street, Suite 403 • Columbus, Ohio 43215
614.423.WIN1 (9461) • 614.547.8031 (fax) • @jaruppert • JRuppert@TheRuppertCo.com

Please do not hesitate to contact me if you would like to discuss a mutually-agreeable, clarified request and disclosure schedule.

Best regards.



Jeffrey A. Ruppert

IN THE SUPREME COURT OF OHIO

The Ohio Manufacturer's Association, *et al.*,

Case No. 2016-0313

v.

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

**RESPONSES AND OBJECTIONS OF PCI CONSULTANTS, INC.
TO THIRD-PARTY SUBPOENA FROM THE OHIO MANUFACTURER'S
ASSOCIATION**

Pursuant to rule 45(c)(b) of the Ohio Rules of Civil Procedure (the "Ohio Rules") PCI Consultants, Inc. ("PCI") hereby responds and objects to the Subpoena dated April 25, 2016 served upon it by The Ohio Manufacturers' Association ("OMA") (the "Subpoena"), as follows:

GENERAL OBJECTIONS

1. PCI objects to the Subpoena in its entirety to the extent that it is overbroad or purports to impose obligations upon it that exceed those set forth in Ohio Rules 26, 34 and 45, the Case Management Order entered in this case, or any other applicable statute, rule, or order.
2. PCI objects to the Subpoena in its entirety to the extent that it purports to call for the disclosure of information, or the production of documents, that are subject to the attorney work product protection, the attorney-client privilege, or any other applicable privilege. To the extent that any production of documents or information is made, any inadvertent production of such privileged documents or information in response to the Subpoena would not be intended to constitute a waiver of any applicable privilege or protection. PCI demands that OMA, its agents and attorneys notify PCI's undersigned counsel of the production of any such documents immediately upon discovery of such documents, and return such documents to such undersigned counsel upon request.

3. PCI objects to the Subpoena in its entirety to the extent that it purports to call for the disclosure of information, or the production of documents, that are part of a category of documents subject to the attorney work product protection, the attorney-client privilege, or any other applicable privilege, including privileged information or documents shared with parties for whom PCI serves in an advisory capacity. For instance, information that is categorically privileged includes communications between or among PCI and its counsel, requesting or providing legal advice that are not disclosed to any individual who is not counsel for any employee or agent of PCI. PCI asserts such privileges and objects to the provision of information or production of any documents subject thereto. To the extent that any production of documents or information is made, any inadvertent production of such privileged documents or information in response to the Subpoena would not be intended to constitute a waiver of any applicable privilege or protection. PCI demands that OMA, its agents and attorneys notify the PCI's undersigned counsel of the production of any such documents immediately upon discovery of such documents, and return such documents to such undersigned counsel upon request.
4. PCI objects to the Subpoena in its entirety to the extent that it purports to require the production of documents that are not in its possession, custody, or control.
5. No objection or limitation, or lack thereof, or statement that PCI will produce documents made in these Responses and Objections constitutes an admission as to the existence or nonexistence of documents or information by PCI.
6. PCI objects to the Subpoena in its entirety to the extent that it is vague, ambiguous, confusing, and contrary to the plain meaning of the terms involved.
7. PCI objects to the Subpoena in its entirety to the extent that it is not reasonably calculated to lead to the discovery of admissible evidence in that it seeks the disclosure of information, or the production of documents, that are inadmissible and constitute material protected from disclosure.
8. PCI objects to the Subpoena in its entirety to the extent that it is duplicative of document requests

or subpoenas served by to or by parties in the above-captioned case, including but not limited to requests for production or subpoenas to the Respondents, Respondents' counsel, and individuals associated with the Respondents.

9. PCI objects to the Subpoena in its entirety to the extent that it calls for the document-by-document identification within thirty days of service of the Subpoena of those documents that are protected by the attorney-client privilege, and work product protection as seeking to impose obligations beyond the scope of Ohio Rules 26, 34 and 45. Given the number of documents subject to review by PCI, PCI further objects on the grounds that such an instruction is unduly burdensome.
10. PCI's Responses and Objections to the Subpoena or its production of any documents shall not be construed as: (i) an admission as to the relevance, admissibility, or materiality of any such documents or their subject matter; (ii) a waiver or abridgment of any applicable privilege; or (iii) an agreement that requests for similar documents will be treated similarly.
11. PCI reserves all of its rights, including its right to supplement, amend, or correct any of its Responses and Objections to the Subpoena and its right to object to the admissibility of any part of any document produced in response to any Request or information contained in any such document.
12. PCI objects to the Subpoena in its entirety to the extent that (a) the discovery sought by any Request is unreasonably cumulative or duplicative, or is obtainable from another source that is more convenient, less burdensome, or less expensive; (b) OMA has obtained the material sought by any request or demand in any other proceeding or pursuant to any other means; (c) the documents are a matter of public record or could be obtained from OMA or its counsel's files; or (d) the burden or expense of any demand outweighs its likely benefit.
13. PCI objects to the Subpoena to the extent that it seeks discovery as to the ordinary-course business relationships between any party and PCI or any entity related to PCI.
14. PCI objects to the term "all documents" and "relating to" as used throughout the Subpoena as

overly broad and unduly burdensome.

15. PCI will make a good faith, reasonable, and diligent effort to locate responsive documents, consistent with any General or Specific Objections. In searching for documents, PCI will conduct a thorough and reasonable search for its records kept in the ordinary course of business, where information, documents or other things responsive to this discovery are most likely to be found. PCI has also sought information from those persons who are most likely to know of information or documents or other things responsive to the Subpoena. To the extent the Subpoena asks for more and seeks documents that are not reasonably accessible because they cannot be retrieved, or produced without undue burden or cost, such as backup tapes intended for disaster recovery, PCI objects because the discovery is overly broad and unduly burdensome.

SPECIFIC OBJECTIONS AND RESPONSES TO REQUESTS FOR PRODUCTION

REQUEST NO. 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).

RESPONSE TO REQUEST NO. 1:

PCI incorporates by reference its General Objections and Objections to Definitions and Instructions as set forth above. PCI objects to Request No. 1 on the grounds that it is vague to the extent that it calls for Documents and Communications "relating in any way" to any "person that you utilized to circulate the Petition." PCI further objects to Request No. 1 on the grounds that it is overbroad, unduly burdensome, calls for the production of Documents and Communications that are not relevant and/or in the possession, custody or control of other parties, and is not reasonably calculated to lead to the discovery of admissible evidence. PCI further objects to Request No. 1 on the grounds that it is overbroad and unduly burdensome in that it purports to call for the production of "all" Documents and Communications. PCI also objects to Request No. 1 on the grounds that it calls for the production of Documents and Communications protected by the attorney-client privilege, common interest privilege,

and/or work product protection.

Specifically incorporating and not waiving its Objections, and subject to OMA narrowing and clarifying the scope of Request No. 1, PCI states that it will produce non-privileged Documents and Communications responsive to such a mutually agreeable, clarified request to the extent that such Documents and Communications exist and can be located after a good faith and reasonable search and with reasonable diligence.

REQUEST NO. 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).

RESPONSE TO REQUEST NO. 2:

PCI incorporates by reference its General Objections as set forth above. PCI further objects to Request No. 2 on the grounds that it is vague to the extent that it calls for Documents and Communications "relating in any way" to any Respondent. PCI further objects to Request No. 2 on the grounds that it is overbroad, unduly burdensome, calls for the production of Documents and Communications that are not relevant, and is not reasonably calculated to lead to the discovery of admissible evidence. PCI further objects to Request No. 2 on the grounds that it is overbroad and unduly burdensome in that it purports to call for the production of "all" Documents and Communications. PCI also objects to Request No. 2 on the grounds that it calls for the production of Documents and Communications protected by the attorney-client privilege, common interest privilege, and/or work product protection.

Specifically incorporating and not waiving its Objections, and subject to OMA narrowing and clarifying the scope of Request No. 2, PCI states that it will produce non-privileged Documents and Communications responsive to such a mutually agreeable, clarified request to the extent that such Documents and Communications exist and can be located after a good faith and reasonable search and with reasonable diligence.

REQUEST NO. 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).

