

In the
Supreme Court of Ohio

STATE EX REL. CENTER FOR MEDIA : Case No. 2023-0270
AND DEMOCRACY, ET AL., :
: On appeal from the
Appellees, : Franklin County
: Court of Appeals,
v. : Tenth Appellate District
: Court of Appeals
THE OFFICE OF ATTORNEY : Case No. 20AP-554
GENERAL DAVID YOST, :
: Appellant.

REPLY BRIEF OF APPELLANT

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INTRODUCTION

Armiak's entire response brief rests on a false premise and addresses the wrong issues. (This reply refers collectively to Armiak and his co-appellee as "Armiak.") The false premise is this: Armiak mistakenly thinks the Attorney General's Office is arguing that *no* document relating to the Republican Attorneys General Association or the Rule of Law Defense Fund is a public record. That is not the Office's position. Instead, the Office believes that *some* such documents are not public records. Indeed, the Office has already turned over some documents relating to the Association or the Fund, and why it has no objection to *in camera* review of others.

In any event, that false premise has little to do with the issue in this appeal. Recall that Armiak filed this suit hoping to obtain documents in the possession of the Attorney General or his chief of staff that relate to the Association or the Fund. The question at this stage is *not* whether any such documents are public records. Instead, the question is whether, in this mine-run dispute about records held by two individuals, the Tenth District erred by approving an overbroad, abusive discovery order. The order in question requires the Attorney General to sit for a deposition; it requires the Attorney General's Office to provide Armiak with information to which he would not be entitled *even if he prevailed* on the merits; and it requires the entire Office to spend hours (perhaps days) searching their official and personal emails for communications with no conceivable bearing on the public-records suit.

The Tenth District erred by approving the order. It violates Civil Rule 26, which limits discovery to information “*relevant* to any party’s claim or defense and *proportional* to the needs of the case.” Ohio Civ. R. 26(B)(1) (emphasis added). In addition, it creates constitutional problems by using a court-made rule to expand substantive rights, *see* Ohio Const. art. IV, §5(B), and by interfering with the operation of the executive branch to such a degree that it violates the separation of powers. Rather than engaging with these arguments, Armiak dedicates great energy to impugning the integrity of the Office, its lawyers, and the *amici*. He also makes bold claims about the Association, the Fund, and their relationship to the Office—claims for which Armiak lacks support, and that have no bearing at all on the narrow discovery question presented.

Because the Tenth District erred in approving the discovery order at issue, the Court should reverse the order and remand with instructions to proceed consistent with this Court’s decision.

ARGUMENT

Armiak’s response brief makes no new arguments about the threshold question regarding this Court’s jurisdiction. The Attorney General’s Office already explained that the Court has jurisdiction under the interlocutory-appeal statute because the discovery order is a final “provisional remedy” with effects that cannot be reversed once carried out. *See* R.C. 2505.02; AG Br.9–16. So this reply brief will not further address that

argument. Instead, this brief will review the problems with the Tenth District’s discovery order before rebutting Armiak’s attempts to defend the order.

I. The Tenth District’s order authorizes irrelevant, disproportionate discovery that threatens the separation of powers.

The Tenth District approved two categories of discovery relevant to this appeal: written discovery and a deposition. This reply addresses each category in turn.

A. Start with the written discovery, which includes both interrogatories and production requests. The Tenth District ordered the Office to answer three interrogatories relevant here. One demands the identity of “every person” in the Office from 2019–2021 who communicated with “other Republican state attorneys generals [sic] ... seeking cooperation” or “participation in litigation.” *State ex rel. Ctr. for Media & Democracy v. Attorney General*, 2023-Ohio-364 ¶13 (10th Dist.) (“App.Op.”) (quoting interrogatory). Another requests a list of all events hosted by the Association or the Fund that anyone in the Attorney General’s Office attended. *See id.* ¶72 (Magistrate’s Order). The third demands information about records of the Office in which the Association or Fund had any involvement. *Id.*

The Tenth District also approved requests for production that would compel every lawyer in the Office to slog through tens of thousands of case files to track down the innumerable instances in which they communicated with any lawyer who worked for an out-of-state attorney general’s office run by a Republican. These same lawyers will also be forced to search their personal email accounts for such communications.

The order is illegal. Civil Rule 26 entitles parties to “discovery regarding any nonprivileged matter that is *relevant* to any party’s claim or defense and *proportional* to the needs of the case.” Ohio Civ. R. 26(B)(1) (emphasis added). The discovery order complies with neither the relevance nor the proportionality requirements.

