

**In The**  
**Ohio Supreme Court**

**MERYL NEIMAN, et al.,**

**:**

***Relators,***

**: Case No. 2022-0298**

**v.**

**:**

**OHIO REDISTRICTING COMMISSION, et al.,**

**: Original Action Filed Pursuant to  
Ohio Constitution, Article XIX,  
Section 3(A) and Article IV**

***Respondents.***

**: Section2(B)(1)(f)**

**: Expedited Election Matter Under  
S.Ct.Prac.R. 12.08**

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**OHIO SECRETARY OF STATE FRANK LAROSE'S RESPONSE TO  
PETITIONER'S MOTION FOR SCHEDULING ORDER**

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DONALD J. McTIGUE (0022849)  
DEREK S. CLINGER (0092075)  
McTigue Colombo & Clinger, LLC  
545 E. Town Street  
Columbus, Ohio 43215  
Tel: 614-263-7000 | Fax: 614-368-6961  
dmctigue@electionlawgropu.com  
dclinger@electionlawgroup.com

ABHA KHANA \*\*  
BEN STAFFORD\*\*  
Elias Law Group  
1700 Seventh Avenue, Suite 2100  
Seattle, Washington 98101  
Tel: 206-656-0176 | Fax: 206-656-0180  
akhanna@elias.law  
bstafford@elias.law

JYOTI JASRASARIA \*\*  
SPENCER W. KLEIN\*\*  
HARLEEN K. GAMBHIR\*\*  
RAISA CRAMER\*\*  
Elias Law Group  
10 G Street, NE, Suite 600  
Washington DC 20002

BRIDGET C. COONTZ (0072919)\*

*\*Counsel of Record*

JULIE M. PFEIFFER (0069762)  
MICHAEL A. WALTON (0092201)  
Assistant Attorneys General  
Constitutional Offices Section  
30 E. Broad Street, 16th Floor  
Columbus, Ohio 43215  
Tel: 614-466-2872 | Fax: 614-728-7592  
Bridget.Coontz@OhioAGO.gov  
Julie.Pfeiffer@OhioAGO.gov  
Michael.Walton@OhioAGO.gov

*Counsel for Secretary of State LaRose*

PHILLIP J. STRACH (PHV 25444-2021)  
THOMAS A. FARR (PHV 25461-2021)  
JOHN E. BRANCH, III (PHV 25460-2021)  
ALYSSA M. RIGGINS (PHV 25441-2021)  
NELSON MULLINS RILEY &  
SCARBOROUGH, LLP  
4140 Parklake Ave., Suite 200  
Raleigh, NC 27612  
919-329-3812

Tel: 202-968-4490 | Fax: 202-968-4498  
[jjasrasaria@elias.law](mailto:jjasrasaria@elias.law)  
[sklein@elias.law](mailto:sklein@elias.law)  
[hgambhir@elias.law](mailto:hgambhir@elias.law)

*\*\* Applications for Admission Pro Hac  
Vice Forthcoming*

*Counsel for Petitioners*

[phil.strach@nelsonmullins.com](mailto:phil.strach@nelsonmullins.com)

*Counsel for Respondents House Speaker Bob  
Cupp and Senate President Matt Huffman*

ERIK JAMESON CLARK (0078732)  
*Counsel of Record*  
ASHLEY THEODORA MERINO (0096853)  
Organ Law LLP  
1330 Dublin Road  
Columbus, Ohio 43215  
Tel: 614-481-0900 | Fax: 614-481-0904  
[ejclark@organlegal.com](mailto:ejclark@organlegal.com)  
[amerino@organlegal.com](mailto:amerino@organlegal.com)

*Counsel for Ohio Redistricting Commission*

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Ohio Secretary of State Frank LaRose objects to Petitioners' proposed schedule.

Petitioners seek to unnecessarily expedite this case so as to invalidate the March 2, 2022 Congressional district plan and prevent it from being implemented in the May 3, 2022 primary election. They are too late. It is already being implemented. In just a few days, Uniformed and Overseas Citizen Absentee Voting Act ("UOCAVA") ballots will be mailed, and, on April 5, 2022, early in-person voting will begin for the May 3, 2022 primary election. Both will use the March 2, 2022 Congressional district map. Changing course at this late stage will cause further chaos for Ohio's boards of elections, voters, and candidates.