RESPONSE TO REQUEST NO. 3:

PCI incorporates by reference its General Objections as set forth above. PCI further objects to Request No. 3 on the grounds that it is vague to the extent that it calls for Documents and Communications "relating in any way" to sixteen (16) identified organizations or individuals. PCI further objects to Request No. 3 on the grounds that it is overbroad, unduly burdensome, calls for the production of Documents and Communications that are not relevant and/or in the possession, custody or control of other parties, and is not reasonably calculated to lead to the discovery of admissible evidence. PCI further objects to Request No. 3 on the grounds that it is overbroad and unduly burdensome in that it purports to call for the production of "all" Documents and Communications. PCI also objects to Request No. 3 on the grounds that it calls for the production of Documents and Communications protected by the attorney-client privilege, common interest privilege, and/or work product protection.

Specifically incorporating and not waiving its Objections, and subject to OMA narrowing and clarifying the scope of Request No. 3, PCI states that it will produce non-privileged Documents and Communications responsive to such a mutually agreeable, clarified request to the extent that such Documents and Communications exist and can be located after a good faith and reasonable search and with reasonable diligence.

REQUEST NO. 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.

RESPONSE TO REQUEST NO. 4:

PCI incorporates by reference its General Objections as set forth above. PCI further objects to Request No. 4 on the grounds that it is vague to the extent that it calls for Documents and

Communications “relating in any way” to “any person that you utilized to circulate the Petition.” PCI further objects to Request No. 4 on the grounds that it is overbroad, unduly burdensome, calls for the production of Documents and Communications that are not relevant and/or in the possession, custody or control of other parties, and is not reasonably calculated to lead to the discovery of admissible evidence. PCI further objects to Request No. 4 on the grounds that it is overbroad and unduly burdensome in that it purports to call for the production of “all” Documents and Communications. PCI also objects to Request No. 4 on the grounds that it calls for the production of Documents and Communications protected by the attorney-client privilege, common interest privilege, and/or work product protection.

Specifically incorporating and not waiving its Objections, and subject to OMA narrowing and clarifying the scope of Request No. 4, PCI states that it will produce non-privileged Documents and Communications responsive to such a mutually agreeable, clarified request to the extent that such Documents and Communications exist and can be located after a good faith and reasonable search and with reasonable diligence.

REQUEST NO. 5:

Please produce all contracts and agreements, and documents relating in any way thereto, between you and Respondents.

RESPONSE TO REQUEST NO. 5:

PCI incorporates by reference its General Objections as set forth above. PCI further objects to Request No. 5 on the grounds that it is vague to the extent that it calls for Documents and Communications “relating in any way” to Respondents. PCI further objects to Request No. 5 on the grounds that it is overbroad, unduly burdensome, calls for the production of Documents and Communications that are not relevant and/or in the possession, custody or control of other parties, and is not reasonably calculated to lead to the discovery of admissible evidence. PCI further objects to Request No. 5 on the grounds that it is overbroad and unduly burdensome in that it purports to call for the production of “all” Documents and Communications. PCI also objects to Request No. 5 on the grounds that it calls for the production of Documents and Communications protected by the attorney-client privilege, common interest privilege, and/or work product protection.

Specifically incorporating and not waiving its Objections, and subject to OMA narrowing and clarifying the scope of Request No. 5, PCI states that it will produce non-privileged Documents and Communications responsive to such a mutually agreeable, clarified request to the extent that such Documents and Communications exist and can be located after a good faith and reasonable search and with reasonable diligence.

REQUEST NO. 6:

Excluding part-petitions of the Petition, please produce all documents relating to the permanent residence address of Fifi Harper.

RESPONSE TO REQUEST NO. 6:

PCI incorporates by reference its General Objections and Objections to Definitions and Instructions as set forth above. PCI objects to Request No. 6 on the grounds that it is vague to the extent that it calls for all Documents and Communications “relating to the permanent residence address of Fifi Harper.” PCI further objects to Request No. 6 on the grounds that it is overbroad and unduly

burdensome in that it purports to call for the production of "all" Documents and Communications and seeks Documents and Communications that may best be obtained directly from other parties in the first instance. PCI also objects to Request No. 6 on the grounds that it not reasonably calculated to lead to the discovery of admissible evidence.

Specifically incorporating and not waiving its Objections, PCI states that it will produce non-privileged Documents and Communications responsive to this Request to the extent that they exist and can be located after a good faith and reasonable search and with reasonable diligence.

REQUEST NO. 7:

Excluding part-petitions of the Petition, please produce all documents relating to the permanent residence address of Roy Jackson.

RESPONSE TO REQUEST NO. 7:

PCI incorporates by reference its General Objections and Objections to Definitions and Instructions as set forth above. PCI objects to Request No. 7 on the grounds that it is vague to the extent that it calls for all Documents and Communications "relating to to the permanent residence address of Roy Jackson." PCI further objects to Request No. 7 on the grounds that it is overbroad and unduly burdensome in that it purports to call for the production of "all" Documents and Communications and seeks Documents and Communications that may best be obtained directly from other parties in the first instance. PCI also objects to Request No. 7 on the grounds that it not reasonably calculated to lead to the discovery of admissible evidence.

Specifically incorporating and not waiving its Objections, PCI states that it will produce non-privileged Documents and Communications responsive to this Request to the extent that they exist and can be located after a good faith and reasonable search and with reasonable diligence.

REQUEST NO. 8:

Excluding part-petitions of the Petition, please produce all documents relating to the permanent residence address of Kelvin Moore.

RESPONSE TO REQUEST NO. 8:

PCI incorporates by reference its General Objections and Objections to Definitions and Instructions as set forth above. PCI objects to Request No. 8 on the grounds that it is vague to the extent that it calls for Documents and Communications “relating to to the permanent residence address of Kelvin Moore.” PCI further objects to Request No. 8 on the grounds that it is overbroad and unduly burdensome in that it purports to call for the production of “all” Documents and Communications and seeks Documents and Communications that may best be obtained directly from other parties in the first instance. PCI also objects to Request No. 8 on the grounds that it not reasonably calculated to lead to the discovery of admissible evidence.

Specifically incorporating and not waiving its Objections, PCI states that it will produce non-privileged Documents and Communications responsive to this Request to the extent that they exist and can be located after a good faith and reasonable search and with reasonable diligence.

REQUEST NO. 9:

Excluding part-petitions of the Petition, please produce all documents relating to the permanent residence address of Kacey Veliquette.

RESPONSE TO REQUEST NO. 9:

PCI incorporates by reference its General Objections and Objections to Definitions and Instructions as set forth above. PCI objects to Request No. 9 on the grounds that it is vague to the extent that it calls for Documents and Communications “relating to to the permanent residence address of Kacey Veliquete.” PCI further objects to Request No. 9 on the grounds that it is overbroad and unduly burdensome in that it purports to call for the production of “all” Documents and Communications and seeks Documents and Communications that may best be obtained directly from other parties in the first instance. PCI also objects to Request No. 9 on the grounds that it not reasonably calculated to lead to

the discovery of admissible evidence.

Specifically incorporating and not waiving its Objections, PCI states that it will produce non-privileged Documents and Communications responsive to this Request to the extent that they exist and can be located after a good faith and reasonable search and with reasonable diligence.

REQUEST NO. 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.

RESPONSE TO REQUEST NO. 10:

PCI incorporates by reference its General Objections as set forth above. PCI further objects to Request No. 10 on the grounds that it is vague to the extent that it calls for 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.” PCI further objects to Request No. 10 on the grounds that it is overbroad, unduly burdensome, calls for the production of Documents that are not relevant and/or in the possession, custody or control of other parties, and is not reasonably calculated to lead to the discovery of admissible evidence. PCI further objects to Request No. 10 on the grounds that it is overbroad and unduly burdensome in that it purports to call for the production of “all” Documents. PCI also objects to Request No. 10 on the grounds that it calls for the production of Documents protected by the attorney-client privilege, common interest privilege, and/or work product protection.

Specifically incorporating and not waiving its Objections, and subject to OMA narrowing and clarifying the scope of Request No. 10, PCI states that it will produce non-privileged Documents responsive to such a mutually agreeable, clarified request to the extent that such Documents and Communications exist and can be located after a good faith and reasonable search and with reasonable diligence.