Start with relevance. Information is relevant at the “discovery stage” if it might “reasonably lead to the discovery of admissible evidence.” *Weckel v. Cole + Russell Architects*, 2013-Ohio-2718 ¶23 (1st Dist.). This case concerns a very narrow public-records request. Armiak sought records in the possession of two people (the Attorney General and his chief of staff) relating to two organizations (the Association and the Fund). Because Armiak hopes to force the disclosure of *those* records, evidence is relevant only insofar as it might lead to discovery of *those* records. But the order here is not directed at obtaining those records—it is instead directed at reams of other evidence with no conceivable bearing on the question whether the Office improperly withheld the limited categories of documents that Armiak requested.

Even if the Tenth District’s order could clear the relevance hurdle, it would stumble on the proportionality requirement. As just explained, almost none of the information the discovery order requires the Office to produce will have any bearing on the discrete legal issues posed. What is more, the order will enable Armiak to obtain information to which he would have no legal right *even if he were to prevail* in proving a public-records violation. The Public Records Act entitles citizens to obtain records, not to demand

answers to “questions.” *State ex rel. Gregory v. Toledo*, ___ Ohio St. 3d ___, 2023-Ohio-651 ¶¶2, 6. Yet the interrogatories enable Armiak to demand answers to questions. Similarly, the Act gives citizens no right to demand “information” generally—they can obtain only “specific records.” *State ex rel. Lanham v. Ohio Adult Parole Auth.*, 80 Ohio St. 3d 425, 427 (1997). Yet the order here will give Armiak access to materials that do not even arguably qualify as public documents, since they do not even arguably “document the organization, functions, policies, decisions, procedures, operations, or other activities of the office.” R.C. 149.011(G).

Because the discovery rulings require the Office to spend hundreds (likely thousands) of hours looking for irrelevant information to which Armiak would have no legal entitlement even if he were to prevail on the merits, and because this would distract the Office from performing its important public functions, the order here is not “proportional to the needs of the case.” Ohio Civ. R. 26(B)(1).

The Tenth District’s order not only violates Rule 26, it puts the Rule on a collision course with the Constitution. As just discussed, the Tenth District’s order guarantees Armiak “all the disclosure to which [he] would be entitled” if he prevailed on the merits “and much more besides.” *Cheney v. U.S. Dist. Ct. for D.C.*, 542 U.S. 367, 388 (2004). That presents a problem under the Modern Courts Amendment, which forbids court-issued rules of procedure from “enlarg[ing] ... any substantive right.” Ohio Const. art. IV, §5(B).

If Rule 26 were interpreted as requiring the production of records to which parties have no right under the Public Records Act, it would violate the Amendment.

Further, because the discovery demands here are onerous, they raise serious separation-of-powers concerns. “The separation-of-powers doctrine requires that each branch of government be permitted to exercise its constitutional duties without interference from the other two branches of government.” *State ex rel. Dann v. Taft*, 109 Ohio St. 3d 364, 2006-Ohio-1825 ¶56. That principle is not consistent with allowing courts to order executive-branch officials and offices to spend thousands of hours producing largely irrelevant evidence to which an opposing party has no legal right. Were the Court to sign off on such orders, there is little doubt “partisans” would seek “discovery” in order “to harangue” and distract “executive officers” with whom they disagree. *Dep’t of Commerce v. New York*, 139 S. Ct. 2551, 2583–84 (2019) (Thomas, J., concurring in part and dissenting in part). The business of government would grind to a halt.

B. The Tenth District also approved an order compelling Attorney General Yost to sit for a deposition. It did so notwithstanding cases forbidding parties from deposing “high-ranking government officials” except in “extraordinary circumstances,” *State ex rel. Summit Cnty. Republican Party Exec. Comm. v. Brunner*, 117 Ohio St. 3d 1210, 2008-Ohio-1035 ¶3. No such circumstances attend this case, which turns on the legal question whether various documents are public records. That question is easily answered by

applying the Public Records Act to the already-conducted depositions and document production (and the *in camera* submissions).

