

IN THE SUPREME COURT OF OHIO

THE OHIO ORGANIZING	:	Case No. 2021-1210
COLLABORATIVE, <i>et al.</i> ,	:	
	:	
<i>Petitioners,</i>	:	APPORTIONMENT CASE
	:	
v.	:	Filed pursuant to S.Ct.Prac.R. 14.03(A)
	:	and Section 9 of Article XI of the Ohio
OHIO REDISTRICTING	:	Constitution to challenge a plan of
COMMISSION, <i>et al.</i> ,	:	apportionment promulgated pursuant to
	:	Article XI.
<i>Respondents.</i>	:	
	:	

OOO PETITIONERS' JOINDER AND MOTION FOR AN ORDER

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**OOO PETITIONERS' JOINDER AND MOTION FOR AN ORDER
DIRECTING RESPONDENTS TO APPEAR IN PERSON FOR A HEARING**

Petitioners The Ohio Organizing Collaborative, et al. join in the “motion to enforce the Court’s May 25, 2022 order and require respondents to explain their failure to comply with such order” filed by the Bennett petitioners on June 7, 2022. We write separately to emphasize and to move this Court to order respondents to appear *in person* for a hearing.

The Commission’s refusal to follow this Court’s orders could not be any clearer. By its actions, it has taken the position that it is above the law or, in what amounts to the same thing, that the Commission *is* the law. The Commission and the majority commissioners have argued that it need not follow this Court’s orders and that the Court cannot hold it in contempt. Taking these premises to their logical conclusion, the Commission has shown that it regards compliance with this Court’s orders as voluntary. But only this Court—not the Commission—can “say what the law is.” *State v. Parker*, 157 Ohio St.3d 460, 2019-Ohio-3848, 137 N.E.3d 1151, ¶ 31; *see State v. Mole*, 149 Ohio St. 3d 215, 2016-Ohio-5124, 74 N.E.3d 368, ¶ 21; *Board of Education v. Walter*, 58 Ohio St.2d 368, 385 n.11, 390 N.E.2d 813, 824 (1979).

The Commission’s “l’état, c’est moi” approach to government in Ohio deserves judicial and public scrutiny in open court. Let the individual commissioners testify, under oath, whether they believe they have any obligation to follow this Court’s orders. Let them explain to the people of Ohio, in open court, why they are defying this Court’s orders. Let them tell Ohio whether future generations of leaders should treat this Court’s orders as optional. Let them articulate the criteria that other government officials should use when deciding to disobey court orders. Closely divided court? Difficulty of levying contempt sanctions? Intensity of

disagreement with the court? Not only this Court, but all of Ohio deserves answers to these questions. An in-person hearing is necessary.

CONCLUSION

In an apportionment case, this Court sits as the court of original jurisdiction and the finder of fact. Accordingly, a hearing is appropriate to ascertain why the Commission has not complied with this Court's order to convene and draft a new plan, pursuant to the Ohio Constitution, Article XI, Section 9. This Court should order the individual commissioners to appear in person for a hearing to address the reasons why they have not complied with this Court's orders and to assess appropriate remedies for their ongoing non-compliance.

Dated: June 8, 2022

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/s/ Brian A. Sutherland

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CERTIFICATE OF SERVICE

I, M. Patrick Yingling, hereby certify that, on June 8, 2022, I caused a true and correct copy of the foregoing OOC PETITIONERS’ JOINDER AND MOTION FOR AN ORDER DIRECTING RESPONDENTS TO APPEAR IN PERSON FOR A HEARING to be served by email upon the counsel listed below:

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