Franklin County Ohio Court of Appeals Clerk of Courts- 2024 Aug 13 3:31 PM-24AP000483

IN THE COURT OF APPEALS OF OHIO
TENTH APPELLATE DISTRICT
FRANKLIN COUNTY, OHIO

MADELINE MOE, et al. Plaintiffs-Appellants, v. DAVID YOST, et al. Defendants-Appellees.	Case No. 24AP-000483 REGULAR CALENDAR On appeal from the Franklin County Court of Common Pleas, Case No. 24-cv-002481

REPLY IN SUPPORT OF MOTION OF APPELLANTS TO RESTORE AND/OR GRANT INJUNCTION PENDING APPEAL

Freda J. Levenson (45916)
Counsel of Record
Amy Gilbert (100887)
ACLU OF OHIO FOUNDATION, INC.
4506 Chester Avenue
Cleveland, Ohio 44103
Levenson: (216) 541-1376
Office: (614) 586-1972
flevenson@acluohio.org
agilbert@acluohio.org

David J. Carey (88787)

Dave Yost (0056290)
OHIO ATTORNEY GENERAL

T. Elliot Gaiser (0096145)
SOLICITOR GENERAL
Counsel of Record
Erik Clark (0078732)
DEPUTY ATTORNEY GENERAL
Stephen P. Carney (0063460)
DEPUTY SOLICITOR GENERAL
Amanda Narog (0093954)
ASSISTANT ATTORNEY GENERAL
30 East Broad Streer

Franklin County Ohio Court of Appeals Clerk of Courts- 2024 Aug 13 3:31 PM-24AP000483

Carlen Zhang-D'Souza (93079)
ACLU OF OHIO FOUNDATION, INC.
1108 City Park Ave., Ste. 203
Columbus, Ohio 43206
(614) 586-1972
dcarey@acluohio.org
czhangdsouza@acluohio.org
Chase Strangio*
Harper Seldin*
Leslie Cooper*
AMERICAN CIVIL LIBERTIES UNION FOUNDATION
125 Broad Street, Floor 18
New York, NY 10004
(212) 549-2500
cstrangio@aclu.org
hseldin@aclu.org
lcooper@aclu.org

Miranda Hooker*
Jordan Bock*
Goodwin Procter LLP
100 Northern Avenue
Boston, MA 02210
(617) 570-1000
mhooker@goodwinlaw.com
kmcguinness@goodwinlaw.com
jbock@goodwinlaw.com

**Motion for permission to appear pro hac vice forthcoming*

Counsel for Appellants

17th Floor
Columbus, Ohio 43215
(614) 466-8980
thomas.gaiser@ohioago.gov

Counsel for Appellees

Franklin County Ohio Court of Appeals Clerk of Courts- 2024 Aug 13 3:31 PM-24AP000483

INTRODUCTION

The Government's brief boils down to a defense of raw, unchecked exercises of legislative power: the legislature passed a law, so it is wrong for the courts to enjoin its enforcement. That is not the democratic order in Ohio. When the legislature exceeds its constitutional authority, it is the judiciary's role and obligation to protect the people from that overreach. Otherwise, the people of Ohio have no defense against the legislature's unconstitutional encroachments.

And nothing in the Government's opposition rehabilitates H.B. 68's unconstitutionality. The Government cannot seem to decide what permissible "single subject" unites all the disparate provisions of H.B. 68, which undisputedly originated as two separate acts that could not individually pass the General Assembly. Nor can the Government explain how the Health Care Freedom Amendment somehow fails to protect the purchase and sale of what all parties agree constitutes health care, when its text plainly provides such protection; instead, it resorts to fearmongering about conduct that is *not* health care under any plausible definition of the term.

Franklin County Ohio Court of Appeals Clerk of Courts- 2024 Aug 13 3:31 PM-24AP000483

H.B. 68 does not protect families; as Appellants testified at trial, it threatens to drive the Moe and Goe families from their homes, or force their separation. H.B. 68 does not protect children; it deprives Madeline Moe and Grace Goe, and adolescents like them, from receiving vitally important health care from doctors who know them, in their home state. H.B. 68 does not protect anyone in Ohio; every day that it is enforced, it subjects the people to a law that facially violates the Ohio Constitution.