REQUEST NO. 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.

RESPONSE TO REQUEST NO. 11:

PCI incorporates by reference its General Objections as set forth above. PCI further objects to Request No. 11 on the grounds that it is vague to the extent that it calls for Policies, Procedures and Documents "in any way thereto relating" "to the alteration of, or striking of names on, any part-petition." PCI further objects to Request No. 11 on the grounds that it is overbroad, unduly burdensome, calls for the production of Documents and Communications that are not relevant and/or in the possession, custody or control of other parties, and is not reasonably calculated to lead to the discovery of admissible evidence. PCI further objects to Request No. 11 on the grounds that it is overbroad and unduly burdensome in that it purports to call for the production of "all" Policies, Procedures and Documents. PCI also objects to Request No. 11 on the grounds that it calls for the production of Policies, Procedures and Documents protected by the attorney-client privilege, common interest privilege, and/or work product protection.

Specifically incorporating and not waiving its Objections, and subject to OMA narrowing and clarifying the scope of Request No. 11, PCI states that it will produce non-privileged Policies, Procedures and Documents responsive to such a mutually agreeable, clarified request to the extent that such Policies, Procedures and Documents exist and can be located after a good faith and reasonable search and with reasonable diligence.

REQUESTS NO. 12 and 13:

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.

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.

RESPONSE TO REQUESTS NO. 12 and 13:

PCI incorporates by reference its General Objections as set forth above. PCI further objects to Requests No. 12 and 13 on the grounds that they are vague to the extent that they call for Documents “relating in any way” to actions undertaken by PCI. PCI further objects to Requests No. 12 and 13 on the grounds that they are overbroad, unduly burdensome, call for the production of Documents that are not relevant and/or in the possession, custody or control of other parties, and are not reasonably calculated to lead to the discovery of admissible evidence. PCI further objects to Requests No. 12 and 13 on the grounds that they are overbroad and unduly burdensome in that they purport to call for the production of “all” Documents. PCI also objects to Requests No. 12 and 13 on the grounds that they call for the production of Documents protected by the attorney-client privilege, common interest privilege, and/or work product protection.

Specifically incorporating and not waiving its Objections, and subject to OMA narrowing and clarifying the scope of Requests No. 12 and 13, PCI states that it will produce non-privileged Documents responsive to such a mutually agreeable, clarified request to the extent that such Documents exist and can be located after a good faith and reasonable search and with reasonable diligence.

REQUESTS NO. 14, 15 and 16:

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.

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.

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.

RESPONSE TO REQUESTS NO. 14, 15 and 16:

PCI incorporates by reference its General Objections as set forth above. PCI further objects to Requests No. 14, 15 and 16 on the grounds that they are vague to the extent that they call for Policies, Procedures and/or Documents "relating to" to actions undertaken by "any circulator" that may not be known to PCI. PCI further objects to Requests No. 14, 15 and 16 on the grounds that they are overbroad, unduly burdensome, call for the production of Policies, Procedures and/or Documents that are not relevant and/or in the possession, custody or control of other parties, and are not reasonably calculated to lead to the discovery of admissible evidence. PCI further objects to Requests No. 14, 15 and 16 on the grounds that they are overbroad and unduly burdensome in that they purport to call for the production of "all" Policies, Procedures and/or Documents. PCI also objects to Requests No. 14, 15 and 16 on the grounds that they call for the production of Policies, Procedures and/or Documents protected by the attorney-client privilege, common interest privilege, and/or work product protection.

Specifically incorporating and not waiving its Objections, and subject to OMA narrowing and clarifying the scope of Requests No. 14, 15 and 16, PCI states that it will produce non- privileged Policies, Procedures and/or Documents responsive to such a mutually agreeable, clarified request to the extent that such Documents exist and can be located after a good faith and reasonable search and with reasonable diligence.

REQUEST NO. 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.

RESPONSE TO REQUEST NO. 17:

PCI incorporates by reference its General Objections as set forth above. PCI further objects to Request No. 17 on the grounds that it is vague to the extent that it calls for Documents and Communications with “any” circulator undertaking an action that may not be known to PCI. PCI further objects to Request No. 17 on the grounds that it is overbroad, unduly burdensome, calls for the production of Documents and Communications that are not relevant and/or in the possession, custody or control of other parties, and is not reasonably calculated to lead to the discovery of admissible evidence. PCI further objects to Request No. 17 on the grounds that it is overbroad and unduly burdensome in that it purports to call for the production of “all” Documents and Communications. PCI also objects to Request No. 17 on the grounds that it calls for the production of Documents and Communications protected by the attorney-client privilege, common interest privilege, and/or work product protection.

Specifically incorporating and not waiving its Objections, and subject to OMA narrowing and clarifying the scope of Request No. 17, PCI states that it will produce non- privileged Documents and Communications responsive to such a mutually agreeable, clarified request to the extent that such Documents and Communications exist and can be located after a good faith and reasonable search and with reasonable diligence.

REQUEST NO. 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.

RESPONSE TO REQUEST NO. 18:

PCI incorporates by reference its General Objections as set forth above. PCI further objects to Request No. 18 on the grounds that it is overbroad, unduly burdensome, calls for the production of Documents and Communications that are not relevant and/or in the possession, custody or control of

other parties, and is not reasonably calculated to lead to the discovery of admissible evidence. PCI further objects to Request No. 18 on the grounds that it is overbroad and unduly burdensome in that it purports to call for the production of "all" Documents and Communications. PCI also objects to Request No. 18 on the grounds that it calls for the production of Documents and Communications protected by the attorney-client privilege, common interest privilege, and/or work product protection.

Specifically incorporating and not waiving its Objections, and subject to OMA narrowing and clarifying the scope of Request No. 18, PCI states that it will produce non-privileged Documents and Communications responsive to such a mutually agreeable, clarified request to the extent that such Documents and Communications exist and can be located after a good faith and reasonable search and with reasonable diligence.

REQUESTS NO. 19 and 20:

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.

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.

RESPONSE TO REQUESTS NO. 19 and 20:

PCI incorporates by reference its General Objections as set forth above. PCI further objects to Requests No. 19 and 20 on the grounds that they are overbroad, unduly burdensome, call for the production of Documents that are not relevant and/or in the possession, custody or control of other parties, and are not reasonably calculated to lead to the discovery of admissible evidence. PCI further objects to Requests No. 19 and 20 on the grounds that they are overbroad and unduly burdensome in that they purport to call for the production of "all" Documents. PCI also objects to Requests No. 19 and 20 on the grounds that they call for the production of Documents protected by the attorney-client privilege, common interest privilege, work product protection, and/or and/or other statutory and common law limitations precluding release of said Documents to third parties.

Specifically incorporating and not waiving its Objections, and subject to OMA narrowing and clarifying the scope of Requests No. 19 and 20, PCI states that it will produce non-privileged Documents

responsive to such a mutually agreeable, clarified request to the extent that such Documents exist and can be located after a good faith and reasonable search and with reasonable diligence.

REQUESTS NO. 21, 22, 24 and 25:

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.

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.

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.

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.

RESPONSE TO REQUESTS NO. 21, 22, 24 and 25:

PCI incorporates by reference its General Objections as set forth above. PCI further objects to Requests No. 21, 22, 24 and 25 on the grounds that they are overbroad, unduly burdensome, call for the production of Documents that are not relevant and/or in the possession, custody or control of other parties, and are not reasonably calculated to lead to the discovery of admissible evidence. PCI further objects to Requests No. 21, 22, 24 and 25 on the grounds that they are overbroad and unduly burdensome in that they purport to call for the production of "all" Documents. PCI also objects to Requests No. 21, 22, 24 and 25 on the grounds that they call for the production of Documents protected by the attorney-client privilege, common interest privilege, work product protection, and/or other statutory and common law limitations precluding release of said Documents to third parties.

Specifically incorporating and not waiving its Objections, and subject to OMA narrowing and clarifying the scope of Requests No. 21, 22, 24 and 25, PCI states that it will produce non- privileged Documents responsive to such a mutually agreeable, clarified request to the extent that such Documents exist and can be located after a good faith and reasonable search and with reasonable diligence.

REQUESTS NO. 23 and 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.

