

**IN THE
SUPREME COURT OF OHIO**

LEAGUE OF WOMEN VOTERS OF OHIO, *et al.*,

Relators,

v.

OHIO REDISTRICTING COMMISSION, *et al.*,

Respondents.

Case No. 2021-1193

Original Action Pursuant to Ohio Const.,
Art. XI

Apportionment Case

BRIA BENNETT, *et al.*,

Relators,

v.

OHIO REDISTRICTING COMMISSION, *et al.*,

Respondents.

Case No. 2021-1198

Original Action Pursuant to Ohio Const.,
Art. XI

Apportionment Case

THE OHIO ORGANIZING COLLABORATIVE, *et al.*,

Relators,

v.

OHIO REDISTRICTING COMMISSION, *et al.*,

Respondents.

Case No. 2021-1210

Original Action Pursuant to Ohio Const.,
Art. XI

Apportionment Case

MERIT BRIEF OF RESPONDENT THE OHIO REDISTRICTING COMMISSION

Freda J. Levenson (0045916)
Counsel of Record
ACLU OF OHIO FOUNDATION, INC.
4506 Chester Avenue
Cleveland, Ohio 44103
614.586.1972. x125
flevenson@acluohio.org

Dave Yost
Ohio Attorney General

Erik J. Clark (0078732)
Counsel of Record
Ashley T. Merino (0096853)
ORGAN LAW LLP
1330 Dublin Road
Columbus, Ohio 43215

David J. Carey (0088787)
ACLU OF OHIO FOUNDATION, INC.
1108 City Park Avenue, Suite 203
Columbus, Ohio 43206
614.586.1972. x2004
dcarey@aclu.org

T. Alora Thomas (PHV 22010)
Julie A. Ebenstein (PHV 25423)
AMERICAN CIVIL LIBERTIES UNION
125 Broad Street
New York, New York 10004
212.519.7866.
athomas@aclu.org
jebenstein@aclu.org

Robert D. Fram (PHV 25414-2021)
Joshua Gonzalez (PHV 25424-2021)
Juliana Goldrosen (PHV 25193-2021)
David Denuyl (PHV 25452-2021)
Donald Brown (PHV 25480-2021)
COVINGTON & BURLING LLP
Salesforce Tower
415 Mission Street, Suite 5400
San Francisco, California 94105-2533
415.591.6000
rfram@cov.com
JGonzalez@cov.com
jgoldrosen@cov.com
ddenuyl@cov.com
dwbrown@cov.com

Megan C. Keenan (PHV 25410-2021)
James Smith
Laura B. Bender (PHV 25192-2021)
Alexander Thomson (PHV 25462-2021)
COVINGTON & BURLING LLP
850 Tenth Street, NW
Washington, DC 20001-4956
202.662.6000
mkeen@cov.com
jmsmith@cov.com
bbender@cov.com
ajthomson@cov.com

Madison Arent

614.481.0900
614.481.0904 (facsimile)
ejclark@organlegal.com
amerino@organlegal.com

Special Counsel to Attorney General
Dave Yost

*Counsel for Respondent The Ohio
Redistricting Commission*

Dave Yost
Ohio Attorney General

Bridget C. Coontz (0072919)

Counsel of Record

Julie M. Pfeiffer (006762)
Michael A. Walton (0092201)
Michael J. Hendershot (0081842)
OFFICE OF THE OHIO ATTORNEY
GENERAL
30 E. Broad Street, 16th Floor
Columbus, Ohio 43215
614.466.2872
614.782.7592 (facsimile)
Bridget.Coontz@OhioAGO.gov
Julie.Pfeiffer@OhioAGO.gov
Michael.Walton@OhioAGO.gov
Michael.Hendershot@OhioAGO.gov

*Counsel for Respondents Ohio Governor
DeWine, Ohio Secretary of State LaRose,
and Ohio Auditor Faber*

W. Stuart Dornette (0002955)
Beth A. Bryan (0082076)
Philip D. Williamson (0097174)
TAFT STETTINIUS & HOLLISTER LLP
425 Walnut St., Suite 1800
Cincinnati, Ohio 45202-3957
513.381.2838
513.381.0205 (facsimile)
dornette@taftlaw.com
bryan@taftlaw.com
pwilliamson@taftlaw.com

COVINGTON & BURLING LLP
The New York Times Building
620 Eighth Avenue
New York, New York 10018-1405
212.841.1000
marent@cov.com

Anupam Sharma (PHV 25418-2021)
James Hovard (PHV 25420-2021)
Yiye Fu (PHV 25419-2021)
COVINGTON & BURLING LLP
3000 El Camino Real
5 Palo Alto, Square, 10th Floor
Palo Alto, California 94306-2112
650.632.4700
650.632.4800 (facsimile)
asharma@cov.com
jhovard@cov.com
yfu@cov.com