ARGUMENT

I. An Injunction is Necessary to Restore the Status Quo That Existed for Decades Prior to H.B. 68.

The Government's contorted understanding of the status quo is flatly inconsistent with Ohio law. To start, the Government is wrong that the "factual status quo … is not threatened." Opp. at 35. Grace Goe cannot continue with her ongoing care because H.B. 68's "aiding and abetting" provision prohibits Grace's doctors from providing *any* assistance with gender-affirming care, including continuing to monitor her for the start of puberty, at which point she plans to start puberty blockers. *See infra*, p. 5; *see also* Mot. at 18-20. Madeline Moe likewise cannot take any further

Franklin County Ohio Court of Appeals Clerk of Courts- 2024 Aug 13 3:31 PM-24AP000483

steps in her treatment with her established care providers in Ohio, as she would otherwise plan to do. *See infra*, p. 5; *see also* Mot. at. 18-19.

The Government is also wrong on the "legal status quo." Under Ohio law the "status quo" is the "last, actual, peaceable, uncontested status which preceded the pending controversy"—not the status that happens to be in place when any particular brief is filed. *Preterm-Cleveland v. Yost*, 2022-Ohio-4540, ¶ 21 (1st Dist.) (citing cases). In *Preterm-Cleveland*, the challenged abortion restriction (S.B. 23) "was briefly in effect" during a period in the litigation. *Id* at ¶ 23. But the "fact that this interlude allowed S.B. 23 to be effective [did] not alter the status quo assessment because Ohio law confirms that the 'status quo' is that which precedes the enforcement of a challenged law." *Id.* Thus, the "status quo" was the "legal and safe abortion access that ha[d] been in place in Ohio for nearly five decades." *Id.* The same is true here. The fact that H.B. 68 has been in effect for one week does not somehow wipe out the decades preceding the enactment of H.B. 68, when families were able to access standard-of-care treatments for gender dysphoria.

Franklin County Ohio Court of Appeals Clerk of Courts- 2024 Aug 13 3:31 PM-24AP000483

The Government's approach would nullify the availability of an injunction pending appeal. If the status quo were always the status *right now*, then a party seeking an injunction would always be seeking to change the status quo. That is plainly incorrect under Ohio law, which recognizes that an injunction pending appeal is available precisely for the purpose of *restoring* the status quo pending appeal. *See* App.R. 7(A) (authorizing a "motion … for an order … restoring" an injunction pending appeal); *see also Watson v. Caldwell Hotel, LLC*, 2017-Ohio-4007, ¶ 19 (7th Dist.) (requesting an injunction "to *restore* the status quo pending appeal") (emphasis added).

II. Plaintiffs Have Demonstrated Irreparable Harm.

Absent an injunction, Plaintiffs will suffer immediate, irreparable harm—harm that will continue throughout the course of this appeal.[1] The

[1] While Appellants will suffer irreparable harm, the Government also ignores that the injunction factors "must be balanced with flexibility which traditionally has characterized the law of equity." *AIDS Taskforce of Greater Cleveland v. Ohio Dep't of Health*, 2018-Ohio-2727, ¶ 23 (8th Dist.). Where a party has shown "a strong likelihood of success on the merits, preliminary injunctive relief may be justified even though a plaintiff's case of irreparable injury may be weak." *Id.*

Franklin County Ohio Court of Appeals Clerk of Courts- 2024 Aug 13 3:31 PM-24AP000483

Government's argument fails to grasp one fundamental (and uncontroversial) fact: puberty does not arrive by appointment. Grace Goe's physicians are continuously monitoring her for signs of puberty, which could emerge at any time, and certainly before a ruling on appeal. Mot. Ex. F at 34:23-35:8, 45:2-6, 50:11-51:25. Absent an injunction, that monitoring will be put on hold for the entirety of the appeal. This disruption in care is already causing immense anxiety for Grace and her family, and will lead to devastating consequences if Grace goes into puberty during the pendency of the appeal but is prevented from accessing care under H.B. 68. *Id.* at 48:20-49:2, 52:1-18, 55:4-13. Madeline Moe's medical care is likewise in jeopardy. Although she can continue receiving pubertal suppression, she is no longer able to prepare for or advance to the next step in her treatment. Mot. Ex. G. at 270:13-271:1.