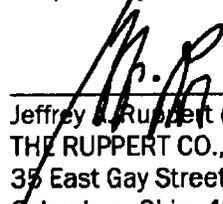
Please produce all documents received from or referring or relating to any of the following circulators of part-petitions of the Petition: Fifi Harper, Roy Jackson, Kelvin Moore, and/or Kacey Veliquette.

RESPONSE TO REQUESTS NO. 23 and 26:

PCI incorporates by reference its General Objections as set forth above. PCI further objects to Requests No. 23 and 26 on the grounds that they are overbroad, unduly burdensome, call for the production of Documents that are not relevant and/or in the possession, custody or control of other parties, and are not reasonably calculated to lead to the discovery of admissible evidence. PCI further objects to Requests No. 23 and 26 on the grounds that they are overbroad and unduly burdensome in that they purport to call for the production of "all" Documents. PCI also objects to Requests No. 23 and 26 on the grounds that they call for the production of Documents protected by the attorney-client privilege, common interest privilege, work product protection, and/or other statutory and common law limitations precluding release of said Documents to third parties.

Specifically incorporating and not waiving its Objections, and subject to OMA narrowing and clarifying the scope of Requests No. 23 and 26, PCI states that it will produce non-privileged Documents responsive to such a mutually agreeable, clarified request to the extent that such Documents exist and can be located after a good faith and reasonable search and with reasonable diligence.

Respectfully submitted.



 Jeffrey A. Ruppert (0071107)
 THE RUPPERT CO., LLC
 35 East Gay Street, Suite 403
 Columbus, Ohio 43215
 937-903-6544 (Telephone)
 614-547-8031 (Facsimile)
jruppert@theruppertco.com
 Counsel for PCI Consultants, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Notice of Appearance was served upon the following counsel this 6th day of May via Regular US Mail and facsimile transmission (fax):

Robyn Crowther, S.B.
 Noah Perez-Silverman
 CALDWELL LESLIE & PROCTOR, P.C
 725 S. Figueroa St., 31st Floor
 Los Angeles, California 90017
 (213) 629-9040 (Telephone)
 (213) 629-9022 (Facsimile)

and

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

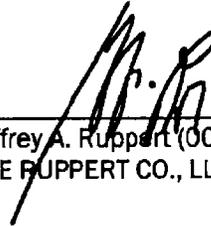
Counsel for Relators: The Ohio Manufacturers' Association, The Ohio Chamber of Commerce, Pharmaceutical Research and Manufacturers of America, Keith A. Lake, and Ryan Augsburger

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)

Counsel for Respondent Ohio Secretary of State Jon Husted

Donald J. McTigue, Esq.
J. Corey Colombo, Esq.
Derek S. Clinger, Esq.
McTIGUE & COLOMBO
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



Jeffrey A. Ruppert (0071107)
THE RUPPERT CO., LLC

Exhibit F

<p>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.</p>	<p>FOR COURT USE ONLY</p>
<p>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</p>	
<p>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</p>	
<p>PLAINTIFF/PETITIONER: The Ohio Manufacturers' Association, et al., Relators DEFENDANT/RESPONDENT: Ohioans for Drug Price Relief Act, et al., Respondents</p>	<p>CALIFORNIA CASE NUMBER (if any assigned by court): N/A</p>
<p>SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS IN ACTION PENDING OUTSIDE CALIFORNIA</p>	<p>CASE NUMBER (of action pending outside California): 2016-0313</p>

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:

<p>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</p>
--

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	CASE NUMBER (of action pending outside California): 2016-0313
DEFENDANT/RESPONDENT: Ohioans for Drug Price Relief Act, et	

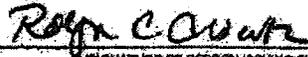
5. If you have been served with this subpoena as a custodian of consumer or employee records under Code of Civil Procedure section 1985.8 and a motion to quash or an objection has been served on you, a court order or agreement of the parties, witnesses, and consumer or employee affected must be obtained 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 5 (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): Milton Vong, authorized to accept for: Paracorp, Inc.
- b. Address where served: c/o CSC Lawyers Inc., 2804 Gateway Oaks Drive, Suite 200 Sacramento, CA. 95833

- 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 88097.2. 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:
Peter Gentile-Apex Legal Services, Sacramento County RPS# 2012-36
611 Wilshire Blvd., Suite 700, Los Angeles, CA 90017 (213) 488-1500

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Date: 04/27/16

(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 Augsburger:

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 Sferra
Anne Marie Sferra 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.

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 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.

Exhibit G

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF GENESEE

THE OHIO MANUFACTURERS' ASSOCIATION,
THE OHIO CHAMBER OF COMMERCE,
PHARMACEUTICAL RESEARCH &
MANUFACTURERS OF AMERICA,
Keith A. Lake, and Ryan Augsburg,

Case No.

Plaintiffs,

vs.

DUSTIN WEFEL, and
DRW CAMPAIGNS LLC,

Defendants.

AFFIDAVIT OF JOSHUA SOUTHWELL

STATE OF MICHIGAN)
) SS:
COUNTY OF MACOMB)

Joshua Southwell, being first duly sworn, deposes and says:

1. I have personal knowledge of the matters contained herein and, if called as a witness in this matter, I am competent to testify to the facts set forth below.

2. I am employed as a process server by Michigan Civil Process Server.

3. I was hired by Plaintiffs in connection with the above-captioned case to serve subpoenas on Defendant Dustin Wefel ("Wefel") and Defendant DRW Campaigns LLC ("DRW").

4. I made numerous attempts to serve Defendants on the following dates and times:
 - a. April 29, 2016 at 1:00 pm at Defendant DRW's registered office address, 3549 S. Dort Highway, Ste. 206, Flint, MI 48507.

- b. April 29, 2016 at 2:00 pm at Defendant Wefel's home address, 5020 Ford Street, Swartz Creek, MI 48473.
- c. April 30, 2016 at 10:15 am at Defendant DRW's registered office address.
- d. April 30, 2016 at 11:15 am at Defendant Wefel's home address.
- e. May 1, 2016 at 11:30 am at Defendant Wefel's home address.

5. During the April 30 service attempt, I left my business card with my telephone number at Defendant Wefel's home.

6. On May 1, Defendant Wefel called me, acknowledged that he knew I was attempting to serve the subpoenas on him, and indicated that he would not cooperate by accepting service of the subpoenas on him individually or as the registered agent of Defendant DRW.

Further affiant sayeth naught.


 Joshua Southwell

Subscribed and sworn to before me this 10 day of May 2016.

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

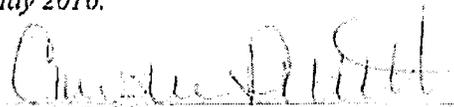

 Notary Public
 Macomb County, MI
 Acting in Macomb County, MI
 My Commission expires: 11/21/2018

Exhibit H

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF GENESEE

THE OHIO MANUFACTURERS' ASSOCIATION,
THE OHIO CHAMBER OF COMMERCE,
PHARMACEUTICAL RESEARCH &
MANUFACTURERS OF AMERICA,
Keith A. Lake, and Ryan Augsburger,

Case No.

Plaintiffs,

vs.

DUSTIN WEFEL, and
DRW CAMPAIGNS LLC,

Defendants.

AFFIDAVIT OF JENNIFER RYAN

STATE OF MICHIGAN)
) SS:
COUNTY OF MACOMB)

Jennifer Ryan, being first duly sworn, deposes and says:

1. I have personal knowledge of the matters contained herein and, if called as a witness in this matter, I am competent to testify to the facts set forth below.

2. I am employed as a process server by Michigan Civil Process Server.

3. I was hired by Plaintiffs in connection with the above-captioned case to serve subpoenas on Defendant Dustin Wefel ("Wefel") and Defendant DRW Campaigns LLC ("DRW").

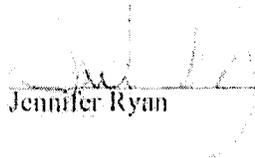
4. I served Defendants with the subpoenas on May 2, 2016. As a result of Defendant Wefel's refusal to cooperate during the prior service attempts by another process

server, I was instructed to wait at Defendant Wefel's home address at 5020 Ford Street, Swartz Creek, MI 48473, and serve him once he was found.