Here too, the Tenth District's order gives rise to a serious separation-of-powers problem. Again, the separation of powers protects the executive branch from "interference from the other two branches of government." *Dann*, 109 Ohio St. 3d 364 at ¶56. One way a court avoids such interference is by tailoring the "the timing and scope of discovery," *Clinton v. Jones*, 520 U.S. 681, 707 (1997), to shield the executive branch from "vexatious litigation that might distract it from the energetic performance of its constitutional duties." *Cheney*, 542 U.S. at 382; *see also Clinton* 520 U.S. at 711 (Breyer, J., concurring in judgment). The option to depose constitutional officials will no doubt encourage vexatious litigation by opportunistic parties, interfering with officials' abilities to discharge their duties. That insight led the United States Court of Appeals for the Tenth Circuit to block the personal deposition of the Utah Attorney General. *In re Office of the Utah Att'y Gen.*, 56 F.4th 1254, 1261–62 (10th Cir. 2022). This Court should follow that court's lead.

II. Armiak cannot defend the Tenth District's decision below.

Armiak correctly identifies the legal issue on which the underlying records case turns, but misapprehends that issue's relation to the ordered discovery. The "core issue" in this lawsuit is "whether or not documents reflecting interactions" between the Attorney General, his chief of staff, and two private organizations "relate to the public functions of the office." Armiak Br.1. But the core issue *in this appeal* is whether the order

below validly facilitates discovery pertaining to those issues. On that issue, Armiak has much less to say.

A. The order for written discovery was improper.

One half of the Tenth District's order authorizes breathtaking written discovery. For the reasons laid out above and in the Office's opening brief, the Tenth District's order violates Rule 26 and the Modern Courts Amendment because it requires the Office to engage in irrelevant and disproportionate discovery. *See* AG Br.33–39.

Armiak purports to disagree, but spends most of his time tackling strawmen. He first insists that discovery is available in public-records disputes. Armiak Br.8. True, and the Office never argued otherwise. Instead, the Office argued that a discovery order is not “proportional” under Rule 26 when it allows the relator to obtain the very disclosure to which he would be entitled were he to prevail on the merits. AG Br.19. The rather obvious proposition that parties should not be allowed to use discovery as a way of circumventing the need to succeed on the merits under the Public Records Act finds support in cases evaluating the similar problem in federal records litigation. *See, e.g., Tax Analysts v. IRS*, 410 F.3d 715, 722 (D.C. Cir. 2005); *Lawyers' Comm. for Civil Rights of S.F. Bay Area v. U.S. Dep't of the Treas.*, 534 F. Supp. 2d 1126, 1137 (N.D. Cal. 2008). The point is not that public-records cases prohibit all discovery, *contra* Armiak Br.8, but rather that discovery in public-records cases must be tailored so that it does not moot the controversy over what records a public office must release. But that leaves plenty of room for discovery

about how and what the public office searched, what criteria it applied to decide whether something was a record, and what kinds of records the office retained. *See, e.g., Heily v. U.S. Dep't of Commerce*, 69 F. App'x 171, 174 (4th Cir. 2003) (explaining scope of discovery in a federal public-records case).

Armiak next objects that the Office's arguments are "premised on" a "contested definition" of records. Armiak Br.9 n.4. Not so. The Office has argued that the broad discovery the Tenth District ordered is neither relevant to, nor a proportional response to answering, the narrow question whether the sought-after documents in the possession of the Attorney General and his chief of staff are "public records." To the contrary, the existing discovery and *in camera* submissions would give the Tenth District all it needs to determine whether any disputed records are subject to disclosure under the Public Records Act. Because the Tenth District can define what interactions between an official and a private organization generate public records without deposing the Attorney General or burdening his Office with top-to-bottom written discovery, the ordered discovery fails Rule 26's proportionality requirement.

Armiak additionally claims that the discovery order is "carefully targeted." Armiak Br.11; *id.* at 12, 13. But the order is targeted with all the care of a carpet bombing. The order requires every attorney in the Office to hunt for any communications they might have had with an attorney in an office with a Republican at the helm. *See App.Op.* ¶¶14, 29, 78 (Magistrate's Order). And the order requires a search of attorneys' emails

for invitations to private events—that is, for events that are not official activities. *See id.* The Office will also apparently need to search attorneys’ official *and personal* email accounts for that information. *See id.* at ¶¶ 14, 30, 38 36, 77 (Magistrate’s Order).