More broadly, Gina and Madeline will be forced to throw out their years-long trusting relationships with their physician teams in Ohio, an immense disruption to their care (and their lives). Both the Goes and the Moes have taken steps to secure health care outside of Ohio, Mot. Ex. F at 61:4-11; Mot. Ex. G at 272:7-17, but proceeding with this care will

Franklin County Ohio Court of Appeals Clerk of Courts- 2024 Aug 13 3:31 PM-24AP000483

require making the painful choice to leave their communities. Mot. Ex. F at 61:12-20, 61:21-63:1; Mot. Ex. G at 273:11-15, 273:16-274:3. That is a choice they may need to make at any point (including during appeal), depending on Grace and Madeline's progression. And even then, H.B. 68 still interferes: Because Ohio physicians are prevented from providing any assistance with gender-affirming care, Gina and Madeline will be starting from scratch with new medical teams. Mot. at 19-20.

Finally, Defendants do not meaningfully dispute that Plaintiffs face immediate constitutional harm, which is sufficient in and of itself to support an injunction. *See, e.g.*, *Bonnell v. Lorenzo*, 241 F.3d 800, 809 (6th Cir. 2001) (holding that when "a constitutional right is being threatened or impaired, a finding of irreparable injury is mandated"); *Magda v. Ohio Elections Comm.*, 2016-Ohio-5043, ¶ 38 (10th Dist.) (relying on *Bonnell* to hold that a "finding that a constitutional right has been threatened or impaired mandates a finding of irreparable injury as well"). Given Plaintiffs' strong showing on the merits of their constitutional claims, *see infra*, p. 7-17, Plaintiffs have satisfied the showing of harm necessary to support an injunction.

Franklin County Ohio Court of Appeals Clerk of Courts- 2024 Aug 13 3:31 PM-24AP000483

III. Appellants Have Demonstrated Likelihood of Success on the Merits

A. The Government can point to no "one subject" that is "clearly expressed in [H.B. 68's] title"

It is telling that, although the Government consistently claims that H.B. 68 has a single subject, it cannot settle on what that purported subject is. Nor does it even agree with the trial court's description. The trial court characterized H.B. 68's subject as "regulation of transgender individuals[.]" Mot. Ex. E at 7. The Government does not defend that version, but instead offers its own formulation. It fails for numerous reasons.

First, ironically, the Government's purported "single subject" is a compound one. It claims that H.B. 68 "protect[s] children and youth affected by the rise of gender transition medical interventions *and* a greater share of young Ohioans who wish to live their lives aligned with their transgender identity." Opp. at 17 (emphasis added). Even on its face, that is two subjects, tracking the two Acts: restriction of health care, and regulation of how transgender individuals live their lives separate and apart from health care, particularly in athletics.

Franklin County Ohio Court of Appeals Clerk of Courts- 2024 Aug 13 3:31 PM-24AP000483

Second, the Government's formulation on appeal is not what it said below. Previously, it claimed that the common purpose was "addressing gender transition in children and youth—and more specifically, protecting children[.]" TRO Opp. at 19. It now backpedals away from "addressing gender transition," and instead professes to be protecting "children … affected by" both gender transition and the supposedly "greater share" of transgender Ohioans. If H.B. 68's subject were *actually* singular and clearly expressed in the bill's title, one would expect both that the Government would have no difficulty articulating it consistently, and that a trial court would not need to devise its own version.

Third, although the Government does acknowledge the plain-text requirement that a bill's subject "shall be clearly expressed in its title," Ohio Const. Art. II, Sec. 15(D), it makes no attempt to point to any text in H.B. 68's title that identifies a unified subject or purpose. Nor can it, because H.B. 68's title explicitly states that it is a combination of two Acts for two purposes. Appellants have searched for—but have not found—a single other example of any bill title that expressly combined two Acts in this fashion, going back to at least the 2015–2016 legislative session.

Franklin County Ohio Court of Appeals Clerk of Courts- 2024 Aug 13 3:31 PM-24AP000483

Fourth, the premise of the Government's purported subject is false. H.B. 68's Sports Prohibition extends to restricting adults. The bill is not limited to "protecting" children and youth.

Fifth, it is striking that the Government makes no attempt to distinguish Appellants' illustrative analogy to religious discrimination. Baldly calling it a "wild comparison[]" is a dodge, not an argument. Opp. at 21. In fact, the analogy illustrates precisely what H.B. 68 does: impose multiple, unrelated restrictions on a minority group of Ohioans in separate spheres of their lives, with no common thread.

