Supreme Court of Ohio Clerk of Court - Filed August 19, 2016 - Case No. 2016-1247

IN THE SUPREME COURT OF OHIO

State of Ohio, *ex rel* Virginia L. Coover 15484 Shade Rd. Guysville, OH 45735	)	Case No. _____
and	)	
John Howell 7745 Clarks Chapel Lane Athens, OH 45701	)	**VERIFIED COMPLAINT FOR WRIT OF MANDAMUS (Expedited Election Case Pursuant To S.C.R.P. 12.08)**
and	)	
Richard McGinn 44 Graham Drive Athens, OH 45701	)	
and	)	
Michael H. Rowe 24 Briarwood Drive Athens, OH 45701	)	
and	)	
Sally Jo Wiley 3050 Glen Finnan Drive Albany, Ohio 45710	)	
and	)	
Gregory D. Howard 41329 Gibson Ridge Road Albany, OH 45710	)	
and	)	
Dennis Jay Sargent 52895 Curtis Hollow Road Long Bottom, OH 45743	)	
	)	

and)

Kathy Lynn Sargent)
52895 Curtis Hollow Road
Long Bottom, OH 45743)

and)

Marsha Nagy Whitton)
33966 TR 447
Rutland, OH 45775)

and)

Kathleen M. Schumann)
5751 Caranor Rd.
Kent, OH 44240)

and)

Gwen B. Fischer)
6793 Cheryl Road
Hiram, OH 44234)

and)

BradBrotje)
680 Ravenna Rd.
Streetsboro, OH 44241)

and)

JoEllen Armstrong)
595 Walnut Ridge Trail
Aurora, OH 44202)

and)

Sandra Engle)
1733 Hartville Road
Mogadore, OH 44260,)

Relators,)

-vs-)

Jon Husted)
Secretary of the State of Ohio
180 East Broad Street, 16th Floor)
Columbus, Ohio 43215
)
and
)
Helen Walker, Chair, Kate McGuckin, Ken
Ryan, and Aundrea Carpenter-Colvin)
Athens County Board of Elections
15 S. Court St. Rm 130)
Athens, OH 45701
)
and
)
Charles E. Williams, Chairman, David W.
Fox, Rita Slavin, and James V. Stewart)
Meigs County Board of Elections
113 E Memorial Dr Suite A)
Pomeroy, OH 45769
)
and
)
Craig M. Stephens, Chairman, Patricia
Nelson, Andrew Manning, Doria Daniels)
Portage County Board of Elections 449
South Meridian St. Rm. 101)
Ravenna, Ohio 44266
)
Respondents.
)
)

Relators Virginia L. Coover, John Howell, Richard McGinn, Michael H. Rowe, and Sally Jo Wiley ("Athens Committee"), Dennis J. Sargent, Kathy Lynn Sargent, Gregory D. Howard, and Marsha Nagy Whitton ("Meigs Committee"), Kathleen M. Schumann, Gwen B. Fischer, Bradford Brotje, JoEllen Armstrong, and Sandra Engle ("Portage Committee") (collectively "Relators"), proceeding by and through counsel, set forth their Verified Complaint as follows:

PRELIMINARY STATEMENT

1. Relators seek a writ of mandamus to compel the Respondents, the duly-elected Secretary of State of Ohio, Jon Husted ("SOS") and Helen Walker, Kate McGuckin, Ken Ryan, and Aundrea Carpenter-Colvin, Athens County Board of Elections members ("Athens Board"); Charles E. Williams, David W. Fox, Rita Slavin, and James V. Stewart, Meigs, County Board of Elections members ("Meigs Board"); Craig M. Stephens, Patricia Nelson, Andrew Manning, Doria Daniels, Portage County Board of Elections members ("Portage Board"), ("BOE's," all collectively "Respondents"). Relators seek a writ of mandamus to require Respondents to comply with the requirements of O.R.C. § 307.95 and pertinent constitutional, statutory and common law to certify certain proposed County Charters to the Athens, Meigs, and Portage County ballots, respectively, for the November 8, 2016 general election. The County Charter proposals are contained in three Petitions which were circulated in Athens, Meigs and Portage Counties, blank copies of which are attached hereto as Exhibit A (Athens Co.), B (Meigs Co.), and C (Portage Co.) and which are incorporated fully herein as though rewritten,

