

**IN THE SUPREME COURT OF OHIO**

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

---

**RELATORS' NOTICE OF WITHDRAWAL OF  
REQUEST FOR EVIDENTIARY HEARING**

---

Kurtis A. Tunnell (0038569)  
Anne Marie Sferra (0030855)  
Nelson M. Reid (0068434)  
James P. Schuck (0072356)  
BRICKER & ECKLER LLP  
100 South Third Street  
Columbus, Ohio 43215  
(614) 227-2300 (Telephone)  
(614) 227-2390 (Facsimile)  
[ktunnell@bricker.com](mailto:ktunnell@bricker.com)  
[asferra@bricker.com](mailto:asferra@bricker.com)  
[nreid@bricker.com](mailto:nreid@bricker.com)  
[jschuck@bricker.com](mailto:jschuck@bricker.com)

*Counsel for Relators*

MICHAEL DeWINE (0009181)  
Ohio Attorney General

Steven T. Voigt (0092879)  
Senior Assistant Attorney General  
Brodi J. Conover (0092082)  
Assistant Attorneys General  
30 E. Broad Street, 16<sup>th</sup> Floor  
Columbus, Ohio 43215  
(614) 466-2872 (Telephone)  
(614) 728-7592 (Facsimile)  
[steven.voigt@ohioattorneygeneral.gov](mailto:steven.voigt@ohioattorneygeneral.gov)  
[brodi.conover@ohioattorneygeneral.gov](mailto:brodi.conover@ohioattorneygeneral.gov)

*Counsel for Respondent,  
Ohio Secretary of State Jon Husted*

Donald J. McTigue (0022849)  
J. Corey Colombo (0072398)  
Derek S. Clinger (0092075)  
McTIGUE & COLOMBO LLC  
545 East Town Street  
Columbus, Ohio 43215  
(614) 263-7000 (Telephone)  
(614) 263-7078 (Facsimile)  
[dmctigue@electionlawgroup.com](mailto:dmctigue@electionlawgroup.com)  
[ccolombo@electionlawgroup.com](mailto:ccolombo@electionlawgroup.com)  
[dclinger@electionlawgroup.com](mailto:dclinger@electionlawgroup.com)

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

**RELATORS' NOTICE OF WITHDRAWAL OF  
REQUEST FOR EVIDENTIARY HEARING**

On May 18, 2016, this Court issued a scheduling order which required that “any request for an evidentiary hearing, if necessary” be made no later than June 1, 2016.

On June 1, 2016, Relators, The Ohio Manufacturers' Association, The Ohio Chamber of Commerce, Pharmaceutical Research and Manufacturers of America, Keith Lake, and Ryan R. Augsburger (“Relators”) requested an evidentiary hearing in this matter. At that time, Relators did not know whether it would be necessary to have an evidentiary hearing, so the request was made “with the caveat that the request for an evidentiary hearing may be withdrawn in light of additional discovery that has been sought, but not yet completed.” All discovery permitted by the Court has since been completed and filed in the record before the Court. Relators have determined that an evidentiary hearing prior to a determination on the merits is not necessary. Accordingly, Relators hereby withdraw their request for an evidentiary hearing.

Notwithstanding the withdrawal of their request for an evidentiary hearing, Relators support a post-judgment proceeding with the Special Master for the purpose of ascertaining which signatures should and should not be counted, based on the Court's ruling, should the Court deem such a proceeding appropriate.

Respectfully submitted,

/s/ Anne Marie Sferra

Kurtis A. Tunnell (0038569)

*Counsel of Record*

Anne Marie Sferra (0030855)

Nelson M. Reid (0068434)

James P. Schuck (0072356)

BRICKER & ECKLER LLP

100 South Third Street

Columbus, Ohio 43215

(614) 227-2300 (Telephone)

(614) 227-2390 (Facsimile)

[ktunnell@bricker.com](mailto:ktunnell@bricker.com)

[asferra@bricker.com](mailto:asferra@bricker.com)

[nreid@bricker.com](mailto:nreid@bricker.com)

[jschuck@bricker.com](mailto:jschuck@bricker.com)

*Counsel for Relators*

**CERTIFICATE OF SERVICE**

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

August 15, 2016 upon:

MICHAEL DeWINE  
Ohio Attorney General

Steven T. Voigt  
Senior Assistant Attorney General

Brodi J. Conover  
Assistant Attorney General  
Constitutional Offices Section  
30 E. Broad Street, 16<sup>th</sup> Floor  
Columbus, Ohio 43215  
(614) 466-2872 (Telephone)  
(614) 728-7592 (Facsimile)  
[steven.voigt@ohioattorneygeneral.gov](mailto:steven.voigt@ohioattorneygeneral.gov)  
[brodi.conover@ohioattorneygeneral.gov](mailto:brodi.conover@ohioattorneygeneral.gov)

Donald J. McTigue  
J. Corey Colombo  
Derek S. Clinger  
McTIGUE & COLOMBO LLC  
545 East Town Street  
Columbus, Ohio 43215  
[dmctigue@electionlawgroup.com](mailto:dmctigue@electionlawgroup.com)  
[ccolombo@electionlawgroup.com](mailto:ccolombo@electionlawgroup.com)  
[dclinger@electionlawgroup.com](mailto:dclinger@electionlawgroup.com)

/s/ Anne Marie Sferra

Anne Marie Sferra (0030855)