Sixth, the Government's comparison to federal civil rights laws—which, like all federal laws, are not subject to Ohio's single-subject rule—is inapposite. Anti-discrimination laws that pertain to one context, such as employment, are regulating a single common area of the lives of multiple classes of people. That is what the great majority of laws do, and it is a single subject because it is a single context. The Americans with Disabilities Act, meanwhile, regulates the common subject matter of disability and removes multiple burdens that disabilities may inherently present. It does not impose a series of unrelated restrictions on disabled

Franklin County Ohio Court of Appeals Clerk of Courts- 2024 Aug 13 3:31 PM-24AP000483

people's ability to conduct their lives, connected by no common theme other than the identity of the target demographic. But, again, the federal ADA is not constrained by Ohio's single-subject rule; H.B. 68 is.

Seventh, the Government obfuscates both the purpose of the single-subject rule and the relevance of H.B. 68's legislative history. It asserts that "[l]ogrolling is about smuggling in provisions that perhaps some of a voting majority are not aware of or do not support[,]" but concludes that "the General Assembly knew exactly what it was doing[.]" Opp. at 23.

On that second point, the parties agree. The General Assembly knew exactly what it was doing: logrolling. *See* Mot. at 6–9 (legislative history). The Government badly misstates the undemocratic character of logrolling, which the Ohio Supreme Court defines as:

> [T]he practice of several minorities combining their several proposals as different provisions of a single bill and thus consolidating their votes so that a majority is obtained for the omnibus bill where perhaps no single proposal of each minority could have obtained majority approval separately.

State v. Bloomer, 2009-Ohio-2462, ¶ 47 (quoting *State ex rel. Dix v. Celeste*, 11 Ohio St.3d 141, 142–43 (1984)). The single-subject rule exists not to protect *legislators in the voting majority* from their own failures of

Franklin County Ohio Court of Appeals Clerk of Courts- 2024 Aug 13 3:31 PM-24AP000483

diligence, but to protect *voters* from cynical maneuvering by their elected officials. It ensures that any given statute represents the will of a majority of the General Assembly, rather than a cobbled-together series of unrelated priorities. Voters may then hold their legislators accountable to a clear and unambiguous legislative voting record.

Appellants agree that they have no burden to demonstrate by legislative history that logrolling occurred with H.B. 68; the bill's title and text do that on their own. *See In re Nowak*, 2004-Ohio-6777, ¶ 71. But "[t]he primary and universally recognized purpose of the one-subject rule is to prevent logrolling[.]" *Bloomer* ¶ 47. H.B. 68's egregious legislative history provides further context to its compound and disunified text, and this Court need not turn a blind eye to it.

Finally, the Government cannot dispute—and empty rhetoric aside, does not dispute—that the appropriate remedy for this single-subject rule violation is invalidation *in toto*. It makes no attempt to distinguish the controlling case law establishing that Appellants need not have separate bases for standing on each and every provision of a disunified bill, and further, that an offending bill with no "primary" subject is invalid in full.

Franklin County Ohio Court of Appeals Clerk of Courts- 2024 Aug 13 3:31 PM-24AP000483

E.g. Preterm-Cleveland v. Kasich, 2018-Ohio-441, ¶ 30; *State ex rel. Ohio Academy of Trial Lawyers v. Sheward*, 86 Ohio St.3d 451, 500 (1999). Deriding this precedent as "injunctive logrolling" and declaring it "wrong" without citation to authority, as the Government does in its brief, is not a cognizable argument.

B. The Government asks this Court to ignore the HCFA's plain text

The Government makes no secret of the fact that its preferred reading of the HCFA would stand contrary to the plain text. Its reading is entirely premised on inserting a word—"valid"—that is not there. Nowhere does the HCFA's text limit its protections for the sale and purchase of health care to health care that the legislature deems "valid." On the contrary, as with any new addition to a constitutional bill of rights, the purpose of the HCFA is to *curtail* what the Government calls a "pre-existing power": here, the power to decide what is or is not "valid" health care. The Government's reading would render the HCFA's core protections for the "sale and purchase of health care" illusory, by allowing the "fraud or wrongdoing in the health care industry" exception to cancel

Franklin County Ohio Court of Appeals Clerk of Courts- 2024 Aug 13 3:31 PM-24AP000483

them out in practice.

The Government attempts to justify its circular reading by asserting, without citation to any public statements, a very narrow version of the HCFA's original public meaning. But even if the Government's version were fairly representative of the HCFA's stated purpose—which it is not, *see* Mot. at 31–34—the plain text would still control. Mot. at 30. In other words, revisionist history cannot overcome the fact that the Government's reading of the HCFA is contrary to the text.

