

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

State of Ohio ex rel.
BRIAN M. AMES
2632 Ranfield Rd, Mogadore, OH 44260

Relator,

v.

GEAUGA COUNTY REPUBLICAN
CENTRAL AND EXECUTIVE
COMMITTEES AND NANCY B.
MCARTHUR IN HER OFFICIAL
CAPACITY AS CHAIRMAN, all at
117 Cedar Glen, Chardon, OH 44024

Respondents

)
) **CASE NO.:**
)
) **JUDGE:**
)
)
) **VERIFIED COMPLAINT IN**
) **MANDAMUS, DECLARATORY**
) **JUDGMENT, AND INJUNCTION FOR**
) **ENFORCEMENT OF R.C. 121.22**
)
) -----
) **DISCOVERY REQUESTS ATTACHED**
) **HERETO INCLUDING REQUESTS FOR**
) **ADMISSION AND REQUESTS FOR**
) **PRODUCTION OF DOCUMENTS**

JURISDICTION

1. This Court has original jurisdiction of this action.

STANDING

2. Relator has statutory standing under R.C. 121.22(I)(1) to bring this action.

PARTIES

3. Relator Brian M. Ames (“Mr. Ames”) resides in Randolph Township, in Portage County, Ohio.
4. Respondent Geauga County Republican Central Committee (“Central Committee”) is a county central committee consisting of one member from each election precinct in the county created by R.C. 3517.03.

5. Respondent Geauga County Republican Executive Committee (“Executive Committee”) is the executive committee elected by the Central Committee pursuant to the mandate of R.C. 3517.03.
6. Respondent Nancy B. McArthur (“Ms. McArthur”) is the duly elected chairman of both the Central Committee and the Executive Committee (collectively “Committees”).

STATEMENT OF FACTS

7. General Assembly has empowered the Executive Committee to make and file a recommendation with the Ohio Secretary of State (“SOS”) for the appointment of a qualified elector to fill the vacancy of a Republican member of the Geauga County Board of Elections (“BOE”) by enacting R.C. 3501.07.
8. The SOS provides Form 306 on which the recommendation must be reported.
9. On February 6, 2021 at about 10:00am, the Committees held a meeting (“Meeting”) at the Heritage Marketplace located at 15848 Nauvoo Rd, Middlefield, OH 44062.
10. The purpose of the Meeting was to select a qualified elector, pursuant to R.C. to fill the vacancy of a Republican member of the BOE resulting from the expiration of term of Joan A. Windnagel on March 1, 2021.
11. The Meeting was being conducted by statutorily created public bodies for the purpose of performing a statutory function.
12. R.C. 121.22, the Open Meetings Act, applies to the Meeting.

COUNT 1 Failure To Conduct Official Business In An Open Meeting

13. Relator incorporates the above paragraphs as if fully rewritten herein.

14. The making of a recommendation pursuant to R.C. 3501.07 is official business of the Committees.
15. Mr. Ames and several others were denied access to the Meeting, notwithstanding Mr. Ames having informed Ms. McArthur that it was required by law to be an open meeting.
16. Mr. Ames made a video recording of his attempt to attend the Meeting and Ms. McArthur's denying him entrance.
17. The conduct of the Meeting was in violation of R.C. 121.22, the Open Meetings Act.

PRAYER FOR RELIEF

WHEREFORE, Relator prays for judgment against Respondents, and that the Court:

- (1) Find that Respondents have committed a violation of the provisions of R.C. 121.22 as set forth in Count 1.
- (2) Issue a mandatory injunction for the violation enjoining Respondent to comply with the provisions of R.C. 121.22 as mandated by R.C. 121.22(I)(1).
- (3) Order Respondents to pay to Relator a five hundred dollar civil forfeiture as mandated by R.C. 121.22(I)(2)(a).
- (4) Award Relator all his court costs and reasonable attorney's fees under R.C. 121.22(I)(2)(a).
- (5) Any other relief which this Court deems just and equitable.

Respectfully Submitted,



Brian M. Ames
Relator *pro se*

VERIFICATION

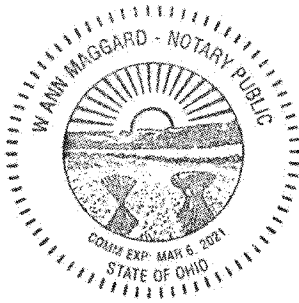
State of Ohio)
)SS
County of Portage)


Now comes Brian M. Ames, who, having first been duly cautioned and sworn deposes and says as follows:

1. I am, and have been during all time periods relevant to the foregoing Complaint, a citizen residing in Portage County.
2. I have read the foregoing Complaint and swear that I have personal knowledge of the facts stated therein and that the facts stated therein are true and accurate to the best of my information, knowledge, and belief.
3. Further, Affiant sayeth naught.


Brian M. Ames

Before me, a Notary Public in and for said county and state, personally appeared Brian M. Ames who swore to the truth of the foregoing Verification and subscribed same in my presence at Keat, Ohio on this 8 day of February, 2021.




