

IN THE SUPREME COURT OF OHIO
Supreme Court Case Number 2022-1174

STATE OF OHIO, ex rel. LYNN CLARK

Realtor

vs.

AN ORIGINAL ACTION IN MANDAMUS

SUMMIT COUNTY BOARD OF ELECTIONS

Respondent

**ANSWER OF RESPONDENT, SUMMIT COUNTY BOARD OF
ELECTIONS**

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COUNSEL FOR REALTOR

Now come the Respondent by and through counsel, and for their Answer to Relators
Complaint for Writ of Mandamus hereby state as follows:

1. The allegations contained in Paragraph 1 state a legal assertion to which no answer is necessary, but to the extent that such allegations may state any facts, Respondent denies them.

2. The allegations in Paragraph 2 state a legal assertion to which no answer is necessary, but to the extent that such allegations may state any facts, Respondent denies them.

3. Respondent admit the allegations contained in Paragraph 3.

4. The allegations in Paragraph 4 state a legal assertion to which no answer is necessary, but to the extent that such allegations may state any facts, Respondent denies them.

5. The allegations in Paragraph 5 state a legal assertion to which no answer is necessary, but to the extent that such allegations may state any facts, Respondent denies them.

6. The allegations in Paragraph 6 state a legal assertion to which no answer is necessary, but to the extent that such allegations may state any facts, Respondent denies them.

7. The allegations in Paragraph 7 state a legal assertion to which no answer is necessary, but to the extent that such allegations may state any facts, Respondent denies them

8. Respondent admits the allegations contained in Paragraph 8.

9. Respondent admits the allegations contained in Paragraph 9.

10. Respondent denies the allegations contained in paragraph 10 for want of knowledge sufficient to form a belief as to the truth of the allegation.

11. Respondent admits the allegations contained in Paragraph 11.

12. Respondent admits the allegations contained in Paragraph 12.

13. Respondent admits the allegations contained in Paragraph 13.

14. Respondent admits the allegations contained in Paragraph 14.

15. The allegations in Paragraph 15 state a legal assertion to which no answer is necessary, but to the extent that such allegations may state any facts, Respondent denies them.

16. The allegations in Paragraph 16 state a legal assertion to which no answer is necessary, but to the extent that such allegations may state any facts, Respondent denies them.

17. The allegations in Paragraph 17 state a legal assertion to which no answer is necessary, but to the extent that such allegations may state any facts, Respondent denies them.

18. The allegations in Paragraph 18 state a legal assertion to which no answer is necessary, but to the extent that such allegations may state any facts, Respondent denies them.

19. The allegations in Paragraph 19 state a legal assertion to which no answer is necessary, but to the extent that such allegations may state any facts, Respondent denies them.

20. The allegations in Paragraph 20 state a legal assertion to which no answer is necessary, but to the extent that such allegations may state any facts, Respondent denies them.

21. The allegations in Paragraph 21 state a legal assertion to which no answer is necessary, but to the extent that such allegations may state any facts, Respondent denies them.

22. The allegations in Paragraph 22 state a legal assertion to which no answer is necessary, but to the extent that such allegations may state any facts, Respondent denies them.

AFFIRMATIVE DEFENSES

1. Relator's own conduct has caused his harm, and he is not entitled to the relief he seeks from this Court.

2. Relator is not entitled to attorneys' fees in this action.

3. Waiver and Laches

3. Granting a writ of mandamus would be contrary to public policy.

4. Relator does not have a clear right to the relief sought.

5. Respondent acted in good faith, and its actions are not an abuse of discretion.
6. Relator failed to exhaust his administrative remedies.
7. Relator has adequate remedies at law as pursuant to R.C. 731.29 the matter if found to be subject to referendum would be placed on the ballot for the November 7th , 2023 election.
8. No verification is attached to the Complaint.

Wherefore, based on the above the Respondent urges that the instant action be dismissed with costs to Relator.

Respectfully submitted,

SHERRI BEVAN WALSH
Prosecuting Attorney

/s/ John Galonski

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PROOF OF SERVICE

I hereby certify that a copy of the foregoing Answer was sent by E-Mail to Relator's Attorney, Warner Mendenhall at warner@warnermendenhall.com and Logan Trombley at logan@warnermendenhall.com on this 22nd day of September 2022.

/s/ John Galonski

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