

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

LIBERTARIAN PARTY OF OHIO, et al.,	:	
	:	Case No. 2:13-cv-00953
Plaintiffs,	:	
	:	Judge Watson
-vs-	:	
	:	Magistrate Judge Kemp
JON HUSTED, in his Official Capacity as	:	
Ohio Secretary of State,	:	
	:	
Defendant,	:	
	:	
and	:	
	:	
STATE OF OHIO, et al.,	:	
	:	
Intervenor-Defendants.	:	

**ANSWER OF INTERVENING-DEFENDANT GREGORY FELSOCI
TO PLAINTIFFS’ SECOND AMENDED COMPLAINT [Doc. 94]**

Intervening-Defendant Gregory Felsoci (“Felsoci”) tenders the following admissions, denials and responses to those paragraphs of Plaintiffs’ Second Amended Complaint (“Complaint”) relating to Ohio Rev. Code § 3501.38(E)(1) and the Ohio Secretary of State’s March 7, 2014 invalidation of the petitions of Plaintiff Charlie Earl and other candidates of The Libertarian Party of Ohio (the “Issue”):

First Defense

1. Paragraphs 1-63, 82-86, and 89-118 do not relate to the Issue and therefore require no response. To the extent any of these paragraphs require a response, Felsoci denies all allegations of each such paragraph.
2. Felsoci admits the allegations of Paragraph 64 of the Complaint.

3. Felsoci admits that, in Paragraph 65 of the Complaint, Plaintiffs correctly quote a portion of Ohio Rev. Code § 3501.38(E)(1), but Felsoci denies the remaining allegations of Paragraph 65 of the Complaint.

4. Felsoci denies the allegations of Paragraphs 66-68 of the Complaint.

5. Felsoci admits that Plaintiff Earl timely filed his nominating petitions, but denies the remaining allegations of Paragraph 69 of the Complaint.

6. Felsoci admits that Plaintiff Earl was certified as a candidate of The Libertarian Party of Ohio (“LPO”) on or about February 14, 2014, but Felsoci denies for want of knowledge the remaining allegations of Paragraph 70 of the Complaint.

7. Felsoci admits the allegations of Paragraph 71 of the Complaint.

8. Felsoci denies the allegations of Paragraph 72 of the Complaint.

9. Felsoci admits that at least one of the protestors is a member of the LPO, as alleged in Paragraph 73 of the Complaint.

10. Felsoci admits the Defendant Secretary held a hearing on March 4, 2014 on the protests, but Felsoci denies the remaining allegations of Paragraph 74 of the Complaint.

11. Felsoci admits that on March 7, 2014 the Defendant Secretary determined that Plaintiff Earl and his running mate were not qualified to appear on Ohio’s primary ballot, but Felsoci denies the remaining allegations of Paragraph 75 of the Complaint.

12. Felsoci denies the allegations of Paragraphs 76-79 of the Complaint.

13. Felsoci admits the allegations of Paragraph 80 of the Complaint.

14. Felsoci denies the allegations of Paragraph 81 of the Complaint.

15. Felsoci admits the allegations of Paragraph 87 of the Complaint.

16. Felsoci admits that Jon Husted is Ohio Secretary of State and is chief elections officer in Ohio, but Felsoci denies for want of knowledge each of the remaining allegations in Paragraph 88 of the Complaint.

17. In response to Paragraph 119 of the Complaint and the misnumbered Paragraphs 120 and 124 that are set forth on page 21 of the Complaint, Felsoci incorporates by reference his responses set forth in Paragraphs 1 through 16 of this Answer.

18. Felsoci denies the allegations of the correctly numbered Paragraph 120 set forth on page 20 of the Complaint.

19. Felsoci admits the allegations of misnumbered Paragraph 123 set forth on page 20 of the Complaint.

20. Felsoci denies the allegations of misnumbered Paragraph 124 set forth on the bottom of page 20 and the top of page 21 of the Complaint.

21. Felsoci denies the allegations of misnumbered Paragraph 121 set forth on page 21 of the Complaint.

22. Felsoci admits the allegation of misnumbered Paragraph 122 that Defendant Husted is chief elections officer in Ohio, but Felsoci denies the remaining allegations of misnumbered Paragraph 122 set forth on page 21 of the Complaint.

23. Felsoci denies the allegations of misnumbered Paragraph 123 set forth on page 21 of the Complaint.

24. Felsoci admits the allegation of misnumbered Paragraph 125 that Defendant Husted is chief elections officer in Ohio, but Felsoci denies the remaining allegations of misnumbered Paragraph 125 set forth on page 21 of the Complaint.

25. Felsoci denies the allegations of misnumbered Paragraphs 126-129 set forth on pages 21-24 of the Complaint.

26. Felsoci denies each and every allegation of the Complaint that is not expressly admitted or denied herein.

Second Defense

27. The Complaint fails to state a claim upon which relief can be granted.

Third Defense

28. One or more of the original or intervening Plaintiffs lacks standing with respect to the Issue.

Fourth Defense

29. Felsoci reserves the right to assert any and all affirmative defenses which may later be revealed to be appropriate.

WHEREFORE, Intervening-Defendant Gregory Felsoci prays that the Complaint be dismissed with prejudice and that judgment be awarded in Defendants' favor.

/s/ John W. Zeiger

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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of April, 2014, the foregoing document was filed electronically with the Clerk of Court using the CM/ECF system, and notice of this filing will be sent to all attorneys of record by operation of the Court's electronic filing system.

/s/ Stuart G. Parsell
Stuart G. Parsell (0063510)

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