The Government's hyperbolic warning of "shocking implications" is also unavailing. The HCFA protects only "health care." That is a plain language term that can be defined, with definable limits. *See, e.g.*, R.C. 2135.01(G) (statute enacted in 2003 before the HCFA, defining "health care" as "any care, treatment, service, or procedure to maintain, diagnose, or treat an individual's physical or mental condition or physical or mental health"); R.C. 1337.11(G) (statute enacted in 2013 after the HCFA, employing a similar definition).

Neither the Government, nor its experts, ever disputed that gender affirming care is "health care." Even H.B. 68's text acknowledges that

Franklin County Ohio Court of Appeals Clerk of Courts- 2024 Aug 13 3:31 PM-24AP000483

much. 2024 Sub.H.B. No. 68 (enacting R.C. 3129.01(F)) ("'Gender transition services' means any medical or surgical service…"). Upon hearing extensive expert evidence from both sides, the trial court agreed. *See* Mot. Ex. E at 7.

But of course, the fact that gender-affirming care is "health care" does not imply that *anything* is "health care" under the HCFA—just as, for example, not just *anything* is "speech" subject to the First Amendment's protection or a "search" subject to the Fourth Amendment's warrant requirement. There are any number of actions or procedures that have no medical purpose or value, are not countenanced by the medical profession, and could not meet any definition of "health care." Just as with any constitutional protection, there may well exist difficult or borderline cases, or matters that are obviously outside the HCFA's scope. But by the Government's own concession, gender-affirming care is not one of them.

The Government points to several inapposite items that—contrary to the Government's overwrought warnings—would *not* be protected by a plain-text reading of the HCFA. To respond briefly to the Government's

Franklin County Ohio Court of Appeals Clerk of Courts- 2024 Aug 13 3:31 PM-24AP000483

list: female genital mutilation is not a treatment for anything, and if it was, Ohio's existing statutory ban would exempt it anyway. *See* R.C. 2903.32((C) (exempting "a procedure performed for medical purposes"). Sale of controlled substances between "a willing buyer and seller" for recreational use is also not "health care."[2] The HCFA expressly exempts any "laws or rules in effect as of March 19, 2010," *see* Ohio Const. Art. I, Sec. 21(D), and so would have no effect on Ohio's assisted suicide ban, or its rules restricting anabolic steroids and cocaine hydrochloride—*even if* those things met the definition of "health care," which is dubious. *See* R.C. 3795.02 (ban on assisted suicide, enacted in 2003); OAC 4731-11-03 (rules restricting steroids and cocaine hydrochloride, versions of which were in effect as early as 1986).

Moreover, as noted previously, nothing in the HCFA immunizes physicians from liability for negligence, malpractice, and similar malfeasance. Unlike H.B. 68's prohibition on an entire category of care,

[2] There are any number of prohibited narcotics or other substances that are banned or restricted by federal law, whether or not they have potential medical applications. Under basic principles of federal supremacy, the HCFA has no effect on federal restrictions.

Franklin County Ohio Court of Appeals Clerk of Courts- 2024 Aug 13 3:31 PM-24AP000483

regulation of such acts would generally qualify as punishing "wrongdoing in the health care industry." *See* Art. I Sec. 21(D). The Government paints an apocalyptic picture of "amputation of a healthy body part," "lobotomies-for-payment," or "electroshock therapy for minors," but *even if* those things were "health care," they would surely constitute (at minimum) negligence, malpractice, and/or the unlicensed practice of medicine. A physician or other person who commits harm in that manner would still be liable for misconduct. *See, e.g.*, *Estate of Hall v. Akron Gen. Med. Ctr.*, 2010-Ohio-1041, ¶ 21 (medical malpractice plaintiff may recover upon demonstrating an injury that "was the direct and proximate result of the physician's failure to use ordinary skill, care, and diligence").

