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ROSS COUNTY COMMON PLEAS
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IN THE COURT OF COMMON PLEAS
ROSS COUNTY, OHIO

James R. Hatfield

Plaintiff,

vs.

Ross County Board of Elections

Defendant.

CASE NO. 24CI000378

JUDGE JOHN T. WALLACE, BY
ASSIGNMENT

PROPOSED INTERVENOR'S
ANSWER TO PLAINTIFF'S
RESPONSE IN OPPOSITION TO
MOTION TO INTERVENE

PROPOSED INTERVENOR'S ANSWER TO PLAINTIFF RESPONSE TO INTERVENE

I. Introduction

Plaintiff James R. Hatfield's opposition to Derek J. Myers's Motion to Intervene under Civil Rule 24 is fundamentally flawed. Mr. Myers, as an elector with a direct interest in the outcome of the election, has standing to intervene. The Plaintiff's assertion that Mr. Myers's interests are adequately represented by the Defendant is inaccurate, as the Defendant's and Mr. Myers's interests diverge. Furthermore, the Plaintiff's Complaint is improperly framed as a request for injunctive relief rather than a writ, as established by case law. For these reasons, the motion to intervene should be granted, and the Plaintiff's Complaint should be dismissed.

II. Mr. Myers Has Standing as an Elector

Plaintiff's argument that Mr. Myers lacks standing fails to recognize the fundamental rights of an elector. As an elector, Mr. Myers has a constitutionally protected interest in ensuring that qualified candidates appear on the ballot. This interest is directly impacted by the Plaintiff's challenge, as Mr. Myers would be deprived of his right to vote for a qualified candidate if the Plaintiff's claims succeed. The Ohio Supreme Court has recognized that electors have standing

to challenge election-related decisions when their voting rights are at stake. See *State ex rel. Williams v. Brunner*, 123 Ohio St. 3d 469, 2009-Ohio-1231, ¶ 22 (2009).

III. Interests of the Current Parties

The Plaintiff's claim that Mr. Myers's interests are adequately represented by the Defendant is misplaced. While the Defendant, the Ross County Board of Elections, aligns with Mr. Myers in not seeking reversal of its decision, the Defendant does not have a direct, personal interest in the election's outcome or the ballot composition. Mr. Myers's specific concern is his right as an elector to vote for a qualified candidate, which is not a primary interest of the Defendant. As established in *Ohio Bldg. & Constr. Trades Council v. Cuyahoga Cty. Bd. of Comm'rs*, 2001-Ohio-4228, 2001 Ohio App. LEXIS 4345, *12 (4th Dist. Sept. 27, 2001), the mere alignment of objectives does not suffice if the intervenor's personal stake in the outcome is distinct from the parties currently involved.

IV. Improper Framing of the Complaint

The Plaintiff's Complaint, seeking injunctive relief, is improperly framed. According to Ohio case law, a writ is the proper remedy in cases challenging the validity of a candidate's qualifications, not an injunction. In *Tatman v. Carley*, 2004-Ohio-4814 (5th Dist.), the court emphasized that a writ of mandamus is appropriate to compel the performance of a duty, while an injunction is unsuitable for such disputes. Similarly, in *Tatman v. Fairfield Cty. Bd. of Elections*, 2004-Ohio-3701, ¶ 18, the court confirmed that a writ is the proper course for challenging election-related actions.

V. Misrepresentation and Credibility Issues

The Plaintiff's assertions are not only legally flawed but also factually inaccurate. The Plaintiff's claims about the procedural propriety and legal requirements are misleading. The Plaintiff has misrepresented the nature of the legal standards and the applicable statutory requirements. In light of these misrepresentations, the Plaintiff's credibility is questionable. As demonstrated by the inconsistencies and inaccuracies in the Motion to Intervene, the court should scrutinize the Plaintiff's claims carefully.

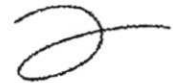
VI. Motion to Dismiss

Given the improper framing of the Complaint and the procedural and substantive deficiencies outlined, the Complaint should be dismissed. The Plaintiff's attempt to secure injunctive relief where a writ is appropriate undermines the validity of the claims. As established in *O'Brien v. Univ. Comm. Tenants Union, Inc.*, 42 Ohio St. 2d 242, 245 (1975), and *Conley v. Gibson*, 355 U.S. 41, 45 (1957), a complaint should not be dismissed unless it is clear that no set of facts could support the claim. In this case, the Plaintiff's claims are not supported by the proper legal standards or factual accuracy.

VII. Conclusion

For the reasons outlined, Mr. Myers's Motion to Intervene should be granted, as his standing and interests are distinct from and inadequately represented by the current parties. My. Myers' answer and motion to dismiss should be entered into the record and ruled upon. The Plaintiff's Complaint should be dismissed due to improper legal framing and factual inaccuracies. Mr. Myers requests that the court deny the Plaintiff's opposition, permit intervention, and dismiss the Complaint.

Respectfully submitted,



Derek J. Myers, Intervenor
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served this 5th Day of September, 2024 as follows:

VIA ELECTRONIC MAIL AND REGULAR U.S. MAIL:

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Respectfully submitted,



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