JURISDICTION

2. Jurisdiction generally lies with this Court pursuant to O.R.C. Chapter 2731, which governs mandamus proceedings in the courts, and specifically lays jurisdiction in Ohio's Supreme Court by O.R.C. § 2731.02.

3. The claims in this matter arise from the denial of Relators' legal rights by Respondents, which occurred when Respondents refused to perform their limited discretionary legal duty to certify Relators' County Charter Petitions to the ballot for the November 8, 2016 general election, as delineated below. First, the respective county boards of election rejected the

Charter Proposals from the respective ballots in each county Then, the Relators protested to the SOS the rejections of the charter proposals, and the SOS repudiated the protests and affirmed the boards' invalidations of the petitions.

THE PARTIES

4. The Athens Committee is comprised of registered voters of Athens County who associated for the purpose of gathering elector signatures, according to the constraints and requirements of the Constitution of Ohio, Article X, §§ 3 and 4, and Ohio Revised Code §§ 307.94, 307.95, 307.96, 3501.38, and 3513.261, on a formal petition to propose the option of a constitutional charter in Athens County. The Athens Committee of petitioners turned in over 2,300 signatures, of which 1,700 were certified as valid signatures. A total of 1,400 valid signatures were required, thus there were adequate signatures to certify the proposal to the ballot.

5. The Meigs Committee is comprised of registered voters of Meigs County who associated for the purpose of gathering elector signatures, according to the constraints and requirements of the Constitution of Ohio, Article X, §§ 3 and 4, and Ohio Revised Code §§ 307.94, 307.95, 307.96, 3501.38, and 3513.261, on a formal petition to propose the option of a constitutional charter in Meigs County. The Meigs Committee of petitioners turned in 860 signatures, of which 603 were certified as valid signatures. A total of 596 valid signatures were required, thus there were adequate signatures to certify the proposal to the ballot.

6. The Portage Committee is comprised of registered voters of Portage County who associated for the purpose of gathering elector signatures, according to the constraints and requirements of the Constitution of Ohio, Article X, §§ 3 and 4, and Ohio Revised Code §§ 307.94, 307.95, 307.96, 3501.38, and 3513.261, on a formal petition to propose the option of a

constitutional charter in Portage County. The Portage Committee of petitioners turned in 4,283 valid signatures. A total of 4,078 valid signatures were required, thus there were adequate signatures to certify the proposal to the ballot.

7. Relators bring this suit on behalf of themselves and of other electors who may be inclined to vote for the charter proposals in their respective counties.

8. The County Charter proposals, if approved by the voters, would establish charter forms of government in Athens, Meigs and Portage Counties, which are not presently charter counties.

9. Respondent Jon Husted is Ohio Secretary of State who, as chief elections officer, is legally responsible under various provisions of the Ohio Constitution and Ohio Revised Code for the conduct of elections in Ohio. The Secretary of State is being sued in his official capacity. Secretary of State Husted is capable of being sued and of having his decisions challenged and determined by Ohio law courts.

10. Respondents Helen Walker (Chair), Kate McGuckin, Ken Ryan, and Aundrea Carpenter-Colvin ("Athens Board"), are Athens County Board of Elections members and are being sued in their official capacity. As board of elections members, they are capable of being sued and of having their decisions challenged and determined by Ohio courts.

11. Respondents Charles E. Williams (Chairman), David W. Fox, Rita Slavin, and James V. Stewart ("Meigs Board"), are Meigs County Board of Elections members and are being sued in their official capacity. As board of elections members, they are capable of being sued and of having their decisions challenged and determined by Ohio courts.

