

IN THE SUPREME COURT OF OHIO

THE STATE OF OHIO ex rel.	)	
NADINE YOUNG	)	
	)	
Relator,	)	
	)	Case No. 2023-1622
	)	
BLENDON TWP. POLICE DEPT.,	)	
	)	
Respondent.	)	

**ANSWER OF DEFENDANT BLENDON TOWNSHIP POLICE DEPARTMENT TO  
RELATOR’S COMPLAINT FOR WRIT OF MANDAMUS**

For its Answer to Relator’s Verified Complaint for Mandamus Relief, Defendant Blendon Township Police Department (“Respondent”) responds as set forth below:

**FIRST DEFENSE**

For their First Defense, Respondent responds to the numbered paragraphs of the Complaint for Writ of Mandamus in like-numbered paragraphs as follows:

1. The Complaint for Writ of Mandamus speaks for itself. Otherwise, to the extent that this Paragraph 1 is inconsistent with the Complaint for Writ of Mandamus, deny.
2. Paragraph 2 states a legal conclusion that requires no response. Otherwise, to the extent that this Paragraph can be construed to assert facts in this case, deny.
3. Paragraph 3 states a legal conclusion that requires no response. Otherwise, to the extent that this Paragraph can be construed to assert facts in this case, deny.
4. Paragraph 4 states a legal conclusion that requires no response. Otherwise, to the extent that this Paragraph can be construed to assert facts in this case, deny.
5. Deny for want of knowledge.

6. Paragraph 6 states a legal conclusion that requires no response. Otherwise, to the extent that this Paragraph can be construed to assert facts in this case, deny.
7. Respondent incorporates Paragraphs 1 through 6, above, as if fully rewritten herein.
8. Admit.
9. Admit that two uniformed BTPD officers approached after being signaled by a Kroger employee. The remaining allegations in Paragraph 9 are denied.
10. Deny for want of knowledge.
11. Admit that uniformed BTPD officers issued lawful commands to Ms. Young, including for her to exit her vehicle. The remaining allegations contained in Paragraph 11 are denied.
12. Deny.
13. Admit that a BTPD officer was in front of Ms. Young's vehicle, issuing lawful commands, and that he drew his firearm. The remaining allegations contained in Paragraph 13 are denied.
14. Admit that Ms. Young drove away, into the path of a uniformed BTPD officers. The remaining allegations contained in Paragraph 14 are denied.
15. Admit that a single shot was fired after Ms. Young struck a BTPD officer with her vehicle. The remaining allegations contained in Paragraph 15 are denied.
16. Exhibit A speaks for itself. Otherwise, to the extent that this Paragraph 16 is inconsistent with Exhibit A and can be construed to assert facts in this case, deny.
17. Exhibit B speaks for itself. Otherwise, to the extent that this Paragraph 17 is inconsistent with Exhibit B and can be construed to assert facts in this case, deny.

18. Paragraph 18 states a legal conclusion that requires no response. Notwithstanding, Exhibit C speaks for itself. Otherwise, to the extent that this Paragraph is inconsistent with Exhibit C and can be construed to assert facts in this case, deny.
19. Exhibit D speaks for itself. Otherwise, to the extent that this Paragraph 19 is inconsistent with Exhibit D and can be construed to assert facts in this case, deny.
20. Exhibit E speaks for itself. Otherwise, to the extent that this Paragraph 20 is inconsistent with Exhibit E and can be construed to assert facts in this case, deny.
21. Exhibit F speaks for itself. Otherwise, to the extent that this Paragraph 21 is inconsistent with Exhibit F and can be construed to assert facts in this case, deny.
22. Exhibit H speaks for itself. Otherwise, to the extent that this Paragraph 22 is inconsistent with Exhibit H and can be construed to assert facts in this case, deny.
23. Exhibit I speaks for itself. Otherwise, to the extent that this Paragraph 23 is inconsistent with Exhibit I and can be construed to assert facts in this case, deny.
24. Exhibit G speaks for itself. Otherwise, to the extent that this Paragraph 24 is inconsistent with Exhibit G and can be construed to assert facts in this case, deny.
25. Deny for want of knowledge.
26. Deny.
27. The quoted Section speaks for itself. Otherwise, to the extent that this Paragraph 27 is inconsistent with the quoted Section and can be construed to assert facts in this case, deny.
28. Deny.
29. Deny.

