

IN THE SUPREME COURT OF OHIO

THE OHIO ORGANIZING
COLLABORATIVE, *et al.*,

Petitioners,

v.

OHIO REDISTRICTING
COMMISSION, *et al.*,

Respondents.

: Case No. 2021-1210

:

:

:

APPORTIONMENT CASE

:

:

:

:

:

:

:

:

:

:

**APPLICATION OF PETITIONER MIKAYLA LEE
TO DISMISS HER INDIVIDUAL CLAIMS ONLY**

Alicia L. Bannon (PHV 25409-2023)
Yurij Rudensky (PHV 25422-2023)
BRENNAN CENTER FOR JUSTICE
AT NYU SCHOOL OF LAW
120 Broadway, Suite 1750
New York, NY 10271
Tel: (646) 292-8310
Fax: (212) 463-7308
alicia.bannon@nyu.edu

Danielle L. Stewart (0084086)
Reed Smith Centre
REED SMITH LLP
225 Fifth Avenue
Pittsburgh, PA 15222
Tel: (412) 288-4583
Fax: (412) 288-3063
dstewart@reedsmith.com

Brian A. Sutherland (PHV 25406-2023)
REED SMITH LLP
101 Second Street, Suite 1800
San Francisco, CA 94105
Tel: (415) 543-8700
Fax: (415) 391-8269
bsutherland@reedsmith.com

Peter M. Ellis (0070264)
Counsel of Record
M. Patrick Yingling (PHV 10145-2023)
REED SMITH LLP
10 South Wacker Drive, 40th Floor
Chicago, IL 60606
Tel: (312) 207-1000
Fax: (312) 207-6400
pellis@reedsmith.com
mpyingling@reedsmith.com

*Attorneys for Petitioners
The Ohio Organizing Collaborative, et al.*

Counsel for Respondents

C. Benjamin Cooper (0093103)
Charles H. Cooper, Jr. (0037295)
Chelsea C. Weaver (0096850)
COOPER & ELLIOTT, LLC
305 West Nationwide Boulevard
Columbus, Ohio 43215
Tel: (614) 481-6000
Fax: (614) 481-6001
benc@cooperelliott.com
chipc@cooperelliott.com
chelseaw@cooperelliott.com

*Special Counsel for Respondents
Senate Minority Leader Nickie
Antonio and House Minority
Leader Allison Russo*

Erik J. Clark (0078732)
Ashley Merino (0096853)
ORGAN LAW LLP
1330 Dublin Road
Columbus, Ohio 43215
Tel: (614) 481-0900
Fax: (614) 481-0904
ejclark@organlegal.com
amerino@organlegal.com

*Counsel for Respondent
Ohio Redistricting Commission*

John W. Zeiger (0010707)
Marion H. Little, Jr. (0042679)
Christopher J. Hogan (0079829)
ZEIGER, TIGGES & LITTLE LLP
3500 Huntington Center
41 South High Street
Columbus, Ohio 43215
Tel: (614) 365-9900
zeiger@litohio.com
little@litohio.com
hogan@litohio.com

*Counsel for Respondent
Governor Mike DeWine*

(counsel for respondents listed on next page)

**Counsel for Respondents
(Cont.)**

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
Tel: (513) 381-2838
Fax: (513) 381-0205
dornette@taftlaw.com
bryan@taftlaw.com
pwilliamson@taftlaw.com

Phillip J. Strach
Thomas A. Farr
John E. Branch, III
Alyssa M. Riggins
NELSON MULLINS RILEY &
SCARBOROUGH LLP
4140 Parklake Ave., Suite 200
Raleigh, North Carolina 27612
Tel: (919) 329-3812
Fax: (919) 329-3799
phil.strach@nelsonmullins.com
tom.farr@nelsonmullins.com
john.branch@nelsonmullins.com
alyssa.riggins@nelsonmullins.com

*Counsel for Respondents Senate
President Matt Huffman,
House Speaker Robert Cupp, Senator
Robert McColley, and Representative
Jeffrey LaRe*