12. Respondents Craig M. Stephens (Chair), Patricia Nelson, Andrew Manning, and Doria Daniels ("Portage Board") are Portage County Board of Elections members and are being

sued in their official capacity. As board of elections members, they are capable of being sued and of having their decisions challenged and determined by Ohio courts.

FACTUAL AVERMENTS

13. Article X, § 3 of the Ohio Constitution and Ohio Rev. Code §§ 307.94 and 307.95 authorize electors to file a petition seeking to submit the question of adoption of a County Charter to the electors of the county.

14. The electors of the Athens Committee, Meigs Committee, and Portage Committee, in their respective Counties, each initiated, circulated and filed a county charter proposal for placement on the November 8, 2016 general election ballot.

15. On Friday, July 8, 2016, the Athens Board voted 4-0 against certifying the Athens petition to the general election ballot for November 8, 2016. See Exh. D, July 8, 2016 Athens BOE letter to Athens County Commissioners.

16. On Thursday, July 21, 2016, the Meigs Board voted 4-0 against certifying the Meigs petition to the general election ballot for November 8, 2016. See Exh. E, July 21, 2016 Meigs BOE letter to Meigs County Commissioners.

17. On Monday August 1, 2016, the Portage Board voted 4-0 against certifying the Portage petition to the general election ballot for November 8, 2016. See Exh. F, August 1, 2016 Portage BOE letter to Portage County Commissioners.

18. On July 25, 2016, the Athens Committee filed a protest with the SOS against the Athens Board decision. See Exh. G, Athens Committee protest letter to SOS.

19. On July 28, 2016 the Meigs Committee filed a protest with the SOS against the Meigs Board decision. See Exh. H, Meigs Committee protest letter to SOS.

20. On July 25, 2016 the Portage Committee filed a protest with the SOS against the Portage Board decision. See Exh. I, Portage Commission protest letter to SOS.

21. On August 15, 2016, Respondent SOS denied the protests and sustained the Respondent board of elections members' votes which blocked Relators' petitions from the ballot. A true and correct copy of the SOS decision is annexed hereto as Exhibit J and is incorporated by reference as though fully herein rewritten.

22. In his decision, Respondent Secretary of State stated as follows:

> Turning to the Athens, Meigs, and Portage petitions now at issue, Article X, Section 3 of the Ohio Constitution contains a different, but equally foundational, prerequisite for county charter provisions than was analyzed in the 2015 protest decision. This bedrock provision, the "All Powers" provision, mandates that every county charter "shall provide for the exercise of all powers vested in, and the performance of all duties imposed upon counties and county officers by law.". . . .
>
> . . . A closer review of the specific provisions regarding the enumerated duties of the county officers, however, reveals that the language of Section 3.1 rings hollow. In other words, the proposed Petitions fail to provide for the performance of all duties imposed upon county officers by general law as the Ohio Constitution requires.
>
> For example, Section 4.3.3 of the proposed county charters merely states that "[t]he County Auditor shall have those powers and duties as responsible for the day-to-day accounting of transactions for the County government under his or her jurisdiction and control, in accordance with general law." . . . .
>
> . . . This language falls woefully short of providing for the full range of duties that a County Auditor must perform-even under a charter form of government. A County Auditor in Ohio has far greater duties pursuant to the Ohio Revised Code than merely being "responsible for the day-to-day accounting of transactions for the County government" as enumerated in the proposed county charters. As just one example, aside from keeping the official record of all county government receipts and disbursements, the County Auditor in Ohio is "the assessor of all the real estate in the auditor's county for purposes of taxation. Other examples abound in R.C. Chapter 319.". . . .
>
> . . . In summary, almost all of the powers or duties of the county officers enumerated in the proposed county charters are severely diminished or limited when compared to the duties imposed upon them by general law. There is a significant vacuum of required powers, duties, and responsibilities of county offices and officeholders, and the mere phrase "in accordance with general law" that Petitioner's repeat at the end of