Then there is the constitutional problem: if Rule 26 really authorizes this broad order, it is unconstitutional under the Modern Courts Amendment. Armiak responds by tackling another strawman. Armiak Br.13. He notes that parties often obtain through discovery evidence to which they have no freestanding right; “no one,” he says, would think twice about a court ordering production of an employee’s personnel file in an employment-discrimination suit. *Id.* It is of course true that all discovery enables litigants to obtain information to which they would otherwise lack access. But the Public Records Act specifically defines the substantive right to access materials in the government’s possession. An order requiring the government to produce non-records thus “enlarg[es]” a “substantive right,” violating the Modern Courts Amendment. Ohio Const. art. IV, §5(B). The discrimination suit Armiak hypothesizes implicates no analogous enlargement. The better analogy would be to a court order compelling a hospital to turn over the records of a peer-review committee despite a statute shielding such records. R.C. 2305.252. That order would violate the Modern Courts Amendment. Courts may not use court-issued rules of procedure to “grant access to public records ... denied by” a statute. *State ex rel. Ware v. Kurt*, 169 Ohio St. 3d 223, 2022-Ohio-1627 ¶52 (Kennedy, J., concurring in part and dissenting in part).

Perhaps sensing these problems, Armiak suggests (but never quite argues) that the Office forfeited its constitutional concerns by failing to raise them below. *See* Armiak Br.8. Armiak is wrong. First, the Office did argue below that an order along the lines Armiak sought would intrude on executive-branch functions. *See* R.83, Opp. to Mot. to Compel 1. Second, while the Office did not raise the Modern Courts Amendment theory as a separate ground for relief, it raises the issue now to highlight the fact that Armiak’s reading of Rule 26 would jeopardize the Rule’s constitutionality. The Court has never held, as far as the Office can tell, that parties can force the Court to ignore constitutional problems that would result from affirming a lower court’s decision. Third, and most important of all, once a claim or defense “is properly presented, a party can make any argument in support of that claim; parties are not limited to the precise arguments they made below.” *Phoenix Lighting Grp., LLC v. Genlyte Thomas Grp., LLC*, 160 Ohio St. 3d 32, 2020-Ohio-1056 ¶21 (quoting *Yee v. Escondido*, 503 U.S. 519, 534 (1992)). In fact, offering “a new argument or case citation in support of a position advanced in the district court is permissible—and often advisable.” *Id.* (quoting *Sec’y, U. S. Dep’t of Labor v. Preston*, 873 F.3d 877, 883 n.5 (11th Cir. 2017)). Here, the Office notes the constitutional problems only to support its (undoubtedly preserved) defense that the Tenth District exceeded its lawful authority by permitting the challenged discovery.

Armiak is equally dismissive of the burdensome nature of the challenged order. As he sees it, “one email” to the Attorney General’s staff could narrow the document

search to a “select handful” of those who participated in “Republican-only multi-state efforts.” Armiak Br.15. The Attorney General has already detailed the inaccuracies of the assumptions in that statement. There are no “select” staff who work on multi-state issues. And nearly all substantive areas the Attorney General’s Office handles can involve multi-state work. That work, of course, is not arranged by whether the multi-state facet of any project or litigation is “Republican-only.” So the only way to comply with the Tenth District’s discovery order is to have every staff member review every project in the Office over the entire timeframe of the request. And again, the order requires searches of each staff member’s *private* email accounts. *See* App.Op. ¶¶14, 30, 38, 77 (Magistrate’s Op.).

At one point, Armiak offers an example of the kinds of activity he thinks the Attorney General’s Office is trying to conceal. He hypothesizes a privately orchestrated “multi-state strategy for opposing enforcement of the Clean Air Act.” Armiak Br.10. That both slanders the Attorney General’s enforcement of laws protecting clean air, *see, e.g., State ex rel. Yost v. Volkswagen Aktiengesellschaft*, 165 Ohio St. 3d 213, 2021-Ohio-2121, and misunderstands how the Attorney General’s Office collaborates with other States. When the Attorney General’s Office collaborates about an *amicus* brief or similar filing, it does so through staff using the Office’s official email. (This case provides one such example. *See below* at 16–17.) The Office produces all such emails, provided they are not covered by some privilege (often they are not).