Said differently, Petitioners ask this Court to expedite this case so that it can do what courts have been resoundingly unwilling to do and have cautioned against: change an election procedure when the election is imminent. *See, e.g., Ohioans for Raising the Wage, et al. v. LaRose*, Franklin C.P. No. 20 CV 2381 at 9 (Apr. 28, 2020), citing *Purcell v. Gonzalez*, 549 U.S. 1, 4-5 (2006) (*per curiam*) (denying preliminary injunction because, although plaintiffs had established third parties would not be unjustifiably harmed by an injunction, "the Court must be mindful that court orders

impacting elections may result in voter confusion [,] and the closer an election draws, the more that risk will increase”); *see also Thompson v. DeWine*, 959 F.3d 804, 813 (6th Cir. 2020) (citing *Purcell* in staying district court’s preliminary injunction); *SEIU Local 1 v. Husted*, 698 F.3d 341, 345 (6th Cir. 2012), citing *Purcell* at 4-5 (“As a general rule, last-minute injunctions changing election procedures are strongly disfavored.”); *Estill v. Cool*, 295 F. App’x 25, 27 (6th Cir. 2008) (upholding denial of preliminary injunction where ballot printing and distribution was scheduled to begin the day after the Sixth Circuit issued its opinion, 19 days after the preliminary injunction motion was denied). “Court orders affecting elections, especially conflicting court orders, can themselves result in voter confusion and consequent incentive to remain away from the polls. As an election draws closer, that risk will increase.” *Purcell* at 4-5; *see also Thompson* at 813.

Because it is too late to change the election processes for the May 3, 2022 primary, there is no reason to expedite this case. There is no relief that this Court can grant that can be timely implemented. This Court should resist Petitioners’ invitation to throw more wrenches into the 2022 primary election and should set this matter on a standard, rather than an expedited, schedule.

Respectfully submitted,  
OHIO ATTORNEY GENERAL

/s/ Bridget C. Coontz  
BRIDGET C. COONTZ (0072919)  
*Counsel of Record*  
JULIE M. PFEIFFER (0069762)  
MICHAEL A. WALTON (0092201)  
Assistant Attorneys General  
Constitutional Offices Section  
30 E. Broad Street, 16<sup>th</sup> Floor  
Columbus, Ohio 43215  
Tel: 614-466-2872 | Fax: 614-728-7592  
Bridget.Coontz@OhioAGO.gov  
Julie.Pfeiffer@OhioAGO.gov  
Michael.Walton@OhioAGO.gov

*Counsel for Defendant Frank LaRose*

## CERTIFICATE OF SERVICE

I hereby certify that the foregoing *Ohio Secretary Of State Frank LaRose's Response To Petitioner's Motion For Scheduling Order* was sent via email this the 22nd day of March, 2022 to the following:

DONALD J. MCTIGUE (0022849)

DEREK S. CLINGER (0092075)

dmctigue@electionlawgroup.com  
dclinger@electionlawgroup.com

ABHA KHANA \*\*

BEN STAFFORD\*\*

akhanna@elias.law  
bstafford@elias.law

JYOTI JASRASARIA \*\*

SPENCER W. KLEIN\*\*

HARLEEN K. GAMBHIR\*\*

RAISA CRAMER\*\*

jjasrasaria@elias.law

sklein@elias.law

hgambhir@elias.law

*Counsel for Petitioners*

PHILLIP J. STRACH (PHV 25444-2021)

THOMAS A. FARR (PHV 25461-2021)

JOHN E. BRANCH, III (PHV 25460-2021)

Alyssa M. Riggins (PHV 25441-2021)

phil.strach@nelsonmullins.com

*Counsel for Respondents House Speaker Bob  
Cupp and Senate President Matt Huffman*

ERIK JAMESON CLARK (0078732)

ASHLEY THEODORA MERINO (0096853)

ejclark@organlegal.com

amerino@organlegal.com

*Counsel for Ohio Redistricting Commission*

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/s/ Bridget C. Coontz

BRIDGET C. COONTZ (0072919)