> each proposed grant of "county officer power" in the Petition is not enough to account for this constitutional infirmity. To allow otherwise would require one to "look to sources outside the proposed charters," a fatal flaw that the Supreme Court recognized in *Walker*. . . .
>
> . . . Having carefully reviewed the law, court decisions, and the materials submitted in connection with the protests, for the reasons stated above, I hereby deny the protests and invalidate each of the Athens, Meigs and Portage petitions. Accordingly, the county charter proposals appended to each of the petitions shall not be placed upon the November 8, 2016, general election ballot in your counties.

Exhibit J, pp. 2, 4, 6, 8.

23. Respondents Secretary of State and the BOE's abused their discretion when they considered whether language which addressed, in detail, the constitutional requirements in the Charter Proposal for each respective county fulfilled the SOS' reading of Art. X, Sect. 3 of the Ohio Constitution and/or statutory requirements concerning the substance of the charter proposal. Such inquiry or inquiries violated the constitutional prohibition against allowing ballot proposals to be placed on the ballot according to the acceptability of their content to elections officials.

24. Respondents Secretary of State and the three county BOE's are forbidden by relevant constitutional principles from arrogating to themselves the power to peremptorily "invalidate" the County Charter Proposals, which are components of the Petitions in which they are found, on the grounds of the proposals' content, constitutionality, and legality. Since each Petition conforms to the structural requirements of statute, contains a proposal for a form of county government with provisions for the method of election for each elected office, and their powers and duties, and has been proffered for the county ballots by more than the minimal requisite numbers of eligible electors, each County Charter proposal must be subjected to a formal public

vote at the November 8, 2016 general election. Respondents' "invalidation" of the Petition is unconstitutional, arbitrary, illegal, and an abuse of their legal authority.

STATUTORY AND LEGAL FRAMEWORK

25. According to O.R.C. § 307.94, electors of a county, equal in number to ten percent (10%) of the number who voted for governor in the county at the most recent gubernatorial election, may file, not later than one hundred ten days before the date of a general election, a petition with the board of county commissioners asking that the question of the adoption of a county charter in the form attached to the petition be submitted to the electors of the county.

26. O.R.C. § 3501.38 requires petitions to be signed by electors qualified to vote on the issue. Signatures must be made in ink; each signer must place on the petition the signer's name, date of signing, and location of voting residence. The petitions must have, on each paper, the circulators' indication of number of signatures and the circulators' statement that they witnessed the signatures of qualified signers. And the Petition must be submitted with all part petitions at one time.

27. It is undisputed that these requirements were properly observed by Relators in their respective counties, and persons working in concert with them, such that sufficient numbers of valid signatures were timely submitted on petition forms which complied with the requirements of statute.

FIRST CAUSE OF ACTION
*(Elections Officials Not Arbiters of Legal or Constitutionality of Chart*er *Proposals)*

28. Relators incorporate by reference as though fully rewritten herein the contents of the foregoing paragraphs 1 through 27.

29. The SOS decision to not certify the petitions based on the "All Powers provision" is an abuse of his discretion and comprises an arbitrary and unconstitutional interpretation by which boards of elections and the SOS seek to interfere with the rights of citizens. Here, Relators have presented a complete charter proposal for the county electors to consider and vote on that proposal according to Ohio law in the November 8, 2016 election.

30. Extensive details of the form of the proposed county government appear on five (5) single-spaced pages of each of the proposed County Charters, including the designated names of elected positions, the powers and qualifications for those officeholders, and other relevant information, including duties. See Exh. A, Athens Charter, pp. 3-7; Exh. B, Meigs Charter, pp. 3-7; Exh. C, Portage Charter, pp. 3-7.

31. Incorporation of some public official duties and other details by reference is a permissible drafting principle to use in the County Charter proposals. All conceivable statutory language governing county office positions need not be reproduced within the text of the Petitions for the wording to be meaningful to the voter.