B. The order requiring Attorney General Yost to sit for a deposition was improper.

The other half of the Tenth District’s order compels Attorney General Yost to sit for a deposition in this mine-run public-records case. That order invades the separation of powers and is wholly unnecessary to answer any legal questions concerning whether documents are “public records” subject to the Public Records Act. And the order is also improper under the four-step framework from *Brunner*, 117 Ohio St. 3d 1210, which everyone agrees governs this dispute. That framework requires weighing “the necessity to depose or examine an executive official” against four factors. *Id.* ¶4 (quotation omitted). None of those factors favors Armiak, and together they cannot justify the ordered deposition.

1. The first *Brunner* factor involves “the substantiality of the case.” *Id.* ¶4 (quotation omitted). The Tenth District seemed to think that all public-records cases are substantial. App.Op. ¶¶41–42. That determination is indefensible, *see* AG Br. 40, and Armiak does not defend it. Indeed, Armiak says the Tenth District did not say what it said. Armiak Br.16–17. (On that point, this brief will simply refer the reader to the Tenth District’s opinion, *see* App.Op. ¶¶41–42, and trust the reader to draw his or her own conclusions.)

Armiak tries to salvage his argument on this factor by claiming that the case asks whether an Ohio official may “conceal” documents related to an organization that “claim[s] to have a direct role in the official policy decisions” of a public office. Armiak

Br.18. But that is *not* what this case is about. Everyone agrees that Armiak has legal rights to the documents if they qualify as “public records.” In other words, no one is contending that the Attorney General or his Office may “conceal” public records. The question is whether certain documents in the possession of two individuals—the Attorney General and his chief of staff—are public records subject to the Public Records Act. That is a “straightforward legal question” —the same question that arises in every single public-records dispute. App.Op. ¶55 (Klatt, J., dissenting). A legal question that arises in every single public-records case cannot qualify as “substantial” under *Brunner* unless the first *Brunner* factor is to be robbed of all significance.

2. The second *Brunner* factor turns on “the degree to which the witness has first-hand knowledge or direct involvement” concerning the facts at issue. 117 Ohio St. 3d 1210 at ¶4. That factor is not satisfied here, because the question whether the disputed documents are “public records” is a *legal* question, not a fact on which the Attorney General or anyone else could have “first-hand knowledge or direct involvement.” *Id.* Further, it is “*uncontested*” that “the attorney general lacks firsthand knowledge of the public records request and lacks firsthand knowledge of how his staff conducted the search for potential responsive documents.” App.Op. ¶56 (Klatt, J., dissenting) (emphasis added). “Nor was the attorney general involved in the determinations of what documents were or were not deemed public records.” *Id.*

Rather than addressing any of these problems, Armiak insists that the Attorney General must be hiding something, and that a deposition would help bring this to light. Armiak Br.20–22. A relator could make the same unfounded accusation in literally every public-records case. Thus, such accusations cannot be enough to constitute the sort of “extraordinary circumstances” that might justify the deposition of a constitutional officer. *Brunner*, 117 Ohio St. 3d 1210 ¶3.

3. The third factor requires considering “the probable length of the deposition and the effect on government business.” *Id.* ¶4. Allowing this deposition would set a precedent under which public-records litigants will almost always be permitted to force a deposition. That threatens to have a seriously deleterious “effect on government business.” *Id.* The Public Records Act governs state and municipal government alike. (According to some, it also covers courts.) If a public-records lawsuit opens the door to deposing an elected officeholder to ask whether any of the officeholder’s campaign or private actions are instead official business, no elected official in Ohio could avoid a deposition. Instead, they would be deposed almost continually. A requester will always be able to posit that a fundraising dinner, a roundtable, or a personal meeting included some public business. Therefore, in Armiak’s world, there is only one way to resolve speculation-driven doubt about whether private meetings are really official business: deposing the officeholder. If this Court affirms, what gadfly will resist filing suit as an entrée to deposing an official he dislikes? *See Dep’t of Commerce*, 139 S. Ct. at 2583–84 (2019) (Thomas, J., concurring in

part and dissenting in part). So the third factor also militates against ordering the Attorney General's deposition.

4. The fourth *Brunner* factor, which asks "whether less onerous discovery procedures" are available to "provide the information sought," nails shut the coffin on this matter. 117 Ohio St. 3d 1210 at ¶4. For one thing, between this and another related case, Armiak has already deposed six staff members, including three members of the Attorney General's senior staff. Armiak may not like the answers he received, which show no shadowy conspiracy, but he has had unprecedented access to the Attorney General's Office already. In light of the already-completed discovery, any doubts the Tenth District has about full compliance may be resolved through *in camera* review. Armiak has not, and could not, explain why these less-onerous options are insufficient.