5. I arrived at Defendant Wefel's residence at approximately 5:00 pm and waited for him for two hours. At approximately 7:00 pm, I saw a female individual come out of Defendant Wefel's house. I asked this individual if Defendant Wefel was home. She pointed to a neighbor's house and told me Defendant Wefel was there. I saw Defendant Wefel standing in the neighbor's yard with a few other individuals. Defendant Wefel looked clearly intoxicated. When Defendant Wefel approached me, he punched my car and yelled profanities at me.

6. When I got out of my car and handed the subpoenas to Defendant Wefel, Defendant Wefel immediately ripped them up and told me, "now leave bitch."

Further affiant sayeth naught.


Jennifer Ryan

Subscribed and sworn to before me this 10 day of May 2016.



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


Notary Public
Macomb, County, MI
Acting in Macomb, County, MI
My Commission expires: 11/21/2018

Exhibit I

Approved, SCAO

STATE OF MICHIGAN 7th JUDICIAL CIRCUIT Genesee COUNTY	SUBPOENA FOR OUT-OF-STATE CASE	
---	--------------------------------	--

Court address: Genesee County Circuit Court, 900 Saginaw St., #204, Flint, MI 48502
 Court telephone no. (810) 424-4355

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:
Dustin Wefel, 5020 Ford Street, Swartz Creek, MI 48473



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 10, 2016
 Time: 9:00 am
 Location: Bienenstock Court Reporting, Northbank Center Building, 432 North Saginaw, Suite 400, Flint, MI 48502
- 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.



RICHARD B. YUILLE
P-22884

Date: 5-16-16

Circuit Court Clerk

PROOF OF SERVICE

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

TOPROCESS 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

_____ 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>Wefel</u>		<u>5020 Ford Street</u>
Last Name/Business Name		Street Address
<u>Dustin</u>		_____
First Name	Mid. Init.	Designation
		Address Line 2

		Address Line 3
		<u>Swartz Creek</u>

		City
		<u>MI</u>
		State
		<u>48473</u>
		Zip Code

To be and appear at Bienenstock Court Reporting, Northbank Center Building, 432 North Saginaw, Suite 400, Flint, MI 48502 on the 10th 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 Ferrara 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 Augsburger

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)

Counsel for Respondent Secretary Jon Husted

Donald J. McTigue
J. Corey Colombo
Derek S. Clinger
McTIGUE & COLOMBO LLC
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

AFFIDAVIT OF SERVICE

Case: 16-106837-PZ	Court: 7th	County: Genesee	Job: 877270
Plaintiff / Petitioner: The Ohio Manufacturers' Association, et al;		Defendant / Respondent: Dustin Wefel, et al;	
Received by: Michigan Civil Process Service		For: Clark Hill	
To be served upon: Dustin Wefel individually and on behalf of DRW Campaigns LLC			

I, Joshua Southwell, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

Recipient Name / Address: Dustin Wefel individually and on behalf of DRW Campaigns LLC, 5020 Ford Rd., Swartz Creek, MI 48473
Manner of Service: Posted, May 18, 2016, 2:30 pm EDT
Documents: Order to Show Cause, Exhibits, Plaintiff's Complaint to Show Cause Defendants for Failure to Comply with Subpoena, Exhibits

Additional Comments:

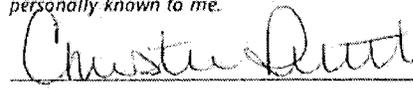
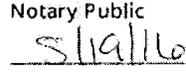
1) Successful Attempt: May 18, 2016, 2:30 pm EDT, documents were posted at 5020 Ford Rd., Swartz Creek, MI 48473


 Joshua Southwell _____
 Date

5/19/2016

Michigan Civil Process Service
 42815 Garfield Rd., Suite 208
 Clinton Twp., MI 48038

Subscribed and sworn to before me by the affiant who is personally known to me.


 Christina Puckett _____
 Notary Public
 
 Date _____ Commission Expires _____



CHRISTINA PUCKETT
 Notary Public, State of Michigan
 County of Macomb
 My Commission Expires Nov. 21, 2017

Exhibit J

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
---	--------------------------------	--------------------

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: _____

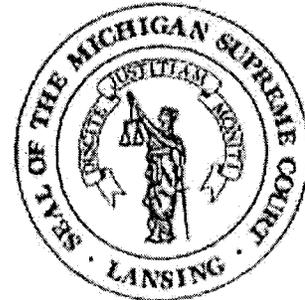
Time: _____

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 Foddy
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

<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	TOTAL FEE	Signature _____
\$		\$		Name (type or print) _____
Incorrect address fee	Miles traveled	Fee		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 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
Elite Campaigns, Inc. 5047 W. Main Street, Suite 279
Last Name/Business Name Street Address

First Name Mid. Init. Designation Address Line 2

Address Line 3
Kalamazoo
City
MI 49009
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 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

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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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:

personal service 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 49009 Kalamazoo, MI</u>	Day, date, time <u>Wednesday 5-11-2016 6:14pm</u>
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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.

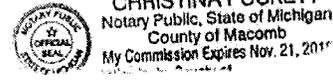
Name(s)	Complete address(es) of service	Day, date, time
---------	---------------------------------	-----------------

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: Eaton Thomas
Name (type or print): Eaton Thomas
Title: Process Server

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



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 _____

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

Signature _____
 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

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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(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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(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

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 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

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.

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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

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Nelson M. Reid
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Counsel for Relators
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Pharmaceutical Research and Manufacturers of America, Keith A. Lake, and Ryan Augsburg

Steven T. Voigt
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Counsel for Respondent Secretary Jon Husted

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

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

Exhibit K

Snell & Wilmer L.L.P
15 W South Temple, Ste 1200
Salt Lake City, UT 84101

Atty File#: 70993.00001
Job ID#:242273



Court OPS
5693 S Redwood Rd #13
Taylorsville, UT, 84123
801-261-9000

COURT OPS

FOURTH JUDICIAL DISTRICT COURT, COUNTY OF UTAH

Plaintiff/Petitioner: **THE OHIO MANUFACTURERS ASSOCIATION, et al.**

DECLARATION OF SERVICE

VS .

Case No: 160400713

Defendant/Respondent: **OHIOANS FOR DURG PRICE RELIEF ACT, et al.**

Court Date/Time: /

Legal documents received by Court OPS on the 12th day of May, 2016 to be served on:

Ballot Access, LLC c/o Joe Uharriett
1121 West 860 North
Provo, UT 84604

I, **Denise Halter-Mclaughlin, PI License: A115145**, being duly sworn, swear and affirm that on the **12th May, 2016 at 03:29 PM**, I did the following:

Corporate Serve: By personally handing the legal document(s) with a conformed copy of this **SUBPOENA (30(B)(6) DEPOSITION; CHECK IN THE AMOUNT OF \$18.50 to JOE UHARRIETT, AUTHORIZED PERSON**, at 1121 West 860 North, Provo, UT 84604 at approximately **03:29 PM on 12th May, 2016**.

Supplemental Data Appropriate to this Service:

- 1121 West 860 North , Provo, UT 84604:

I HEREBY CERTIFY that I am 18 years of age or older, a resident of the State of Utah, and have no interest in the above legal matter. I further certify that at the time of service of the said article(s), I endorsed my name and official title and added the date thereto. I declare under criminal penalty of the State of Utah that the foregoing is true and correct. (Utah State Code:78B-5-705. Unsworn declaration in lieu of affidavit)

Denise J. Halter-Mclaughlin

X _____

Denise Halter-Mclaughlin, PI License:

A115145

Service Fee: **\$35.00**

Court OPS

5693 S Redwood Rd #13

Taylorsville, UT, 84123

801-261-9000

Adam C. Buck (12043)
SNELL & WILMER L.L.P.
15 West South Temple, Suite 1200
Gateway Tower West
Salt Lake City, Utah 84101-1004
Telephone: (801) 257-1900
Facsimile: (801) 257-1800
abuck@swlaw.com

Anne Marie Sferra (pro hac vice to be filed)
Bricker & Eckler
100 South Third Street
Columbus, Ohio 43215
Telephone: (614) 227-2390
asferra@bricker.com
Attorneys for Relators

IN THE FOURTH DISTRICT COURT IN AND FOR UTAH COUNTY
STATE OF UTAH

THE OHIO MANUFACTURERS'
ASSOCIATION, et al.,

Relators,

vs.

