

**IN THE
SUPREME COURT OF OHIO**

BRIA BENNETT, *et al.*,

Relators,

v.

OHIO REDISTRICTING COMMISSION, *et al.*,

Respondents.

Case No. 2021-1198

**RESPONDENT THE OHIO REDISTRICTING COMMISSION'S MEMORANDUM IN
RESPONSE TO RELATORS' MOTION TO COMPEL EXPEDITED DISCOVERY**

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**MEMORANDUM IN RESPONSE TO RELATORS' MOTION TO COMPEL
EXPEDITED DISCOVERY**

In three separate actions pending before this Court, Relators have filed complaints challenging the constitutionality of apportionment maps for the Ohio House of Representatives and Ohio Senate approved last month by Respondent the Ohio Redistricting Commission (the “Commission”). *See League of Women Voters of Ohio v. Ohio Redistricting Commission* (Case No. 2021-1193); *Bennett v. Ohio Redistricting Commission* (Case No. 2021-1198); *The Ohio Organizing Collaborative v. Ohio Redistricting Commission* (Case No. 2021-1210). Relators in these cases have filed motions to compel expedited discovery. In each of these cases, Relators named as Respondents the Commission itself as well as each individual member of the Commission. In each of these cases, each individual member is represented by counsel separate from the Commission’s own counsel.

The Commission itself is not in possession, custody, or control of any document or any information potentially responsive to discovery requests served in any of these matters that is not in the possession, custody, and control of one or more of its individual members. In two of these cases, Relators served discovery requests on individual members of the Commission, not on the Commission itself. In the third matter (Case No. 2021-1210), Relators served interrogatories on individual members, served identical interrogatories on the Commission itself, and served document requests upon the Commission that are duplicative of document requests served on individual members in other related matters. Accordingly, if discovery is ordered to proceed over some individual members’ objections, the Commission’s responses to the limited duplicative discovery request served on the Commission itself will depend on the individual members’ own responses, by and through their own counsel.

For this reason, regarding Relators' motions to compel expedited discovery, the Commission defers to the responses of each individual Commission member, including on the threshold issue of whether discovery should proceed at all in these matters prior to submission of evidence, as well as on specific disputes regarding the scope of that discovery if discovery proceeds.

CONCLUSION

For the reasons set forth above, Respondent the Ohio Redistricting Commission defers to the responses of the Commission's individual members to Relators' motions to compel expedited discovery.

Dated: October 6, 2021

Respectfully submitted,

/s Erik J. Clark

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 6, 2021, a copy of the foregoing was served by electronic mail upon the following:

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