

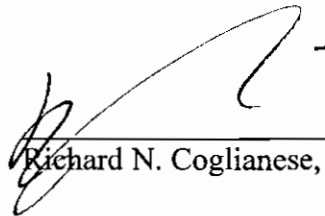
4. Pursuant to an order entered on February 6, 2008 by Judge Parrot, the action in Union County was transferred to the Common Pleas Court of Franklin County, Ohio, based on Ohio Revised Code 3501.05. The Clerk of Courts of Union County was ordered to “assemble all documents, papers, things and the balance of the case deposit and transfer them to the Franklin County Clerk of Courts forthwith.” See attached Order, Feb. 6, 2008.

5. To date, the record of proceedings before the Union County Common Pleas Court has not been transferred to the Franklin County Common Pleas Court.

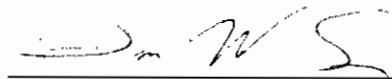
6. To date, Franklin County has not received any filing fees from Union County nor have they received the case file. I understand that Franklin County cannot open a case file or process this until it receives fees. .

7. I certify that a time-stamped copy of Defendant’s Notice of Removal will be filed with the Franklin County Common Pleas Court once the Union County Clerk of Courts has transferred all records and filing deposits to the Franklin County Clerk of Courts and a case number has been assigned by the Franklin County Clerk of Courts.

Further Affiant Sayeth Naught.


Richard N. Coglianesse, Esq.

Sworn to before me and signed in my presence, a Notary Public in and for said State and County, on this 6th day of February, 2008.


Notary Public



DAMIAN W. SIKORA, ATTORNEY AT LAW
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date
Section 147.03 R.C.

HEREBY CERTIFY THIS TO BE
A TRUE COPY OF THE ORIGINAL
FILED IN THIS OFFICE

David W. Phillips
UNION COUNTY, OHIO
UNION COUNTY, MARYSVILLE, OHIO

IN THE COURT OF COMMON PLEAS OF UNION COUNTY, OHIO

BOARD OF COMMISSIONERS, et al

Plaintiffs

Vs.

Case No.: 08cv00068

JENNIFER BRUNNER

JUDGE _____

Secretary of State

State of Ohio

180 East Broad Street

Columbus, Ohio 43215

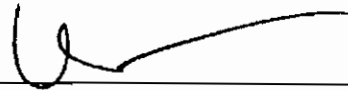
Defendant.

MOTION OF PLAINTIFF FOR APPOINTMENT

OF SPECIAL PROCESS SERVICE

Now comes the Plaintiffs, Board of Commissioners, et al, by and through the undersigned counsel, and respectfully moves this Court for an Order pursuant to Rules 4.1(2) and 4.3(B)(2) of the Ohio Rules of Civil Procedure to appoint Deputy A. Ron Lewis, who is of majority, and who is not a party to the above action, to make personal service upon Defendant in the above-caption matter.

Respectfully submitted,
Union County Prosecuting Attorney



David W. Phillips (0019966)
Prosecuting Attorney
221 West Fifth Street, Suite 333
Marysville, Ohio 43040
Telephone: (937)645-4190
Facsimile: (937)645-4191
Email: dphillips@co.union.oh.us

DAVID W. PHILLIPS
UNION COUNTY
PROSECUTING ATTORNEY

Assistant Prosecutors
Terry L. Hord Chief/Assistant
Rick Rodger
Melissa A. Chase

221 West Fifth Street
Marysville, Ohio 43040
Telephone: 937-645-4190
Fax: 937-645-4191
E-mail: prosecution@co.union.oh.us

I HEREBY CERTIFY THIS TO BE
A TRUE COPY OF THE ORIGINAL
FILED IN THIS OFFICE

D. P. W. [Signature]
CLERK OF COURTS
UNION COUNTY, MARYSVILLE, OH

IN THE COURT OF COMMON PLEAS OF UNION COUNTY, OHIO

BOARD OF COMMISSIONERS, et al

Plaintiffs

Vs.

JENNIFER BRUNNER
Secretary of State
State of Ohio
180 East Broad Street
Columbus, Ohio 43215

Defendant.

2008 **CW** 0 0 6 8

Case No.:

JUDGE

COURT OF COMMON
PLEAS
UNION COUNTY, OHIO
2008 FEB -5 AM 11:05
Russell P. [Signature]
CLERK

JOURNAL ENTRY

Upon Motion of Plaintiff for appointment of Special Process Server, it is hereby ORDERED that Deputy A. Ron Lewis is a qualified person over eighteen (18) years of age, who are not a party to this action, be appointed by this Court as Process Service to serve the Complaint as provided by Ohio Civil Rule 4.1(2), and any subpoenas as provided by Ohio Civil Rule 45(B), upon the person or entity designated to be served during the pendency of this action, and to make due return of his service.