32. The "authority to determine whether a ballot measure falls within the scope of the constitutional power of referendum (or initiative) does not permit election officials to sit as arbiters of the legality or constitutionality of a ballot measure's substantive terms." *State ex rel. Walker v. Husted,* 144 Ohio St.3d 361, 43 N.E.3d 419, 2015-Ohio-3749, ¶ 15 (2015).

33. The Respondents have improperly refused and neglected to certify the respective Charter Proposals to the county ballot for November 8, 2016, based on Respondents' opinions of the legality or constitutionality of the County Charter proposals. Relators are entitled to a writ of mandamus from the Court which curtails the inquiries conducted by Respondent SOS and

Respondent boards of election members into the statutory and constitutional propriety of the substance of the County Charter proposals and orders the proposals to be placed on the ballot in their respective counties.

SECOND CAUSE OF ACTION
(Structural Change Requirement Violates Prohibition Against Substantive Analysis of Charter Proposal)

34. Relators incorporate by reference as though fully rewritten herein the contents of the foregoing paragraphs 1 through 33.

35. At p. 8 of his August 15, 2016 ruling, the SOS states, "To the extent the Petitions may, as they state, 'alter the current statutory County government,' and to the extent the *Walker* decision permits, I reject that argument because the Petitions do not provide for either an elective or appointive county executive, and invalidate the Petitions on that alternate basis." Exh. J, p. 8.

36. Under Ohio law, a county charter proposal need not alter the existing form of government in order to be valid, so long as the form of government is sufficiently detailed within the Petition that a voter need not look outside the document to understand what is being proposed. No change from the existing form of government is necessary as a prerequisite for the citizens to be able to vote on the county charter proposals articulated in the Petitions in this case.

37. Neither the SOS nor the responding board of elections may invalidate the Petitions on the basis that an elective or appointive county executive is required. No such requirement exists, and the claimed basis comprises an unlawful and arbitrary decision and an abuse of discretion on the Secretary of State's and the county BOEs' parts.

38. Moreover, by engrafting the requirement of a "structural change" onto the "form of government" analysis, Respondents have made a determination of the legality and

constitutionality of the three County Charter proposals' contents, in violation of *State ex rel. Walker v. Husted,* 144 Ohio St.3d 361, 43 N.E.3d 419, 2015-Ohio-3749 (2015).

39. By blocking the County Charter proposals from the ballot on the alleged basis that Relators have not sufficiently or properly detailed their proposals within the body of the Petition, Respondents have violated the prohibition against inquiry into the legal and/or constitutional substance of what is being proposed and consequently, Relators are entitled to a writ of mandamus by the Court ordering the Respondents to certify the Petitions to the respective ballots of the three affected counties for the November 8, 2016 election.

RELATORS ARE ENTITLED TO A WRIT OF MANDAMUS

40. The writ of mandamus is an extraordinary remedy that arose historically to deal with situations like this, where there is no other avenue for justice. It is the Court's duty in such situations to review the actions of the Ohio Secretary of State and of the respective boards of elections to place limits on the exercise of their discretion to ensure that discretion is not exercised arbitrarily, or abused. It is further the Court's duty, when a governmental official has refused to undertake a nondiscretionary act, to order such act to be undertaken.

41. Relators have been denied their constitutional and statutory rights to alter their government by means of initiating a County Charter proposal by the arrogation of power, abuse of discretion, and refusals of Respondents Secretary of State and the Boards of Elections of the respective counties to certify the respective Petitions to the respective boards of County Commissioners to place the Petitions on the ballots for the November 8, 2016 general election.

42. Consequently, the Respondents Secretary of State's and Boards of Elections' refusals to certify the Petition to a public vote were improper, unlawful, an abuse of discretion and arbitrary, and must be overruled by this Court.