Notary Public

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

State of Ohio ex rel. BRIAN M. AMES)	
)	CASE NO.:
Relator,)	
)	JUDGE:
v.)	
)	
GEAUGA COUNTY REPUBLICAN)	RELATOR'S FIRST DISCOVERY:
CENTRAL AND EXECUTIVE)	REQUESTS FOR PRODUCTION OF
COMMITTEES AND NANCY B.)	DOCUMENTS
MCARTHUR IN HER OFFICIAL)	
CAPACITY AS CHAIRMAN)	
)	
Respondents)	
)	

Relator submits his First Discovery consisting of Requests for Admission and Requests for Production of Documents to be answered by Respondents Geauga County Republican Central and Executive Committees within twenty-eight (28) days in accordance with rules 26, 34, and 36 of the Ohio Rules of Civil Procedure.

GENERAL INSTRUCTIONS

1. "Central Committee" shall mean Respondent Geauga County Republican Central Committee.
2. "Executive Committee" shall mean Respondent Geauga County Republican Executive Committee.
3. "Committees" shall mean Respondents Geauga County Republican Central Committee and Geauga County Republican Executive Committee, collectively.
4. "SOS" shall mean the Ohio Secretary of State.

INSTRUCTIONS FOR REQUESTS FOR ADMISSION

1. Pursuant to Rule 36, each admission contained herein shall be considered to be admitted unless these admissions are responded to within a response period twenty-eight days from service, as calculated by the the Ohio Rules of Civil Procedure. Prior to the expiration of the response period, the party to whom the request is directed must serve upon the requesting party a written answer or objection addressing the matter and signed by the party or the party's attorney. Failure to timely respond within the response period results in

an admission of the facts contained therein.

2. The answer to each admission shall specifically admit or deny the matter or set forth in detail the reasons why Respondents cannot truthfully admit or deny the matter. Respondents may not give lack of information or knowledge as a reason for failure to admit or deny unless Respondents states that they made a reasonable inquiry to obtain information sufficient to allow them to admit or deny.
3. Respondents shall serve their answers upon Relator at bmames00@gmail.com, 2632 Ranfield Rd, Mogadore, OH 44260 within a period of twenty-eight days after the service of these requests for admission.
4. Respondents shall promptly supply an email address to Relator at bmames00@gmail.com to obtain an electronic copy of these Requests for Admission.

REQUESTS FOR ADMISSION

1. Admit that the voter registration data for Geauga County posted on the SOS website on February 6, 2021 lists 25,811 registered members of the Republican Party.

ANSWER:

2. Admit that John Plečnik, a resident of Lake County, Ohio, was present in the meeting of February 6, 2021.

ANSWER:

3. Admit that only a small fraction of all registered Republican voters in Geauga County were notified of the meeting of February 6, 2021.

ANSWER:

4. Admit that the meeting of February 6, 2021 was in fact a meeting of the Geauga County Republican Central and Executive Committees .

ANSWER:

INSTRUCTIONS FOR REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Pursuant to Rule 34, Counsel for Relator requests the production of the documents and electronically stored information listed below.

2. Responsive documents stored electronically should be provided electronically.
3. If Respondent is aware of any documents that have been lost, destroyed, or are in the possession of someone else, identify the documents and describe how the documents were lost/destroyed and/or who has them.
4. Documents produced shall be certified as to authenticity.
5. Documents produced shall be a full and accurate record of the Committees' proceedings for the given meeting day and shall reflect all actions taken in that meeting.
6. Responsive documents shall be organized by and identified with the request number to which they are responsive and delivered as separate documents.
7. Respondent shall serve upon Relator at bmames00@gmail.com, 2632 Ranfield Rd, Mogadore, OH 44260 a written response within a period of twenty-eight days after the service of these requests for production of documents.
8. These Requests for Production of Documents shall be deemed continuing so as to require **supplemental answers** and **production** if further information is obtained between the time answers are served and the time of trial.

REQUESTS FOR PRODUCTION OF DOCUMENTS AND ELECTRONICALLY STORED INFORMATION

1. An authenticated copy of the list of members used to determine who would be admitted to the meeting of February 6, 2021.
2. An authenticated copy of the list of members used to provide notice of the meeting of February 6, 2021.
3. An authenticated copy of all notices given of the meeting of February 6, 2021.
4. An authenticated copy of the minutes for the Committees' meeting of February 6, 2021, to include a list of attendees.
5. An authenticated copy of the list of all members of the Republican Party in Geauga County on February 6, 2021.
6. An authenticated copy of any SOS Form 306 submitted to the office of the SOS as a result of the meeting of February 6, 2021.
7. An authenticated copy of the current bylaws of the Geauga County Republican Central and Executive Committees.
8. An authenticated copy of any contracts or agreements relating to the venue used for the meeting of February 6, 2021.

/s Brian M. Ames

Brian M. Ames Relator
2632 Ranfield Rd

Mogadore, OH 44260
bmames00@gmail.com

CERTIFICATION OF SERVICE

I certify that the foregoing Discovery Requests will be served by being included with the Complaint and served therewith by the Clerk of Court as part of the initial service of process herein, said date of service being that indicated on the return receipt. Respondents and/or their counsel may contact the undersigned to obtain an electronic version of these Discovery Requests.

/s Brian M. Ames

Brian M. Ames
Relator *pro se*