*Counsel for Relators League of Women Voters
of Ohio, et al., in Case No. 2012-1193*

Donald J. McTigue (0022849)
Counsel of Record
Derek S. Clinger (0092075)
MCTIGUE & COLOMBO LLC
545 East Town Street
Columbus, Ohio 43215
614.263.7000
614.368.6961 (facsimile)
dmctigue@electionlawgroup.com
dclinger@electionlawgroup.com

Aria C. Branch (PHV 25435-2021)
Jyoti Jasrasaria (PHV 25401-2021)
Spencer W. Klein (PHV 25432-2021)
ELIAS LAW GROUP
10 G St NE, Suite 600
Washington, DC 20002
202.968.4490
202.968.4498 (facsimile)
abranh@elias.law
jjasrasaria@elias.law
sklein@elias.law

Phillip J. Strach (PHV 2544-2021)
Thomas A. Farr (PHV 25461)
John E. Branch, III (PHV 25460)
Alyssa M. Riggins (PHV 25441-2021)
Greg McGuire (PHV 25483)
NELSON MULLINS RILEY &
SCARBOROUGH LLP
4140 Parklake Avenue, Suite 200
Raleigh, North Carolina 27612
919.329.3800
919.329.3799 (facsimile)
phil.strach@nelsonmullins.com
tom.farr@nelsonmullins.com
john.branch@nelsonmullins.com
alyssa.riggins@nelsonmullins.com
greg.mcguire@nelsonmullins.com

*Counsel for Respondents Matt Huffman,
President of the Ohio Senate, and Robert R.
Cupp, Speaker of the Ohio House of
Representatives*

Diane Menashe (0070305)
Counsel of Record
John Gilligan (0024542)
ICE MILLER LLP
250 West Street, Suite 700
Columbus, Ohio 43215
614.462.6500
614.222.3468 (facsimile)
Diane.Menashe@icemiller.com
John.Gilligan@icemiller.com

*Counsel for Respondents Senator Vernon
Sykes and House Minority Leader Emilia
Sykes*

Abha Khanna (PHV 2189-2021)
William B. Stafford (PHV 25433-2021)
ELIAS LAW GROUP
1700 Seventh Ave, Suite 2100
Seattle, Washington 98101
206.656.0176
206.656.0180 (facsimile)
akhanna@elias.law
bstafford@elias.law

*Counsel for Relators Bria Bennett, et al., in
Case No. 2021-1198*

Peter M. Ellis (0070264)
Counsel of Record
M. Patrick Yingling (PHV 10145-2021)
Natalie R. Salazar
REED SMITH LLP
10 South Wacker Drive, 40th Floor
Chicago, Illinois 60606
312.207.1000
312.207.6400 (facsimile)
pellis@reedsmith.com
mpyingling@reedsmith.com
nsalazar@reedsmith.com

Alicia L. Bannon (PHV 25409-2021)
Yurij Rudensky (PHV 25422-2021)
Michael Li (PHV 25430-2021)
Ethan Herenstein (PHV 25429-2021)
BRENNAN CENTER FOR JUSTICE
AT NYU SCHOOL OF LAW
120 Broadway, Suite 1750
New York, New York 10271
646.292.8310
212.463.7308 (facsimile)
alicia.bannon@nyu.edu
rudenskyy@brennan.law.nyu.edu
herensteine@brennan.law.nyu.edu

Ben R. Fliegel (PHV 25411-2021)
REED SMITH LLP
355 South Grand Avenue, Suite 2900
Los Angeles, California 90071

213.457.8000
213.457.8080 (facsimile)
bfliegel@reedsmith.com

Brad A. Funari (PHV 3139-2021)
Danielle L. Stewart (0084086)
REED SMITH LLP
225 Fifth Avenue
Pittsburgh, Pennsylvania 15222
412.288.4583
412.288.3063 (facsimile)
bfunari@reedsmith.com
dstewart@reedsmith.com

Brian A. Sutherland (PHV 25406-2021)
REED SMITH LLP
101 Second Street, Suite 1800
San Francisco, California 94105
415.543.8700
415.391.8269 (facsimile)
bsutherland@reedsmith.com

*Counsel for Relators Ohio Organizing
Collaborative, et al., in Case No. 2021-1210*

TABLE OF CONTENTS

	Page
TABLE OF CONTENTS	i
TABLE OF AUTHORITIES	ii
INTRODUCTION	1
STATEMENT.....	1
ARGUMENT.....	1
CONCLUSION.....	1

TABLE OF AUTHORITIES

Respondent The Ohio Redistricting Commission adopts and incorporates the Tables of Authorities set forth in (1) the Merit Brief of Respondents Governor Mike DeWine, Secretary of State Frank LaRose, and Auditor Keith Faber; and (2) the Merit Brief of Respondents Senate President Huffman and House Speaker Cupp.