OHIO ATTORNEY GENERAL
Julie M. Pfeiffer (0069762)
Jonathan D. Blanton (0070035)
Deputy Attorneys General
Michael A. Walton (0092201)
Michael J. Hendershot (0081842)
Deputy Solicitor
30 E. Broad Street, 16th Floor
Columbus, OH 43215
Tel: (614) 466-2872
Fax: (614) 728-7592
julie.pfeiffer@ohioago.gov
jonathan.blanton@ohioago.gov
michael.walton@ohioago.gov
michael.hendershot@ohioago.gov
David A. Lockshaw, Jr. (0082403)
Terrence O'Donnell (0074213)
Manuel D. Cardona (0098079)
Special Counsel to Attorney General
Dave Yost
DICKINSON WRIGHT, PLLC
180 East Broad Street, Suite 3400
Columbus, Ohio 43215
Tel: (614) 744-2570
Fax: (844) 670-6009
dlockshaw@dickinson-wright.com
todonnell@dickinson-wright.com
mcardona@dickinson-wright.com

*Counsel for Respondent
Secretary of State Frank LaRose*

Brodi J. Conover (0092082)
BRICKER & ECKLER LLP
2 East Mulberry Street
Lebanon, Ohio 45036
Tel: (614) 227-2300
Fax: (614) 227-2390
bconover@bricker.com

Anne Marie Sferra (0030855)
BRICKER & ECKLER LLP
100 South Third Street
Columbus, Ohio 43215
Tel: (614) 227-2300
Fax: (614) 227-2390
asferra@bricker.com

*Counsel for Respondent
Auditor of State Keith Faber*

**APPLICATION OF PETITIONER MIKAYLA LEE
TO DISMISS HER INDIVIDUAL CLAIMS ONLY**

Pursuant to S.Ct.Prac.R. 4.05, petitioner Mikayla Lee hereby applies for dismissal of her individual claims only against respondents the Ohio Redistricting Commission, et al. in this apportionment case. Ms. Lee, along with other petitioners, commenced this apportionment case in September 2021. (No. 2021-1210) On May 25, 2022, this Court issued its opinion and order declaring that the district plan adopted by the Commission on May 5, 2022, was invalid and ordering the Commission to draft and adopt a new plan and file the plan with the Secretary of State and the Court by June 3, 2022.

When Ms. Lee filed her complaint (along with other petitioners), she had registered to vote as a Democrat and regularly supported Democratic candidates for office but was not employed by the Ohio Democratic Party. *See* Complaint ¶ 28; Affidavit of Mikayla Lee ¶ 1 (submitted with Appendix of Exhibits to Affidavit of Danielle Stewart). That has changed. About six months after the Court issued its May 2022 opinion, in December 2022, Ms. Lee became the Executive Director of Ohio Democratic Party. Her professional responsibilities in that role include supporting Democratic candidates and elected officials and she reports to party leadership that includes elected Ohio Democrats. Ms. Lee's ongoing participating in this lawsuit is untenable insofar as potential objections to the district plan tentatively adopted on September 26, 2023 (with a further meeting scheduled for September 29, 2023), would bring her into conflict with her employer and job responsibilities. Because of this conflict, Ms. Lee seeks to dismiss her individual claims. This filing is on behalf of Mikayla Lee only; the remaining OOC Petitioners are not dismissing their claims.

This Court may dismiss one party to an appeal while the others continue to prosecute the appeal. *See, e.g., Ohio Pub. Works Comm'n v. Village of Barnesville*, 2022-Ohio-4603, ¶ 15 & n.4. Ms. Lee respectfully request that this Court dismiss her individual claims only and dismiss her from the apportionment case so that she is no longer a party to it.

Dated: September 28, 2023

Alicia L. Bannon (PHV 25409-2023)
Yurij Rudensky (PHV 25422-2023)
BRENNAN CENTER FOR JUSTICE
AT NYU SCHOOL OF LAW
120 Broadway, Suite 1750
New York, NY 10271
Tel: (646) 292-8310
Fax: (212) 463-7308
alicia.bannon@nyu.edu

Danielle L. Stewart (0084086)
Reed Smith Centre
REED SMITH LLP
225 Fifth Avenue
Pittsburgh, PA 15222
Tel: (412) 288-4583
Fax: (412) 288-3063
bfunari@reedsmith.com
dstewart@reedsmith.com

Respectfully submitted,

/s/ Brian A. Sutherland

Brian A. Sutherland (PHV 25406-2023)
REED SMITH LLP
101 Second Street, Suite
1800 San Francisco, CA
94105
Tel: (415) 543-8700
Fax: (415) 391-8269
bsutherland@reedsmith.com

Peter M. Ellis (0070264)
Counsel of Record
M. Patrick Yingling (PHV 10145-2023)
REED SMITH LLP
10 South Wacker Drive, 40th Floor
Chicago, IL 60606
Tel: (312) 207-1000
Fax: (312) 207-6400
pellis@reedsmith.com
mpyingling@reedsmith.com