M. V. [Signature]
JUDGE *[Signature]*

DAVID W. PHILLIPS
UNION COUNTY
PROSECUTING ATTORNEY

Assistant Prosecutors
Terry L. Hord Chief Assistant
Rick Rodger
Melissa A. Chase

221 West Fifth Street
Marysville, Ohio 43040
Telephone: 937-645-4190
Fax: 937-645-4191
E-mail: prosecutor@cc.union.oh.us

SUMMONS ON COMPLAINT
Court of Common Pleas, Union County, Ohio
Paula Warner Clerk of Courts

UNION COUNTY BOARD OF ETAL v BRUNNER, JENNIFER 08-CV-0068

UNION COUNTY BOARD OF ETAL, Plaintiff
COMMISSIONERS
233 WEST SIXTH STREET
MARYSVILLE OH 43040

To: BRUNNER, JENNIFER, Defendant
SECRETARY OF STATE OF OHIO
180 EAST BROAD STREET
COLUMBUS OH 43215

(02)

To the following named defendants:

BRUNNER, JENNIFER

You have been named defendant(s) in a complaint filed in:
Union County Court of Common Pleas
West 5th and Court Streets
Marysville, OH 43040

by: UNION COUNTY BOARD OF ETAL Attorney: DAVID W PHILLIPS (0019966)
221 WEST FIFTH STREET
3rd FLOOR, ROOM 333
MARYSVILLE OH 43040

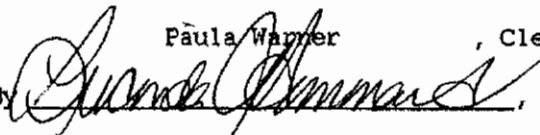
LEE, GARY ETAL
MCCARTHY, TOM ETAL
HALL, CHARLES ETAL

plaintiff(s). A copy of the complaint is attached.

You are hereby summoned and required to serve upon the plaintiff's attorney (or upon the plaintiff, if he has no attorney of record) a copy of an answer to the complaint within twenty-eight days after service of this summons on you, exclusive of the day of service. A copy of your answer must also be filed with the Court within three days of your serving your answer upon the plaintiff or upon the plaintiff's attorney.

If you fail to appear and defend, judgment by default will be rendered against you for the relief demanded.

Date: 2/05/08

Paula Warner, Clerk of Courts
By:  Deputy Clerk

INSTRUCTION FOR PERSONAL OR RESIDENCE SERVICE

To:

You are instructed to make Process Server service upon the defendant(s):

BRUNNER, JENNIFER

Case: 08-CV-0068 (02)

at: SECRETARY OF STATE OF OHIO

180 EAST BROAD STREET

COLUMBUS

OH 43215

Special instructions for server:

RETURN OF SERVICE OF SUMMONS (PERSONAL)

I received this summons on February 5, 2008 at 11:30 o'clock A.m., and made personal service of it upon BRIAN P GREEN

by locating him-them (cross out one) and tendering a copy of the summons and accompanying documents, on February 5, 2008 @ 12:15 PM

By A. Row Lewis, Sheriff - Bailiff - Process Server Deputy Date: FEB 5, 2008

FEES: Service \$ Mileage \$ Copy \$ Docket \$ Return \$ Total \$

RETURN OF SERVICE OF SUMMONS (RESIDENCE)

I received this summons on _____, _____, at _____ o'clock _____m., and made residence service of it upon the defendant(s) _____

by leaving, at his-their (cross out one) usual place of residence with _____, a person of suitable age and discretion then residing therein, a copy of the summons, a copy of the complaint and accompanying documents, on _____

By _____, Sheriff - Bailiff - Process Server Deputy Date: _____

FEES: Service \$ Mileage \$ Copy \$ Docket \$ Return \$ Total \$

RETURN OF SERVICE OF SUMMONS (FAILURE OF SERVICE)

I received this summons on _____, _____, at _____ o'clock _____m., with instructions to make personal-residence (cross out one) upon the defendant(s) _____

and I was unable to serve a copy of the summons upon him-them (cross out one) for the following reasons: _____

By _____, Sheriff - Bailiff - Process Server Deputy Date: _____

FEES: Service \$ Mileage \$ Copy \$ Docket \$ Return \$ Total \$

**IN THE COURT OF COMMON PLEAS
UNION COUNTY, OHIO**

BOARD OF COMMISSIONERS, UNION COUNTY, OHIO, et al	:	
	:	
	:	
Plaintiffs,	:	Case No. 2008 CV 0068
	:	
v.	:	Judge Richard Parrott
	:	
JENNIFER BRUNNER, OHIO SECRETARY OF STATE	:	
	:	
	:	
Defendant.	:	

**MOTION FOR REMOVAL AND TRANSFER
BY OHIO SECRETARY OF STATE JENNIFER BRUNNER**

Now comes Ohio Secretary of State Jennifer Brunner, and pursuant to R.C. 3501.05, respectfully asks this Court to issue an order to transfer this case to the Franklin County Common Pleas Court. A memorandum in support is attached.