INTRODUCTION

Respondent The Ohio Redistricting Commission adopts and incorporates the introductions, statements of facts, arguments, and conclusions set forth in (1) the Merit Brief of Respondents Governor Mike DeWine, Secretary of State Frank LaRose, and Auditor Keith Faber; and (2) the Merit Brief of Respondents Senate President Huffman and House Speaker Cupp.

STATEMENT

Respondent The Ohio Redistricting Commission adopts and incorporates the statement of facts and background set forth in (1) the Merit Brief of Respondents Governor Mike DeWine, Secretary of State Frank LaRose, and Auditor Keith Faber; and (2) the Merit Brief of Respondents Senate President Huffman and House Speaker Cupp.

ARGUMENT

Respondent The Ohio Redistricting Commission adopts and incorporates the arguments set forth in (1) the Merit Brief of Respondents Governor Mike DeWine, Secretary of State Frank LaRose, and Auditor Keith Faber; and (2) the Merit Brief of Respondents Senate President Huffman and House Speaker Cupp.

CONCLUSION

For the reasons set forth in (1) the Merit Brief of Respondents Governor Mike DeWine, Secretary of State Frank LaRose, and Auditor Keith Faber; and (2) the Merit Brief of Respondents Senate President Huffman and House Speaker Cupp, Respondent The Ohio Redistricting Commission respectfully requests that the Court dismiss the complaints in all three above-captioned cases with prejudice.

Dated: November 5, 2021

Respectfully submitted,

Dave Yost
Ohio Attorney General

/s Erik J. Clark

Erik J. Clark (0078732)

Counsel of Record

Ashley Merino (0096853)

ORGAN LAW LLP

1330 Dublin Road

Columbus, Ohio 43215

614.481.0900

614.481.0904 (facsimile)

ejclark@organlegal.com

amerino@organlegal.com

Special Counsel to Attorney General Dave
Yost

*Counsel for Respondent The Ohio
Redistricting Commission*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 5, 2021, a copy of the foregoing was served by electronic mail upon the following:

Freda J. Levenson, Esq.
Counsel of Record
ACLU OF OHIO FOUNDATION, INC.
4506 Chester Avenue
Cleveland, Ohio 44103
614.586.1972. x125
flevenson@acluohio.org

David J. Carey, Esq.
ACLU OF OHIO FOUNDATION, INC.
1108 City Park Avenue, Suite 203
Columbus, Ohio 43206
614.586.1972. x2004
dcarey@aclu.org

Alora Thomas, Esq.
Julie A. Ebenstein, Esq.
AMERICAN CIVIL LIBERTIES UNION
125 Broad Street
New York, New York 10004
212.519.7866.
athomas@aclu.org
jebenstein@aclu.org

Robert D. Fram, Esq.
Joshua Gonzalez, Esq.
Juliana Goldrosen, Esq.
David Denuyl, Esq.
Donald Brown, Esq.
COVINGTON & BURLING LLP
415 Mission Street, Suite 5400
San Francisco, California 94105-2533
rfram@cov.com
JGonzalez@cov.com
jgoldrosen@cov.com
ddenuyl@cov.com
dwbrown@cov.com

Dave Yost
Ohio Attorney General

Bridget C. Coontz, Esq.
Counsel of Record
Julie M. Pfeiffer, Esq.
Michael A. Walton, Esq.
Michael J. Hendershot, Esq.
OFFICE OF THE OHIO ATTORNEY
GENERAL
30 E. Broad Street, 16th Floor
Columbus, Ohio 43215
614.466.2872
614.782.7592 (facsimile)
Bridget.Coontz@OhioAGO.gov
Julie.Pfeiffer@OhioAGO.gov
Michael.Walton@OhioAGO.gov
Michael.Henderson@OhioAGO.gov

*Counsel for Respondents Ohio Governor
DeWine, Ohio Secretary of State LaRose,
and Ohio Auditor Faber*

W. Stuart Dornette, Esq.
Beth A. Bryan, Esq.
Philip D. Williamson, Esq.
TAFT STETTINIUS & HOLLISTER LLP
425 Walnut St., Suite 1800
Cincinnati, Ohio 45202-3957
513.381.2838
513.381.0205 (facsimile)
dornette@taftlaw.com
bryan@taftlaw.com
pwilliamson@taftlaw.com

Phillip J. Strach, Esq.
Thomas A. Farr, Esq.
John E. Branch, III, Esq.
Alyssa M. Riggins, Esq.

