

IN THE SUPREME COURT OF OHIO

THE STATE OF OHIO EX. REL.  
SUMMIT COUNTY REPUBLICAN  
PARTY EXECUTIVE COMMITTEE

CASE NUMBER: 08-0478

RELATOR,

vs.

JENNIFER BRUNNER  
OHIO SECRETARY OF STATE

RESPONDENT.

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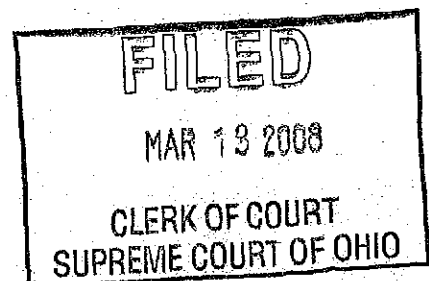
RELATOR'S MEMORANDUM IN OPPOSITION TO  
RESPONDENT'S SECOND MOTION TO SEAL

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In response to Respondent's Second Motion to Seal, filed on March 13, 2008,

Relator states:

1. "Any record used by a court to render a decision is a record subject to R.C. 149.43". *State ex rel. Beacon Journal Publishing Company v. Bond*, 98 Ohio St.3d 146, 2002-Ohio-7117, 781 N.E. 2d 180, ¶12.
2. R.C. 149.43 mandates full access to all public records upon request unless the requested records fall within one of the specified exemptions." *State ex rel. Ohio Patrolmen's Assn. v. Mentor* (2000), 89 Ohio St.3d 440, 732 N.E. 2d 969.
3. Generally, evidence, records and documents filed in open court are not subject to shield from public access. *State ex rel WBNS TV, Inc. v. Dues, Judge, et al.* 101 Ohio St.3d 406, 2004-Ohio-1497



4. The General Assembly has not adopted an elected official's "political concerns" exemption to disclosure under R.C. 149.14. *Id.*
5. Relator has ordered several copies of the videotape of Respondent's deposition in this case for litigation preparation purposes. One copy will be used by counsel in this case, one copy will be filed with this Court. One copy will be sent to the Relator and one copy to Relator's in house attorney. Since the record is due tomorrow and Relator's brief is due in 6 days, multiple copies are needed to allow Relator's key individuals the opportunity to review the videotape and assist counsel of record with the preparation of its brief within a very limited and tight filing deadline.

For these reasons state above, Respondent's Motions (First and Second) to Seal should be denied.

Respectfully submitted,

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#### CERTIFICATE OF SERVICE

Counsel for Relator has served a copy of this *Relator's Memorandum in Opposition to Respondent's Second Motion to Seal* by U.S. mail postage prepaid

this 13<sup>th</sup> Day of March 2008 to:

Coglianesi, Richard (66830)  
Becker, William (13476)  
Brown, Amy (79650)  
Chin, Pearl (78810)  
Schuler, Michael (82390)  
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Timothy J. Grenzell  
*Attorney for Relator*