OHIOANS FOR DRUG PRICE RELIEF ACT,
et al.,

Respondents.

SUBPOENA (30(B)(6) DEPOSITION)

Case No. 160400713

Judge Darold McDade

TO: Ballot Access, LLC
c/o Joe Uharriett
1121 West 860 North
Provo, Utah 84604

RE: *The Ohio Manufacturers' Association, et al. v. Ohioans for Drug Price Relief Act, et al.*

- (1) You are commanded to appear at:
June 14, 2016 (date)
9:00 a.m. (time)
Alpine Court Reporting, 3507 N. University Avenue, #350, Provo, Utah 84604 (place)

✓ to testify at a deposition

Pursuant to Utah Rule of Civil Procedure 30(b)(6), Ballot Access, LLC, shall produce a witness to attend and give testimony at a deposition on its behalf on the date, time, and at the place specified above and on the subjects set forth on Exhibit A attached hereto.

If you have any questions, please contact Adam C. Buck at (801) 257-1550 or abuck@swlaw.com.

- (2) You are commanded to copy the following documents and to mail or deliver the copies to the person at the address at the top of this page. You must comply no later than _____ by providing complete, legible copies of all documents to _____.
- (3) A form of notice to persons served with a subpoena must be served with this subpoena. The form explains your rights and obligations. If you are commanded to appear at a trial, hearing or deposition, a one-day witness fee must be served with this subpoena. A one-day witness fee is \$18.50 plus \$1.00 for each 4 miles you have to travel over 50 miles (one direction).
- (4) You may object to this subpoena for one of the reasons listed in paragraph 6 of the Notice by serving a written objection upon the attorney listed at the top of this subpoena. You must comply with any part of the subpoena to which you do not object.

DATED this 10th day of May, 2016.

SNELL & WILMER L.L.P.


Adam C. Buck

EXHIBIT A

DEFINITIONS

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 "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.

MATTERS ON WHICH EXAMINATION IS REQUESTED

Pursuant to Ohio Civil Rule 30(B)(5), Relators intend to depose your designated representative or representatives on the following matters:

1. Identification, explanation, and authentication of any and all documents that you have produced in this matter.
2. Communications between you and any person that you utilized to circulate the Petition (including without limitation any handouts, manuals, training, and/or instructions).
3. Communications between you and Respondents (including without limitation any handouts, manuals, training, and/or instructions).
4. Communications between you and any of the following: 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).

5. Contracts and agreements between you and any person that you utilized to circulate the Petition.
6. Contracts and agreements between you and Respondents.
7. The permanent residence address of Fifi Harper.
8. The permanent residence address of Roy Jackson.
9. The permanent residence address of Kelvin Moore.
10. The permanent residence address of Kacey Veliquette.
11. Any information you have regarding the alteration of, or striking of names on, any part-petition of the Petition prior to submission to the Ohio Secretary of State.
12. Your policies and/or procedures relating to the alteration of, or striking of names on, part-petitions of petitions circulated by you or persons employed by you.
13. Actions that you undertook to ensure that the persons that you utilized to circulate the Petition were knowledgeable of and would comply with Ohio election law.
14. Actions that you undertook to ensure that no person that circulated the Petition was ineligible to do so under Ohio election law.
15. Any information you have regarding the failure of any circulator of a part-petition of the Petition to attest to the correct number of signatures that appeared on such part-petition.
16. Any information you have regarding the refusal of any circulator of a part-petition of the Petition to attest to an incorrect number of signatures on such part-petition.
17. Your policies and/or procedures relating to the attestation of the number of signatures on part-petitions of petitions circulated by you or persons employed by you.
18. Communications with any circulator of a part-petition of the Petition who refused or objected to placing a false or incorrect attestation of the number of signatures on an individual part-petition circulated by such circulator.

19. Communications with any of the following circulators of part-petitions of the Petition: Adrienne Raishawn Collins and Kevin Hawkins.
20. Any information you have regarding whether criminal background checks were performed or requested on circulators of part-petitions of the Petition prior to the date they began circulating part-petitions.
21. Criminal background checks that you performed or requested on circulators of part-petitions of the Petition at any time.
22. Eligibility or non-eligibility under Ohio law of the following individuals to have circulated part-petitions of the Petition: Michael Mayo, Walter Searcy, Stephanie Cole, Sean Thomas, and Antoine Woods.
23. The date of birth and social security number for the following circulators of part-petitions of the Petition: Michael Mayo, Walter Searcy, Stephanie Cole, Sean Thomas, Antoine Woods, Fifi Harper, Roy Jackson, Kelvin Moore, and Kacey Veliquette.
24. Employment application and personnel file (or commensurate file) for the following circulators of part-petitions of the Petition: Michael Mayo, Walter Searcy, Stephanie Cole, Sean Thomas, Antoine Woods, Fifi Harper, Roy Jackson, Kelvin Moore, and Kacey Veliquette.
25. Any information you have regarding including the number "28" in the circulator's statement by someone other than the circulator or when there were fewer than 28 signatures.

ADDENDUM A

NOTICE TO PERSONS SERVED WITH A SUBPOENA

(1) Rights and responsibilities in general. A subpoena is a court order whether it is issued by the court clerk or by an attorney as an officer of the court. You must comply or file an objection, or you may face penalties for contempt of court. If you are commanded to produce documents or tangible things, the subpoena must be served on you at least 14 days before the date designated for compliance. If you are commanded to appear at a trial, hearing, deposition, or other place, a one-day witness fee must be served with this subpoena. A one-day witness fee is \$18.50 plus \$1.00 for each 4 miles you have to travel over 50 miles (one direction). When the subpoena is issued on behalf of the United States or Utah, fees and mileage need not be tendered in advance. The witness fee for each subsequent day is \$49.00 plus \$1.00 for each 4 miles you have to travel over 50 miles (one direction).

(2) Subpoena to copy and mail documents. If the subpoena commands you to copy documents and mail the copies to the attorney or party issuing the subpoena, you must organize the copies as you keep them in the ordinary course of business or organize and label them to correspond with the categories in the subpoena. The party issuing the subpoena must pay the reasonable cost of copying the documents. You must mail with the copies a declaration under penalty of law stating in substance:

- (A) that you have knowledge of the facts contained in the declaration;
- (B) that the documents produced are a full and complete response to the subpoena;
- (C) that originals or true copies of the original documents have been produced; and
- (D) the reasonable cost of copying the documents.

A declaration form is part of this Notice; you may need to modify it to fit your circumstances.

(3) Subpoena to appear. If the subpoena commands you to appear at a trial, hearing, deposition, or for inspection of premises, you must appear at the date, time, and place designated in the subpoena. The trial or hearing will be at the courthouse in which the case is pending. For a deposition or inspection of premises, you can be commanded to appear in only the following counties:

- (A) If you are a resident of Utah, the subpoena may command you to appear in the county:
 - in which you reside;
 - in which you are employed;
 - in which you transact business in person; or
 - in which the court orders.

- (B) If you are not a resident of Utah, the subpoena may command you to appear in the county in Utah:
 - in which you are served with the subpoena; or
 - in which the court orders.

(4) Subpoena to permit inspection of premises. If the subpoena commands you to appear and to permit the inspection of premises, you must appear at the date, time, and place designated in the subpoena and do what is necessary to permit the premises to be inspected.

(5) Subpoena to produce documents or tangible things. If the subpoena commands you to produce designated documents or tangible things, you must produce the documents or tangible things as you keep them in the ordinary course of business or organize and label them to correspond with the categories in the subpoena. The subpoena may require you to produce the documents at the trial, hearing, or deposition or to mail them to the issuing party or attorney. You need not make copies. The party issuing the subpoena must pay the reasonable cost of copying and producing the documents or tangible things. You

must produce with the documents or tangible things a declaration under penalty of perjury stating in substance:

- (A) that you have knowledge of the facts contained in the declaration;
- (B) that the documents or tangible things produced are a full and complete response to the subpoena;
- (C) that the documents are the originals or that a copy is a true copy of the original; and
- (D) the reasonable cost of copying or producing the documents or tangible things.