Megan C. Keenan, Esq.
James Smith, Esq.
L. Brady Bender, Esq.
Alexander Thomson, Esq.
COVINGTON & BURLING LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001-4956
202.662.6000
mkeen@cov.com
jmsmith@cov.com
bbender@cov.com
ajthomson@cov.com

Madison Arent, Esq.
COVINGTON & BURLING LLP
The New York Times Building
620 Eighth Avenue
New York, New York 10018-1405
212.841.1000
marent@cov.com

Anupam Sharma, Esq.
James Hovard, Esq.
Yiye Fu, Esq.
COVINGTON & BURLING LLP
3000 El Camino Real
5 Palo Alto, Square, 10th Floor
Palo Alto, California 94306-2112
650.632.4700
asharma@cov.com
jhovard@cov.com
yfu@cov.com

*Counsel for Relators League of Women Voters
of Ohio, et al., in Case No. 2021-1193*

Donald J. McTigue, Esq.
Counsel of Record
Derek S. Clinger, Esq.
MCTIGUE & COLOMBO LLC
545 East Town Street
Columbus, Ohio 43215
614.263.7000
614.368.6961 (facsimile)

Greg McGuire, Esq.
NELSON MULLINS RILEY &
SCARBOROUGH LLP
4140 Parklake Avenue, Suite 200
Raleigh, North Carolina 27612
919.329.3800
919.329.3799 (facsimile)
phil.strach@nelsonmullins.com
tom.farr@nelsonmullins.com
john.branch@nelsonmullins.com
alyssa.riggins@nelsonmullins.com
greg.mcguire@nelsonmullins.com

*Counsel for Respondents Matt Huffman,
President of the Ohio Senate, and Robert R.
Cupp, Speaker of the Ohio House of
Representatives*

Diane Menashe, Esq.
Counsel of Record
John Gilligan, Esq.
ICE MILLER LLP
250 West Street, Suite 700
Columbus, Ohio 43215
614.462.6500
614.222.3468 (facsimile)
Diane.Menashe@icemiller.com
John.Gilligan@icemiller.com

*Counsel for Respondents Senator Vernon
Sykes and House Minority Leader Emilia
Sykes*

dmctigue@electionlawgroup.com
dclinger@electionlawgroup.com

Aria C. Branch, Esq.
Jyoti Jasrasaria, Esq.
Spencer W. Klein, Esq.
ELIAS LAW GROUP
10 G St NE, Suite 600
Washington, DC 20002
202.968.4490
202.968.4498 (facsimile)
abranch@elias.law
jjasrasaria@elias.law
sklein@elias.law

Abha Khanna, Esq.
William B. Stafford, Esq.
ELIAS LAW GROUP
1700 Seventh Ave, Suite 2100
Seattle, Washington 98101
206.656.0176
206.656.0180 (facsimile)
akhanna@elias.law
bstafford@elias.law

*Counsel for Relators Bria Bennett, et al., in
Case No. 2021-1198*

Peter M. Ellis, Esq.
Counsel of Record
M. Patrick Yingling, Esq.
Natalie R. Salazar, Esq.
REED SMITH LLP
10 South Wacker Drive, 40th Floor
Chicago, Illinois 60606
312.207.1000
312.207.6400 (facsimile)
pellis@reedsmith.com
mpyingling@reedsmith.com
nsalazar@reedsmith.com

Alicia L. Bannon, Esq.
Yurij Rudensky, Esq.
Michael Li, Esq.
Ethan Herenstein, Esq.
BRENNAN CENTER FOR JUSTICE

AT NYU SCHOOL OF LAW
120 Broadway, Suite 1750
New York, New York 10271
646.292.8310
212.463.7308 (facsimile)
alicia.bannon@nyu.edu
rudensky@brennan.law.nyu.edu
herensteine@brennan.law.nyu.edu

Ben R. Fliegel, Esq.
REED SMITH LLP
355 South Grand Avenue, Suite 2900
Los Angeles, California 90071
213.457.8000
213.457.8080 (facsimile)
bfliegel@reedsmith.com

Brad A. Funari, Esq.
Danielle L. Stewart, Esq.
REED SMITH LLP
225 Fifth Avenue
Pittsburgh, Pennsylvania 15222
412.288.4583
412.288.3063 (facsimile)
bfunari@reedsmith.com
dstewart@reedsmith.com

Brian A. Sutherland, Esq.
REED SMITH LLP
101 Second Street, Suite 1800
San Francisco, California 94105
415.543.8700
415.391.8269 (facsimile)
bsutherland@reedsmith.com

*Counsel for Relators Ohio Organizing
Collaborative, et al., in Case No. 2021-1210*

/s Erik J. Clark
*One of the Attorneys for Respondent The
Ohio Redistricting Commission*