This Court need not resolve every scenario in advance, nor must it devise a universal definition of "health care" or "wrongdoing" that would resolve any outlandish hypothetical the Government can concoct. That is because, again, this is not an edge case that tests the boundaries of those terms. *See State ex rel. Parisi v. Dayton Bar Ass'n Certified Grievance Committee*, 2019-Ohio-5157, ¶ 48 (noting "the cardinal principle of judicial restraint—if it is not necessary to decide more, it is necessary not

Franklin County Ohio Court of Appeals Clerk of Courts- 2024 Aug 13 3:31 PM-24AP000483

to decide more") (internal citation omitted). The operative question under the HCFA is not whether this Court endorses gender-affirming care or any other form of health care, either generally or in a particular patient's case. *See, e.g.*, *District of Columbia v. Heller*, 554 U.S. 570, 636 (2008) ("what is not debatable is that it is not the role of this Court" to ignore constitutional text). The only questions are whether gender-affirming care is "health care" at all, and whether H.B. 68 prohibits or penalizes it. The Government has already conceded these points.

IV. The Scope of the Constitutional Violation Requires a Broad Injunction

If H.B. 68 is facially unconstitutional because it violates the single-subject rule or the HCFA—which it does—then the appropriate remedy, even on an injunction pending appeal, is to enjoin the law as it applies to anyone. "If a law that is facially unconstitutional may not be applied to an individual, then it may not be applied to anyone else." *State ex rel. Yost v. Holbrook*, 2024-Ohio-1936, ¶ 26 (Brunner, J., concurring). If a law facially violates the single-subject rule, "the enactment would be unconstitutional as applied to everyone." *Id.* ¶ 14 (citing *Wymslo v.*

Franklin County Ohio Court of Appeals Clerk of Courts- 2024 Aug 13 3:31 PM-24AP000483

Bartec, Inc., 2012-Ohio-2187, ¶ 21 ("If a statute is unconstitutional on its face, the statute may not be enforced under any circumstances.")). "It is ludicrous to urge…that the effects…[of] orders concerning the facial constitutionality of legislation might be limited to only the parties seeking the order." *Id.* ¶ 15.

Enjoining H.B. 68 pending appeal will appropriately prevent the Government from enforcing an unconstitutionally enacted law. It is also necessary to address the immediate and irreparable harm that the Appellants will suffer in the interim. *See supra* pp. 4-6. With respect to the Government's arguments regarding athletics, Opp. at 39, Appellants do not ask this Court to compel Ohio High School Athletic Association to do anything at all, but only to rule that H.B. 68 is not enforceable during the appellate process.

CONCLUSION

For the foregoing reasons, Appellants respectfully request that this Court restore and/or grant an injunction pending appeal against H.B. 68's enforcement.

0A574 - W96

Respectfully submitted,

/s/ Freda J. Levenson

Freda J. Levenson (45916)
Counsel of Record
Amy Gilbert (100887)
ACLU OF OHIO FOUNDATION, INC.
4506 Chester Avenue
Cleveland, Ohio 44103
Levenson: (216) 541-1376
Office: (614) 586-1972
flevenson@acluohio.org
agilbert@acluohio.org

David J. Carey (88787)
Carlen Zhang-D'Souza (93079)
ACLU OF OHIO FOUNDATION, INC.
1108 City Park Ave., Ste. 203
Columbus, Ohio 43206
(614) 586-1972
dcarey@acluohio.org
czhangdsouza@acluohio.org

Chase Strangio*
Harper Seldin*
Leslie Cooper*
AMERICAN CIVIL LIBERTIES UNION FOUNDATION
125 Broad Street, Floor 18
New York, NY 10004
(212) 549-2500
cstrangio@aclu.org
hseldin@aclu.org
lcooper@aclu.org

Miranda Hooker*
Jordan Bock*
GOODWIN PROCTER LLP
100 Northern Avenue
Boston, MA 02210
(617) 570-1000
mhooker@goodwinlaw.com
kmcguinness@goodwinlaw.com
jbock@goodwinlaw.com

**Motion for permission to appear pro hac vice forthcoming*

Counsel for Appellants

Franklin County Ohio Court of Appeals Clerk of Courts- 2024 Aug 13 3:31 PM-24AP000483

CERTIFICATE OF SERVICE

I hereby certify that on August 13, 2024, the foregoing was electronically filed via the Court's e-filing system. I further certify that a copy of the foregoing was served by email upon the following:

Thomas.Gaiser@OhioAGO.gov
Erik.Clark@OhioAGO.gov
Amanda.Narog@OhioAGO.gov
Stephen.Carney@OhioAGO.gov

/s/ Freda J. Levenson
Counsel for Appellants

Franklin County Ohio Court of Appeals Clerk of Courts- 2024 Aug 13 3:31 PM-24AP000483