A declaration form is part of this Notice; you may need to modify it to fit your circumstances.

(6) Objection to a subpoena. You must comply with those parts of the subpoena to which you do not object. You may object to all or part of the subpoena if it:

- (A) fails to allow you a reasonable time for compliance (you are commanded to produce documents or tangible things, the subpoena must be served on you at least 14 days before the date designated for compliance);
- (B) requires you, as a resident of Utah, to appear at a deposition in a county in which you do not reside, are not employed, or do not transact business in person;
- (C) requires you, as a non-resident of Utah, to appear at a deposition in a county other than the county in which you were served, unless the judge orders otherwise;
- (D) requires you to disclose privileged or other protected matter and no exception or waiver applies;
- (E) requires you to disclose a trade secret or other confidential research, development, or commercial information;
- (F) subjects you to an undue burden; or
- (G) requires you to disclose an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study that was not made at the request of a party.

(7) How to object. To object to the subpoena, serve the objection upon the party or attorney issuing the subpoena. The name and address of that person should appear in the upper left corner of the subpoena. You must do this before the date for compliance. A form objection is part of this Notice; you may need to modify it to fit your circumstances. Once you have filed the objection, do not comply with the subpoena unless ordered to do so by the court.

(8) Motion to compel. After you make a timely written objection, the party or attorney issuing the subpoena might serve you with a motion for an order to compel you to comply and notice of a court hearing. That motion will be reviewed by a judge. You have the right to file a response to the motion, to attend the hearing, and to be heard. You may be represented by a lawyer. If the judge grants the motion, you may ask the judge to impose conditions to protect you.

(9) Organizations. An organization that is not a party to the suit and is subpoenaed to appear at a deposition must designate one or more persons to testify on its behalf. The organization may set forth the matters on which each person will testify. Utah Rule of Civil Procedure 30(b)(6).

IN THE FOURTH DISTRICT COURT IN AND FOR UTAH COUNTY
STATE OF UTAH – PROVO DEPARTMENT

THE OHIO MANUFACTURERS'
ASSOCIATION, et al.,

Relators,

vs.

OHIOANS FOR DRUG PRICE RELIEF ACT, et
al.,

Respondents.

OBJECTION TO SUBPOENA

Case No. _____

Judge _____

Instructions: URCP 45 limits the grounds for an objection. For each of the grounds other than (2) or (3) please provide a full explanation. Attach additional sheets as necessary.

I have been served with a subpoena in this case and I object because the subpoena:

(1) Fails to allow me a reasonable time in which to comply.

(2) Requires me, as a resident of Utah, to appear at a deposition in a county in which I do not reside, am not employed, and do not transact business in person.

(3) Requires me, as a non-resident of Utah, to appear at a deposition in a county other than the county in which I was served.

(4) Requires me to disclose privileged or other protected matter and no exception or waiver applies.

Instructions for (4): If you object to the subpoena for these grounds, you must describe the nature of the document or thing with sufficient specificity to enable the party or attorney to contest your objection.

(5) Requires me to disclose a trade secret or other confidential research, development, or commercial information.

Instructions for (5): If you object to the subpoena for these grounds, you must describe the nature of the document or thing with sufficient specificity to enable the party or attorney to contest your objection.

(6) Subjects me to an undue burden.

(7) Requires me to disclose an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study that was not made at the request of a party.

(8) Other.

On _____ (date) I mailed this objection to the party or attorney issuing the subpoena at the following address:

Date

Signature
 Person subject to subpoena
 Attorney for person subject to subpoena

**IN THE FOURTH DISTRICT COURT IN AND FOR UTAH COUNTY
STATE OF UTAH – PROVO DEPARTMENT**

THE OHIO MANUFACTURERS'
ASSOCIATION, et al.,

Relators,

vs.

OHIOANS FOR DRUG PRICE RELIEF ACT, et
al.,

Respondents.

**DECLARATION OF COMPLIANCE
WITH SUBPOENA**

Case No. _____

Judge _____

Under penalty of Utah Code Section 46-5-101, I declare as follows:

- (1) I have knowledge of the facts contained in this declaration.
- (2) The documents or tangible things copied or produced are a full and complete response to the subpoena.
- (3) The documents or tangible things are:
 - the originals.
 - copies that are true copies of the originals.
- (4) The reasonable cost of copying or producing the documents or tangible things is
\$ _____.

Date

Signature

Custodian of the records

Attorney for the custodian of the records

Snell & Wilmer L.L.P
15 W South Temple, Ste 1200
Salt Lake City, UT 84101

Atty File#: 70993.00001
Job ID#:242274



Court OPS
5693 S Redwood Rd #13
Taylorsville, UT, 84123
801-261-9000

COURT OPS

FOURTH JUDICIAL DISTRICT COURT, COUNTY OF UTAH

Plaintiff/Petitioner: **THE OHIO MANUFACTURERS ASSOCIATION, et al.**

DECLARATION OF SERVICE

VS.

Case No: **160400713**

Defendant/Respondent: **OHIOANS FOR DURG PRICE RELIEF ACT, et al.**

Court Date/Time: /

Legal documents received by Court OPS on the 12th day of May, 2016 to be served on:

Ballot Access, LLC c/o Joe Uharlett
1121 West 860 North
Provo, UT 84604

I, **Denise Halter-Mclaughlin, PI License: A115145**, being duly sworn, swear and affirm that on the **12th May, 2016 at 03:27 PM**, I did the following:

Corporate Serve: By personally handing the legal document(s) with a conformed copy of this **SUBPOENA DUCES TECUM** to **JOE UHARRIETT, AUTHORIZED PERSON**, at **1121 West 860 North, Provo, UT 84604** at approximately **03:27 PM** on **12th May, 2016**.

Supplemental Data Appropriate to this Service:

- 1121 West 860 North , Provo, UT 84604:

I HEREBY CERTIFY that I am 18 years of age or older, a resident of the State of Utah, and have no interest in the above legal matter. I further certify that at the time of service of the said article(s), I endorsed my name and official title and added the date thereto. I declare under criminal penalty of the State of Utah that the foregoing is true and correct. (Utah State Code:78B-5-705. Unsworn declaration in lieu of affidavit)

Denise J. Halter-Mclaughlin

X

Denise Halter-Mclaughlin, PI License:

A115145

Service Fee: **\$35.00**

Court OPS

5693 S Redwood Rd #13

Taylorsville, UT, 84123

801-261-9000

Adam C. Buck (12043)
SNELL & WILMER L.L.P.
15 West South Temple, Suite 1200
Gateway Tower West
Salt Lake City, Utah 84101-1004
Telephone: (801) 257-1900
Facsimile: (801) 257-1800
abuck@swlaw.com

Anne Marie Sferra (pro hac vice to be filed)
Bricker & Eckler
100 South Third Street
Columbus, Ohio 43215
Telephone: (614) 227-2390
asferra@bricker.com
Attorneys for Relators

**IN THE FOURTH DISTRICT COURT IN AND FOR UTAH COUNTY
STATE OF UTAH**

THE OHIO MANUFACTURERS'
ASSOCIATION, et al.,

Relators,

vs.

OHIOANS FOR DRUG PRICE RELIEF ACT,
et al.,

Respondents.

SUBPOENA DUCES TECUM

Case No. 160400713

Judge Darold McDade

TO: Ballot Access, LLC
c/o Joe Uharriett
1121 West 860 North
Provo, Utah 84604

RE: *The Ohio Manufacturers' Association, et al. v. Ohioans for Drug Price Relief Act, et al.*

(1) You are commanded to appear at:
_____ (date)
_____ (time)
_____ (place)

- to testify at a trial or hearing
 - to testify at a deposition
 - to permit inspection of the premises
 - to produce the following documents or tangible things:
-

(2) You are commanded to copy the following documents and to mail or deliver the copies to the person at the address at the top of this page. **You must comply no later than 5:00 p.m. on May 24, 2016** by providing complete, legible copies of all documents to the law offices of Snell & Wilmer L.L.P., 15 West South Temple, Suite 1200, Salt Lake City, Utah 84101.

If you have any questions, please contact Adam C. Buck at (801) 257-1550 or abuck@swlaw.com.