5. Armiak's closes his discussion of the need for the Attorney General's deposition by impugning the *amici* States' integrity. It is "[i]nexplicable," he says, that Utah and the other *amici* States would file a brief unless they feared what the Attorney General might say in a deposition. Armiak Br.24. Utah's filing, Armiak intimates, must be the result of some orchestrated plot. And the presence of such a conspiracy "underscores the importance of the transparency concerns at issue below." *Id.* (capitalization omitted).

Armiak provides no support for this tinfoil-hat conspiracy. Nor could he, because Utah's brief is far from inexplicable. Ohio's Solicitor General considers Utah Solicitor General, Melissa Holyoak, to be among the best solicitors general in the country. For that

reason, he often collaborates with her. *See, e.g.,* Br. of *Amici Curiae* States of Ohio, Utah, *et al., Everglades College v. Cardona*, No. 22A867, 2023 WL 2938218 (U.S., Apr. 6, 2023); Br. of *Amici Curiae* States of Utah, Ohio, *et al., Dep't of Educ. v. Brown*, No. 22-535, 2023 WL 1829155 (U.S., Feb. 3, 2023); Br. of *Amici Curiae* States of Utah, Ohio, *et al., Biden v. Nebraska*, No. 22-506, 2023 WL 1829058 (U.S., Feb. 3, 2023); Br. of *Amici Curiae* States of Utah, Ohio, *et al., Gallardo v. Marsteller*, No. 20-1263, 2021 WL 5604965 (U.S., Nov. 22, 2021). Ms. Holyoak had recently litigated, successfully, a federal case in which a party alleging a retaliatory firing sought to depose the Utah Attorney General. *See In re Office of the Utah Att'y Gen.*, 56 F.4th at 1255. Ohio's Solicitor General knew of Ms. Holyoak's experience in that case, which presented similar issues to this one. So he reached out to her, asking if she would be interested in filing a brief in this case. Ms. Holyoak agreed. Counsel for the Office then sent her a copy of the decision below and information about filing. A copy of that email is attached to this brief.

As this example indicates, there is no grand conspiracy as Armiak suggests. To demand that the Attorney General prove that negative through discovery is to demand the impossible.

* * *

Take a step back. The question driving the underlying case is whether records about a public official's interaction with a political-advocacy organization is a public record. In most cases, the answer is "no." If a member of the General Assembly speaks to

the AFL-CIO, or the Secretary of State speaks to the Ohio Teachers Association, or a judge speaks to the ACLU, none of those interactions would transform the communications between the public official and the private organization into public records. To be sure, there are intersections between the Ohio Attorney General's Office and private entities that are public records. For example, when a news summary from the Republican Attorneys General Association caught Attorney General Yost's eye, he emailed a senior staffer to discuss it. That email has already been produced in this litigation. But there is nothing more to produce. And to prove the point, the Attorney General's Office has submitted *in camera* a set of documents that it does not believe are records of the Office, but that nonetheless are close enough to the line for a judicial eye to confirm. Whatever the answer, the Tenth District can easily define what interactions do and do not count without commanding Attorney General Yost to prepare and sit for an interrogation, and without directing his staff to scour the office for irrelevant records.

CONCLUSION

The Court should vacate the discovery order in this case and remand.

Respectfully submitted,

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/s Benjamin M. Flowers

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Reply Brief of Appellant was served by email
this 30th day of June, 2023 upon the following:

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/s Benjamin M. Flowers
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ATTACHMENT

From: [Melissa Holyoak](#)
To: [Michael Hendershot](#)
Cc: [Benjamin Flowers](#)
Subject: RE: Amicus in Ohio case ordering AG deposition (Center for Media and Democracy)
Date: Tuesday, March 07, 2023 12:33:58 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Sounds good. Thanks!

From: Michael Hendershot <Michael.Hendershot@OhioAGO.gov>
Sent: Monday, March 6, 2023 9:55 AM
To: Melissa Holyoak <melissaholyoak@agutah.gov>
Cc: Benjamin Flowers <Benjamin.Flowers@OhioAGO.gov>
Subject: Amicus in Ohio case ordering AG deposition (Center for Media and Democracy)

Melissa,

Thanks so much for your support. Here is the underlying order. As Ben mentioned, we do not have a due date yet (waiting for the record to be filed), but it will likely fall in mid to later April.

Best,



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