30. Respondent incorporates Paragraphs 1 through 29, above, as if fully rewritten herein.
31. The Revised Code speaks for itself. Otherwise, to the extent that this Paragraph 31 is inconsistent with the Revised Code and can be construed to assert facts in this case, deny.
32. The Revised Code speaks for itself. Otherwise, to the extent that this Paragraph 32 is inconsistent with the Revised Code and can be construed to assert facts in this case, deny.
33. Paragraph 33 states a legal conclusion that requires no response. Otherwise, to extent that this Paragraph can be construed to assert facts in this case, deny.
34. Paragraph 34 states a legal conclusion that requires no response. Otherwise, to the extent that this Paragraph can be construed to assert facts in this case, deny.
35. The Revised Code speaks for itself. Otherwise, to the extent that this Paragraph 35 is inconsistent with the Revised Code and can be construed to assert facts in this case, deny.
36. Paragraph 36 states a legal conclusion that requires no response. Otherwise, to the extent that this Paragraph can be construed to assert facts in this case, deny.
37. Respondents incorporate Paragraphs 1 through 36, above, as if fully rewritten herein.
38. Admit.
39. Paragraph 39 states a legal conclusion that requires no response. Otherwise, to the extent that this Paragraph can be construed to assert facts in this case, deny.

40. Paragraph 40 states a legal conclusion that requires no response. Otherwise, to the extent that this Paragraph can be construed to assert facts in this case, deny.
41. Paragraph 41 contains a legal conclusion that requires no response. Otherwise, to the extent that this Paragraph can be construed to assert facts in this case, deny.
42. The quoted policies speak for themselves. Otherwise, to the extent that this Paragraph 42 is inconsistent with the quoted policies and can be construed to assert facts in this case, deny.
43. The Ohio Constitution speaks for itself. Otherwise, to the extent that this Paragraph 43 is inconsistent with the Ohio Constitution and can be construed to assert facts in this case, deny.
44. The Ohio Constitution speaks for itself. Otherwise, to the extent that this Paragraph 44 is inconsistent with the Ohio Constitution and can be construed to assert facts in this case, deny.
45. The cited legislation speaks for itself. Otherwise, to the extent that this Paragraph 45 is inconsistent with the cited legislation and can be construed to assert facts in this case, deny.
46. The Revised Code speaks for itself. Otherwise, to the extent that this Paragraph 46 is inconsistent with the Revised Code and can be construed to assert facts in this case, deny.
47. The Revised Code speaks for itself. Otherwise, to the extent that this Paragraph 47 is inconsistent with the Revised Code and can be construed to assert facts in this case, deny.

48. The Revised Code speaks for itself. Otherwise, to the extent that this Paragraph 48 is inconsistent with the Revised Code and can be construed to assert facts in this case, deny.
49. The Revised Code speaks for itself. Otherwise, to the extent that this Paragraph 49 is inconsistent with the Revised Code and can be construed to assert facts in this case, deny.
50. Paragraph 50 states a legal conclusion that requires no response. Otherwise, to the extent that this Paragraph can be construed to assert facts in this case, deny.
51. Paragraph 51 states a legal conclusion that requires no response. Otherwise, to the extent that this Paragraph can be construed to assert facts in this case, deny.
52. The Ohio Constitution speaks for itself. Otherwise, to the extent that this Paragraph 52 is inconsistent with the Revised Code and can be construed to assert facts in this case, deny.
53. Paragraph 53 states a legal conclusion that requires no response. Otherwise, to the extent that this Paragraph can be construed to assert facts in this case, deny.
54. Paragraph 54 states a legal conclusion that requires no response. Otherwise, to the extent that this Paragraph can be construed to assert facts in this case, deny.
55. Paragraph 55 states a legal conclusion that requires no response. Otherwise, to the extent that this Paragraph can be construed to assert facts in this case, deny.
56. Paragraph 56 states a legal conclusion that requires no response. Otherwise, to the extent that this Paragraph can be construed to assert facts in this case, deny.
57. Paragraph 57 states a legal conclusion that requires no response. Otherwise, to the extent that this Paragraph can be construed to assert facts in this case, deny.

- 58. Deny.
- 59. Deny.
- 60. Paragraph 60 states a legal conclusion that requires no response. Otherwise, to the extent that this Paragraph can be construed to assert facts in this case, deny.
- 61. Paragraph 61 states a legal conclusion that requires no response. Otherwise, to the extent that this Paragraph can be construed to assert facts in this case, deny.
- 62. Paragraph 62 states a legal conclusion that requires no response. Otherwise, to the extent that this Paragraph can be construed to assert facts in this case, deny.
- 63. Paragraph 63 states a legal conclusion that requires no response. Otherwise, to the extent that this Paragraph can be construed to assert facts in this case, deny.
- 64. Paragraph 64 states a legal conclusion that requires no response. Otherwise, to the extent that this Paragraph can be construed to assert facts in this case, deny.
- 65. Paragraph 65 states a legal conclusion that requires no response. Otherwise, to the extent that this Paragraph can be construed to assert facts in this case, deny.
- 66. Paragraph 66 states a legal conclusion that requires no response. Otherwise, to the extent that this Paragraph can be construed to assert facts in this case, deny.
- 67. Paragraph 67 states a legal conclusion that requires no response. Otherwise, to the extent that this Paragraph can be construed to assert facts in this case, deny.
- 68. Paragraph 68 states a legal conclusion that requires no response. Otherwise, to the extent that this Paragraph can be construed to assert facts in this case, deny.
- 69. Deny.
- 70. Deny.