*Attorneys for Petitioners
The Ohio Organizing Collaborative, et al.*

CERTIFICATE OF SERVICE

I, Danielle L. Stewart, hereby certify that, on September 28, 2023, I caused a true and correct copy of the foregoing Application of Petitioner Mikayla Lee to Dismiss Her Individual Claims Only to be served by email upon the counsel listed below:

Counsel for Respondents

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
Tel: (513) 381-2838
Fax: (513) 381-0205
dornette@taftlaw.com
bryan@taftlaw.com
pwilliamson@taftlaw.com

Phillip J. Strach
Thomas A. Farr
John E. Branch, III
Alyssa M. Riggins
NELSON MULLINS RILEY &
SCARBOROUGH LLP
4140 Parklake Ave., Suite 200
Raleigh, North Carolina 27612
Tel: (919) 329-3812
Fax: (919) 329-3799
phil.strach@nelsonmullins.com
tom.farr@nelsonmullins.com
john.branch@nelsonmullins.com
alyssa.riggins@nelsonmullins.com

*Counsel for Respondents Senate
President Matt Huffman,
House Speaker Robert Cupp, Senator
Robert McColley, and Representative
Jeffrey LaRe*

Erik J. Clark (0078732)
Ashley Merino (0096853)
ORGAN LAW LLP
1330 Dublin Road
Columbus, Ohio 43215
T: (614) 481-0900
F: (614) 481-0904
ejclark@organlegal.com
amerino@organlegal.com

*Counsel for Respondent
Ohio Redistricting Commission*

OHIO ATTORNEY GENERAL
Julie M. Pfeiffer (0069762)
Jonathan D. Blanton (0070035)
Deputy Attorneys General
Michael A. Walton (0092201)
Michael J. Hendershot (0081842)
Deputy Solicitor
30 E. Broad Street, 16th Floor
Columbus, OH 43215
Tel: (614) 466-2872
Fax: (614) 728-7592
julie.pfeiffer@ohioago.gov
jonathan.blanton@ohioago.gov
michael.walton@ohioago.gov
michael.hendershot@ohioago.gov
John W. Zeiger (0010707)
Marion H. Little, Jr. (0042679)
Christopher J. Hogan (0079829)
ZEIGER, TIGGES & LITTLE LLP
3500 Huntington Center
41 South High Street

David A. Lockshaw, Jr. (0082403)
Terrence O'Donnell (0074213)
Manuel D. Cardona (0098079)
*Special Counsel to Attorney General
Dave Yost*

DICKINSON WRIGHT, PLLC
180 East Broad Street, Suite 3400
Columbus, Ohio 43215
Tel: (614) 744-2570
Fax: (844) 670-6009
dlockshaw@dickinson-wright.com
todonnell@dickinson-wright.com
mcardona@dickinson-wright.com

*Counsel for Respondent
Secretary of State Frank LaRose*

C. Benjamin Cooper (0093103)
Counsel of Record
Charles H. Cooper, Jr. (0037295)
Chelsea C. Weaver (0096850)
COOPER & ELLIOTT, LLC
305 West Nationwide Boulevard
Columbus, Ohio 43215
Tel: (614) 481-6000
Fax: (614) 481-6001
benc@cooperelliott.com
chipc@cooperelliott.com
chelseaw@cooperelliott.com

*Special Counsel for Respondents
Senate Minority Leader Nickie
Antonio and House Minority
Leader Allison Russo*

Dated: September 28, 2023

Columbus, Ohio 43215
Tel: (614) 365-9900
zeiger@litohio.com
little@litohio.com
hogan@litohio.com

*Counsel for Respondent
Governor Mike DeWine*

Brodi J. Conover (0092082)
BRICKER & ECKLER LLP
2 East Mulberry Street
Lebanon, Ohio 45036
Tel: (614) 227-2300
Fax: (614) 227-2390
bconover@bricker.com

Anne Marie Sferra (0030855)
BRICKER & ECKLER LLP
100 South Third Street
Columbus, Ohio 43215
Tel: (614) 227-2300
Fax: (614) 227-2390
asferra@bricker.com

*Counsel for Respondent
Auditor of State Keith Faber*

By: /s/ Danielle L. Stewart
Danielle L. Stewart (0084086)
Reed Smith Centre
REED SMITH LLP
225 Fifth Avenue
Pittsburgh, PA 15222
Tel: (412) 288-4583
Fax: (412) 288-3063
dstewart@reedsmith.com
*Attorneys for Petitioners
The Ohio Organizing Collaborative, et al.*