43. The acts or omissions of Respondents Secretary of State and the BOEs are *ultra vires* insofar as they ignore the requirements of statute, which in turn are constrained by the Ohio Constitution. Respondents' acts and omissions comprise a continuing abuse of discretion that must be corrected by a specific mandate from the Court. The Court must intervene to vindicate the rights of all of the Relators and to protect their rights under the Ohio Constitution to vote on properly-presented county charter proposals in their county.

44. Relators are entitled to a writ of mandamus to compel the Respondents Secretary of State and BOEs to comply with O.R.C. §§ 307.94 and 307.95 and the requirements of the Ohio Constitution, and to certify Relators' three Petitions to the ballot for the November 8, 2016 general election.

EXPEDITED REVIEW

45. Due to the proximity of the election, Relators request an expedited review of this matter, pursuant to S.C.R.P 12.08. This lawsuit is filed within eighty (80) days of the November 8, 2016 election. Relators have no plain or adequate remedy at law to correct the unlawful, unreasonable and/or arbitrary acts and abuses of discretion committed by the Respondents. Expedited review is necessary for a timely decision to allow placement of the three county charter proposals on their respective county ballots for the November 8, 2016 election.

WHEREFORE, Relators pray the Court issue a peremptory writ of mandamus, or alternatively, an alternate writ, pursuant to R.C. Chapter 2731, which requires Respondents Ohio

Secretary of State, Athens County Board of Elections, Meigs County Board of Elections and the Portage County Board of Elections to comply with the requirements of O.R.C. §§ 307.94 and 307.95 and the Ohio Constitution by immediately certifying the Petitions to the November 8, 2016 ballot for a public vote in the respective three counties. Relators further request to be awarded their costs and reasonable attorney fees, and such other and further relief at law or in equity as the Court may deem necessary and proper in the premises.

Respectfully submitted,

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

/s/ Terry J. Lodge
Terry J. Lodge, Esq. (S.Ct. #0029271)
316 N. Michigan St., Suite 520
Toledo, OH 43604-5627
419.205.7084
Fax (440) 965-0708
lodgelaw@yahoo.com

Co-counsel for Relators

VERIFICATION

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

Virginia L. Coover

Virginia L. Coover

State of Ohio)
)
County of Athens) ss:

Sworn to before me and subscribed in my presence this 17 th day of August, 2016.

Claire Hart

Notary Public

NOTARIAL SEAL STATE OF OHIO

CLAIRE HARTMAN
Notary Public, State of Ohio
My Commission Expires 11-16-2020
Commission Recorded in Athens County

VERIFICATION

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

Richard McGinn

Richard McGinn

State of Ohio)
)
County of Athens) ss:

NOTARIAL SEAL STATE OF OHIO

JEFFREY RUDENSTEIN
Notary Public, State of Ohio
My Commission Expires 1-4-2021
Commission Recorded in Athens County

Sworn to before me and subscribed in my presence this 16 th day of August, 2016.

Notary Public

VERIFICATION

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

John Howell

NOTARIAL SEAL
STATE OF OHIO

JEFFREY RUDENSTEIN
Notary Public, State of Ohio
My Commission Expires 1-4-2021
Commission Recorded in Athens County

Sworn to before me and subscribed in my presence this 16 th day of August, 2016.

Notary Public

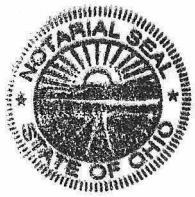
VERIFICATION

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

Michael H. Rowe

State of Ohio)
)
County of Athens) ss:

Sworn to before me and subscribed in my presence this 16 th day of August, 2016.



TONYA FOREHAND
Notary Public, State of Ohio
My Commission Expires 05-01-19
Commission Recorded in Meigs County

Notary Public

VERIFICATION

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

Sally Jo Wiley

Sally Jo Wiley

State of Ohio)
)
County of Athens) ss:

Sworn to before me and subscribed in my presence this 18 th day of August, 2016.