71. Paragraph 71 states a legal conclusion that requires no response. Otherwise, to the extent that this Paragraph can be construed to assert facts in this case, deny.
72. Paragraph 72 states a legal conclusion that requires no response. Otherwise, to the extent that this Paragraph can be construed to assert facts in this case, deny.
73. Paragraph 73 states a legal conclusion that requires no response. Otherwise, to the extent that this Paragraph can be construed to assert facts in this case, deny.
74. Deny.
75. Deny.
76. Respondent incorporates Paragraphs 1 through 75, above, as if fully rewritten herein.
77. Admit.
78. Paragraph 78 states a legal conclusion that requires no response. Otherwise, to the extent that this Paragraph can be construed to assert facts in this case, deny.
79. Paragraph 79 states a legal conclusion that requires no response. Otherwise, to the extent that this Paragraph can be construed to assert facts in this case, deny.
80. Paragraph 80 states a legal conclusion that requires no response. Otherwise, to the extent that this Paragraph can be construed to assert facts in this case, deny.
81. Deny.
82. Deny.
83. Respondent denies Relator's entitlement to named "Prayer for Relief," including subparts (A) through (D).

#### **SECOND DEFENSE**

84. Respondent denies all allegations not specifically admitted in this Answer.



**THIRD DEFENSE**

85. Relator cannot aggregate statutory damages for public records requests.

**FOURTH DEFENSE**

86. Relator's Complaint for Writ of Mandamus fails to state a claim upon which relief can be granted.

**FIFTH DEFENSE**

87. Relator's Complaint for Writ of Mandamus is barred under R.C. §149.011.

**SIXTH DEFENSE**

88. Relator's Complaint for Writ of Mandamus is barred, in whole or in part, by the doctrines of waiver, accord and satisfaction, estoppel, laches, set-off, and/or settlement.

**SEVENTH DEFENSE**

89. Relator failed to join necessary and/or additional parties to this case as required by Civ.R. 19, Civ.R. 19.1, and/or R.C. 2721.12.

**EIGHTH DEFENSE**

90. This Court lacks subject matter and/or original jurisdiction over Relator's Verified Petition for Writ of Mandamus.

**NINTH DEFENSE**

91. Venue is improper.

**TENTH DEFENSE**

92. This action, in whole or in part, is not ripe for adjudication.

**ELEVENTH DEFENSE**

93. Relator has plain and adequate remedies in the ordinary course of the law that are complete, beneficial, and speedy.

**TWELFTH DEFENSE**

94. Relator has no legal right to the relief requested in the Complaint for Writ of Mandamus.

**THIRTEENTH DEFENSE**

95. Respondent's acts were at all relevant times conducted in good faith and/or supported with valid and legal excuses.

**FOURTEENTH DEFENSE**

96. The damages Relator sustained, if any, were the direct and proximate result of the liability of other persons and/or parties and/or entities, other than Respondent and, as a result, any right of recovery must be diminished in whole or in part.

**FIFTEENTH DEFENSE**

97. Relator is not entitled to attorneys' fees.

**SIXTEENTH DEFENSE**

98. Respondent's conduct furthered legitimate and substantial interests at all times.

**EIGHTEENTH DEFENSE**

99. Relator cannot identify their alleged damages with certainty.

**NINETEENTH DEFENSE**

100. What Relator seeks is not a public record.

**TWENTIETH DEFENSE**

101. Respondents reserve the right to add additional Affirmative Defenses.

**WHEREFORE**, Respondents pray the Verified Complaint for Mandamus Relief be dismissed with prejudice, that Relator be ordered to pay all costs and reasonable attorney fees in defending this matter, and for all further relief as this Court deems just and appropriate.

Respectfully submitted,

/s/Patrick Kasson

Patrick Kasson (0055570)

Thomas N. Spyker (0098075)

**Reminger Co., L.P.A.**

200 Civic Center Dr., Suite 800

Columbus, Ohio 43215

TEL No.: (614) 228-1311

FAX No.: (614) 232-2410

[pkasson@reminger.com](mailto:pkasson@reminger.com)

[tspyker@reminger.com](mailto:tspyker@reminger.com)

*Counsel for Respondents*

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was served upon the following, via electronic mail delivery, on January 19, 2024:

Elizabeth A. Well (0087750)

Latina Bailey (0087053)

Ohio Crime Victim Justice Center

3976 N. Hampton Dr.

Powell, OH 43065

P: (614) 848-8500; F: (614) 848-8501

[ewell@ocvjc.org](mailto:ewell@ocvjc.org)

Sean L. Walton (0088401)

WALTON+BROWN, LLP

395 E. Broad St., Suite 200

Columbus, OH 43215

P: (614) 636-3476; F: (614) 636-3453

[swalton@waltonbrownlaw.com](mailto:swalton@waltonbrownlaw.com)

*Counsel for Relator*

/s/Patrick Kasson

Patrick Kasson (0055570)

Thomas Spyker (0098075)