



**IN THE SUPREME COURT OF OHIO**

THE STATE OF OHIO ex rel. RHONDA L. COLVIN, <i>et al.</i>	:	
	:	
	:	
vs.	:	Case No. 08-1813
	:	
JENNIFER BRUNNER, SECRETARY OF STATE OF OHIO,	:	Original Action in Mandamus
	:	
Respondent.	:	Expedited Election Matter Under S.Ct. Prac. R.X. § 9
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**MOTION TO STRIKE AMICUS BRIEF  
FILED BY REPRESENTATIVE LARRY WOLPERT**

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Now comes Respondent, Ohio Secretary of State Jennifer Brunner, through counsel, and moves this Court for an order striking the amicus brief filed on behalf of Representative Larry Wolpert in his capacity as a member of the General Assembly and sponsor of HB 234. The brief was purported to be filled by Mr. William Todd of the Benesch law firm. The brief did not contain the signature of Attorney General Rogers and did not indicate that Mr. Todd had been retained by Attorney General Rogers as special counsel to represent Representative Wolpert.

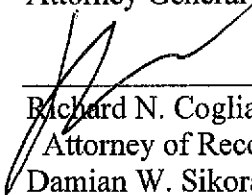
RC 109.02 makes the Attorney General the State's chief law officer for the State of Ohio and further dictates that the Attorney General shall appear for the State in argument of all civil and criminal causes in this Court in which the state has a direct or indirect interest. The Attorney General has the authority to appoint assistants and special counsel to help her to carry out her duties. RC 109.05, 109.07. Mr. Todd was not appointed by the Attorney General to represent Representative Wolpert. As a result, the filing by Mr. Todd, in that it claims to be the brief of a

Representative of the Ohio General Assembly in his capacity as such, is in violation of the power of the Attorney General to represent State clients.

Thus, the Respondent respectfully requests this Court issue an order striking the amicus brief of Representative Larry Wolpert.

Respectfully submitted,

NANCY H. ROGERS  
Attorney General of Ohio



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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing *Brief of Secretary of State Jennifer Brunner* was served upon the following, on this 29th day of September, via electronic mail, facsimile transmission and ordinary, postage prepaid U.S. mail to:

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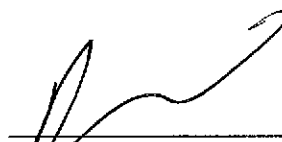
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