Respectfully submitted,

MARC DANN
Attorney General of Ohio


Richard N. Coglianese (0066830)
Damian W. Sikora (0075224)
Pearl M. Chin (0078810)
Assistant Attorneys General
Constitutional Offices Section
30 East Broad Street, 16th Floor
Columbus, Ohio 43215
614-466-2872
614-728-7592 (Fax)
rcoglianese@ag.state.oh.us

*Attorneys for Defendant
Secretary of State Jennifer Brunner*

MEMORANDUM IN SUPPORT

The statutory basis for the Secretary of State's Motion for Removal and Transfer is set forth in R.C. 3501.05, which provides in relevant part as follows:

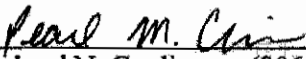
The Secretary of State may apply to any court that is hearing a case in which the Secretary of State is a party, for a change of venue as a substantive right, and the change of venue shall be allowed, and the case removed to the court of common pleas of an adjoining county named in the application or, if there are cases pending in more than one jurisdiction that involve the same or similar issues, the court of common pleas of Franklin County.

Pursuant to this statute, courts have recognized that the Secretary's right to transfer cases is absolute. *In re Protest of Initiative Petitions Proposing The "Ohio Sales Tax Reduction Act* (3rd Dist. No. 8-04-06), 2004 Ohio 4157, ¶ 17. See also *Blackwell v. Rothenberg (In re Initiative Petitions Proposing the Ohio Sales Tax Reduction Act)* (7th Dist. App. No. 04 HA 569), 2004 Ohio 4290, ¶ 30 (stating that R.C. 3501.05 mandates transfer if the Secretary is a party to the case). Because the Secretary of State is named as Defendant, as a matter of right the Court is required to remove and transfer this case to the common pleas court of the adjoining county – Franklin County.

For these reasons, this Court should enter an order to remove and transfer the instant case to the Franklin County Court of Common Pleas.

Respectfully submitted,

MARC DANN
Attorney General of Ohio


Richard N. Coglianese (0066830)
Damian W. Sikora (0075224)
Pearl M. Chin (0078810)
Assistant Attorneys General
Constitutional Offices Section
30 East Broad Street, 16th Floor
Columbus, Ohio 43215

**IN THE COURT OF COMMON PLEAS
UNION COUNTY, OHIO**

**BOARD OF COMMISSIONERS,
UNION COUNTY, OHIO, et al.**

Plaintiffs,

v.

**JENNIFER BRUNNER,
OHIO SECRETARY OF STATE**

Defendant.

:
:
:
: **Case No. 2008 CV 0068**
:
: **Judge Richard Parrott**
:
:
:
:
:

ENTRY ORDER

Upon motion of Defendant Secretary of State Jennifer Brunner, **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Defendant's Motion for Removal and Transfer is hereby **GRANTED**. This case is hereby transferred to the Franklin County Court of Common Pleas.

DATED this _____ day of _____ 2008.

 COPY
JUDGE RICHARD PARROTT

**IN THE COURT OF COMMON PLEAS
UNION COUNTY, OHIO**

**BOARD OF COMMISSIONERS,
UNION COUNTY, OHIO, et al.**

Plaintiffs,

v.

**JENNIFER BRUNNER,
OHIO SECRETARY OF STATE**

Defendant.

:
:
:
: **Case No. 2008 CV 0068**
:
: **Judge Richard Parrott**
:
:
:
:
:

ENTRY ORDER

Upon motion of Defendant Secretary of State Jennifer Brunner, **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Defendant's Motion for Removal and Transfer is hereby **GRANTED**. This case is hereby transferred to the Franklin County Court of Common Pleas.

DATED this _____ day of _____ 2008.

 COPY
JUDGE RICHARD PARROTT

** Transmit Conf. Report **

P.1

Feb 5 2008 15:12

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STATE OF OHIO
 OFFICE OF THE ATTORNEY GENERAL
 MARC DANN, ATTORNEY GENERAL

Facsimile Transmission Cover Sheet

TO: Union County Clerk of Courts

FAX NUMBER: (937) 645-3162

NUMBER OF PAGES:
 (Including Cover Sheet)

4

RE: Board of Commissioners of Union County v. Secretary of
 State Jennifer Brunner
 Case No. 2008 CV 0068

FROM: Pearl Chin
 Attorney for Defendant Secretary of State

VOICE NUMBER: 614-466-2872

FAX NUMBER: 614-728-7592

DATE: Feb. 5, 2008

SPECIAL INSTRUCTIONS:

Attached please find the Motion for Removal and Transfer by Secretary of State Jennifer Brunner, presented for filing in the above-captioned case. A proposed entry order is also attached.

Thank you,
 Pearl Chin
 Attorney for Defendant Secretary of State