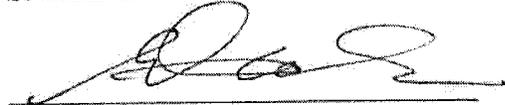
This subpoena is a legal document which requires you to produce copies of all documents in your possession, custody, or control, as described on Exhibit A:

(3) A form of notice to persons served with a subpoena must be served with this subpoena. The form explains your rights and obligations. If you are commanded to appear at a trial, hearing or deposition, a one-day witness fee must be served with this subpoena. A one-day witness fee is \$18.50 plus \$1.00 for each 4 miles you have to travel over 50 miles (one direction).

(4) You may object to this subpoena for one of the reasons listed in paragraph 6 of the Notice by serving a written objection upon the attorney listed at the top of this subpoena. You must comply with any part of the subpoena to which you do not object.

DATED this 9th day of May, 2016.

SNELL & WILMER L.L.P.



Adam C. Buck

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, all IRS W-9, W-2, or 1099 forms, 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.

ADDENDUM A

NOTICE TO PERSONS SERVED WITH A SUBPOENA

(1) Rights and responsibilities in general. A subpoena is a court order whether it is issued by the court clerk or by an attorney as an officer of the court. You must comply or file an objection, or you may face penalties for contempt of court. If you are commanded to produce documents or tangible things, the subpoena must be served on you at least 14 days before the date designated for compliance. If you are commanded to appear at a trial, hearing, deposition, or other place, a one-day witness fee must be served with this subpoena. A one-day witness fee is \$18.50 plus \$1.00 for each 4 miles you have to travel over 50 miles (one direction). When the subpoena is issued on behalf of the United States or Utah, fees and mileage need not be tendered in advance. The witness fee for each subsequent day is \$49.00 plus \$1.00 for each 4 miles you have to travel over 50 miles (one direction).

(2) Subpoena to copy and mail documents. If the subpoena commands you to copy documents and mail the copies to the attorney or party issuing the subpoena, you must organize the copies as you keep them in the ordinary course of business or organize and label them to correspond with the categories in the subpoena. The party issuing the subpoena must pay the reasonable cost of copying the documents. You must mail with the copies a declaration under penalty of law stating in substance:

- (A) that you have knowledge of the facts contained in the declaration;
- (B) that the documents produced are a full and complete response to the subpoena;
- (C) that originals or true copies of the original documents have been produced; and
- (D) the reasonable cost of copying the documents.

A declaration form is part of this Notice; you may need to modify it to fit your circumstances.

(3) Subpoena to appear. If the subpoena commands you to appear at a trial, hearing, deposition, or for inspection of premises, you must appear at the date, time, and place designated in the subpoena. The trial or hearing will be at the courthouse in which the case is pending. For a deposition or inspection of premises, you can be commanded to appear in only the following counties:

- (A) If you are a resident of Utah, the subpoena may command you to appear in the county:
 - in which you reside;
 - in which you are employed;
 - in which you transact business in person; or
 - in which the court orders.

- (B) If you are not a resident of Utah, the subpoena may command you to appear in the county in Utah:
 - in which you are served with the subpoena; or
 - in which the court orders.

(4) Subpoena to permit inspection of premises. If the subpoena commands you to appear and to permit the inspection of premises, you must appear at the date, time, and place designated in the subpoena and do what is necessary to permit the premises to be inspected.

(5) Subpoena to produce documents or tangible things. If the subpoena commands you to produce designated documents or tangible things, you must produce the documents or tangible things as you keep them in the ordinary course of business or organize and label them to correspond with the categories in the subpoena. The subpoena may require you to produce the documents at the trial, hearing, or deposition or to mail them to the issuing party or attorney. You need not make copies. The party issuing the subpoena must pay the reasonable cost of copying and producing the documents or tangible things. You

must produce with the documents or tangible things a declaration under penalty of perjury stating in substance:

- (A) that you have knowledge of the facts contained in the declaration;
- (B) that the documents or tangible things produced are a full and complete response to the subpoena;
- (C) that the documents are the originals or that a copy is a true copy of the original; and
- (D) the reasonable cost of copying or producing the documents or tangible things.

A declaration form is part of this Notice; you may need to modify it to fit your circumstances.

(6) Objection to a subpoena. You must comply with those parts of the subpoena to which you do not object. You may object to all or part of the subpoena if it:

- (A) fails to allow you a reasonable time for compliance (you are commanded to produce documents or tangible things, the subpoena must be served on you at least 14 days before the date designated for compliance);
- (B) requires you, as a resident of Utah, to appear at a deposition in a county in which you do not reside, are not employed, or do not transact business in person;
- (C) requires you, as a non-resident of Utah, to appear at a deposition in a county other than the county in which you were served, unless the judge orders otherwise;
- (D) requires you to disclose privileged or other protected matter and no exception or waiver applies;
- (E) requires you to disclose a trade secret or other confidential research, development, or commercial information;
- (F) subjects you to an undue burden; or
- (G) requires you to disclose an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study that was not made at the request of a party.

(7) How to object. To object to the subpoena, serve the objection upon the party or attorney issuing the subpoena. The name and address of that person should appear in the upper left corner of the subpoena. You must do this before the date for compliance. A form objection is part of this Notice; you may need to modify it to fit your circumstances. Once you have filed the objection, do not comply with the subpoena unless ordered to do so by the court.

(8) Motion to compel. After you make a timely written objection, the party or attorney issuing the subpoena might serve you with a motion for an order to compel you to comply and notice of a court hearing. That motion will be reviewed by a judge. You have the right to file a response to the motion, to attend the hearing, and to be heard. You may be represented by a lawyer. If the judge grants the motion, you may ask the judge to impose conditions to protect you.

(9) Organizations. An organization that is not a party to the suit and is subpoenaed to appear at a deposition must designate one or more persons to testify on its behalf. The organization may set forth the matters on which each person will testify. Utah Rule of Civil Procedure 30(b)(6).

IN THE FOURTH DISTRICT COURT IN AND FOR UTAH COUNTY
STATE OF UTAH – PROVO DEPARTMENT

THE OHIO MANUFACTURERS'
ASSOCIATION, et al.,

Relators,

vs.

OHIOANS FOR DRUG PRICE RELIEF ACT, et
al.,

Respondents.

OBJECTION TO SUBPOENA

Case No. _____

Judge _____

Instructions: URCP 45 limits the grounds for an objection. For each of the grounds other than (2) or (3) please provide a full explanation. Attach additional sheets as necessary.

I have been served with a subpoena in this case and I object because the subpoena:

(1) Fails to allow me a reasonable time in which to comply.

(2) Requires me, as a resident of Utah, to appear at a deposition in a county in which I do not reside, am not employed, and do not transact business in person.

(3) Requires me, as a non-resident of Utah, to appear at a deposition in a county other than the county in which I was served.

(4) Requires me to disclose privileged or other protected matter and no exception or waiver applies.

Instructions for (4): If you object to the subpoena for these grounds, you must describe the nature of the document or thing with sufficient specificity to enable the party or attorney to contest your objection.

(5) Requires me to disclose a trade secret or other confidential research, development, or commercial information.

Instructions for (5): If you object to the subpoena for these grounds, you must describe the nature of the document or thing with sufficient specificity to enable the party or attorney to contest your objection.

(6) Subjects me to an undue burden.

(7) Requires me to disclose an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study that was not made at the request of a party.

(8) Other.

On _____ (date) I mailed this objection to the party or attorney issuing the subpoena at the following address:

Date

Signature

Person subject to subpoena

Attorney for person subject to subpoena

IN THE FOURTH DISTRICT COURT IN AND FOR UTAH COUNTY
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Respondents.

**DECLARATION OF COMPLIANCE
WITH SUBPOENA**

Case No. _____

Judge _____

Under penalty of Utah Code Section 46-5-101, I declare as follows:

- (1) I have knowledge of the facts contained in this declaration.
- (2) The documents or tangible things copied or produced are a full and complete response to the subpoena.
- (3) The documents or tangible things are:
 - the originals.
 - copies that are true copies of the originals.
- (4) The reasonable cost of copying or producing the documents or tangible things is \$_____.

Date

Signature

Custodian of the records

Attorney for the custodian of the records