Sherry Keirns

Notary Public

SHERRY KEIRNS
NOTARY PUBLIC, STATE OF OHIO
My Commission Expires November 12, 2017
Commission Recorded in Athens County

VERIFICATION

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

Dennis Jay Sargent

Dennis Jay Sargent

State of Ohio)
)
County of Meigs) ss:

Sworn to before me and subscribed in my presence this 17 th day of August, 2016.

JACQUELYN E. EDWARDS
Notary Public, State of Ohio
My Commission Expires
October 23, 2018

Jacquelyn E. Edwards

Notary Public

VERIFICATION

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

Gregory D. Howard

Gregory D. Howard

State of Ohio)
)
County of Meigs) ss:

Sworn to before me and subscribed in my presence this 17 th day of August, 2016.

Sherry Keirns

Notary Public

SHERRY KEIRNS
NOTARY PUBLIC, STATE OF OHIO
My Commission Expires November 12, 2017
Commission Recorded in Athens County

VERIFICATION

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

Kathy Lynn Sargent

Kathy Lynn Sargent

State of Ohio)
)
County of Meigs) ss:

Sworn to before me and subscribed in my presence this 17 th day of August, 2016.

JACQUELYN E. EDWARDS
Notary Public, State of Ohio
My Commission Expires
October 23, 2018

Jacquelyn E. Edwards

Notary Public

VERIFICATION

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

Marsha Nagy Whitton

State of Ohio)
)
County of Meigs) ss:

Sworn to before me and subscribed in my presence this 18th day of August, 2016.

Notary Public

Notary Public, State of Ohio
Recorded in Meigs County
My Commission Expires 6/14/2019

VERIFICATION

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

JoEllen Armstrong

JoEllen Armstrong

State of Ohio)
)
County of Portage) ss:

Sworn to before me and subscribed in my presence this 16 th day of August, 2016.

Charmaine Kepes

Notary Public

OFFICIAL SEAL
CHARMAINE P. KEPES
NOTARY PUBLIC - STATE OF OHIO
MY COMMISSION EXPIRES JUNE 21, 2020
RECORDED IN PORTAGE COUNTY, OHIO

VERIFICATION

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

Brad Brotje

Brad Brotje

State of Ohio)
)
County of Portage) ss:

Sworn to before me and subscribed in my presence this 16th day of August, 2016.

Charmaine Kepes

Notary Public

OFFICIAL SEAL
CHARMAINE P. KEPES
NOTARY PUBLIC - STATE OF OHIO
MY COMMISSION EXPIRES JUNE 21, 2020
RECORDED IN PORTAGE COUNTY, OHIO

VERIFICATION

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

Sandra Engle

Sandra Engle

State of Ohio)
)
County of Portage) ss:

Sworn to before me and subscribed in my presence this 16 th day of August, 2016.

Charmaine Kepes

Notary Public

OFFICIAL SEAL
CHARMAINE P. KEPES
NOTARY PUBLIC - STATE OF OHIO
MY COMMISSION EXPIRES JUNE 21, 2020
RECORDED IN PORTAGE COUNTY, OHIO

VERIFICATION

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

Gwen B. Fischer

State of Ohio)
)
County of Portage) ss:

Sworn to before me and subscribed in my presence this 16 th day of August, 2016.

Notary Public

OFFICIAL SEAL
CHARMAINE P. KEPES
NOTARY PUBLIC - STATE OF OHIO
MY COMMISSION EXPIRES JUNE 21, 2020
RECORDED IN PORTAGE COUNTY, OHIO

VERIFICATION

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

Kathleen M. Schumann

Kathleen M. Schumann

State of Ohio)
)
County of Portage) ss:

Sworn to before me and subscribed in my presence this 16 th day of August, 2016.

Charmaine Kepes

Notary Public

OFFICIAL SEAL
CHARMAINE P. KEPES
NOTARY PUBLIC - STATE OF OHIO
MY COMMISSION EXPIRES JUNE 21, 2020
RECORDED IN PORTAGE COUNTY, OHIO