

IN THE COURT OF COMMON PLEAS
STARK COUNTY, OHIO

<p>DEBORAH L. CAIN 12896 Sunset Cir. NW Uniontown, Ohio 44685-9168</p> <p>and</p> <p>ANDREW J. DILIDDO, JR. 3133 Cloverhurst St. NE Canton, Ohio 44721-2780</p> <p>Plaintiffs,</p> <p>vs.</p> <p>CHRISTINA HAGAN 10418 Beeson St. NE Alliance, OH 44601-9757</p> <p>Defendant.</p>	<p>Case No.:</p> <p>Judge:</p>
<p>VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF</p>	

I.
NATURE OF THE ACTION

1. In this action, Plaintiffs Deborah Cain and Andrew J. DiLiddo—both residents of Ohio’s 50th State House District—seek declaratory and injunctive relief against their State Representative, Defendant Christina Hagan. Hagan is an Electoral College member who is about to cast an illegal vote for Donald J. Trump in contravention of Ohio Constitution, Article II, Section 4. That provision bars an Ohio General Assembly member from also serving as a federal or other state public

official—unless that member resigns from her assembly seat. The Ohio Supreme Court has held that the office of Ohio presidential elector is a state office. Hagan would thus be violating Ohio’s Constitution and acting illegally to vote in the Electoral College.

II. PARTIES

2. Defendant Christina Hagan currently represents Ohio’s 50th House district in the Ohio General Assembly’s House of Representatives. She was appointed to her seat in 2011 and was recently reelected on November 8, 2016. She has not resigned.

3. Plaintiff Deborah L. Cain, is a resident of Uniontown, Ohio and a Hagan constituent residing in the 50th district.

4. Plaintiff Andrew J. DiLiddo, Jr., is a resident of Canton, Ohio and a Hagan constituent also living in the 50th district.

5. Both Cain and DiLiddo—as well as all other 50th District residents—are entitled to representation by a representative who is not violating Ohio’s Constitution by holding multiple public offices. Both Cain and DiLiddo are registered voters in Stark County.

III. JURISDICTION AND VENUE

6. The Court has original jurisdiction under R.C. 2305.01.

7. Venue is proper under Ohio Civ. R. 3(B) because Defendant Christina Hagan resides in Stark County, as do Plaintiffs Deborah Cain and Andrew DiLiddo, Jr.

IV. FACTUAL ALLEGATIONS

8. On December 1, 2016, the office Ohio Secretary of State, Jon A. Husted ascertained that State Representative Christina Hagan had been voted as a presidential elector for Republican Party nominee, Donald J. Trump. Governor John Kasich certified this on December 7, 2016. (See attached Certificate of Ascertainment.)

9. Unless enjoined, Defendant Hagan on December 19, 2016 will meet in the state capitol to fulfill her duties as a presidential elector and vote for the Republican Nominee, Donald J. Trump, for President of the United States under R.C. 3505.40.

10. The Ohio Constitution in relevant part prohibits members of the General Assembly from serving in other public offices:

II.04 Eligibility

No member of the general assembly shall, during the term for which he was elected, unless during such term he resigns therefrom, hold any public office under the United States, or this state, or a political subdivision thereof; but this provision does not extend to officers of a political party, notaries public, or officers of the militia or of the United States armed forces.

11. The Supreme Court of Ohio has held that “the office of presidential elector is a state office...” *State ex rel. Beck v. Hummel*, 150 Ohio St. 127, 147, 80 N.E.2d 899 (1948).

12. By serving as a presidential elector without resigning her office as a General Assembly member, Defendant Hagan is violating Ohio’s Constitution and her duties to her constituents. And she is violating her oath of office to “support... the Constitution of the State of Ohio, and faithfully... discharge and perform all of the duties incumbent upon me as a member of the Ohio House of Representatives”—duties that include not serving in other public offices.

**VI.
CLAIMS**

**CLAIM 1:
VIOLATION OF OHIO CONSTITUTION, ARTICLE II, SECTION 4**

13. Plaintiffs incorporate all previous allegations.

14. Plaintiffs assert this claim against Defendant Hagan.

15. Defendant Hagan has been selected as a presidential elector and, unless enjoined, on December 19, 2016 will vote for president and vice president.

16. Under the relevant part of Ohio Constitution, Article II, Section 4, “No member of the general assembly shall, during the term for which [s]he was elected, unless during such term [s]he resigns therefrom, hold any public office under the United States, or this state, or a political subdivision thereof...”

17. Defendant Hagan's conduct directly violates the Ohio Constitution. She is barred from serving as a presidential elector unless she first resigns as a General Assembly member.

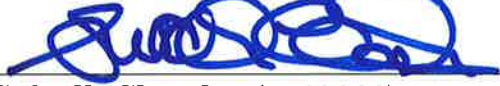
**VII.
PRAYER FOR RELIEF**

Plaintiffs request that this Court provide the following relief:

- (1) An injunction barring Defendant from serving as a presidential elector and from taking any action as a presidential elector, including participating in any meeting with the state's presidential electors for the purpose of discharging the duties imposed on them by the United States Constitution and Ohio law, or voting as a presidential elector— unless she first resigns as a member of the General Assembly,
- (2) A declaratory judgment that Defendant's conduct in serving as a presidential elector is unconstitutional;
- (3) Attorneys' fees and costs incurred for holding Defendant Hagan accountable for her unconstitutional acts.
- (4) Such other relief as this Court deems just and proper.

Respectfully submitted,

THE CHANDRA LAW FIRM, LLC



Subodh Chandra (0069233)

Donald Screen (00440770)

Sandhya Gupta (0086052)

Patrick Haney (0092333)

Marvin Brown IV (0096128)

1265 W. 6th St., Suite 400

Cleveland, OH 44113.1326

216.578.1700 Phone

216.578.1800 Fax

Subodh.Chandra@ChandraLaw.com

Donald.Screen@ChandraLaw.com

Sandhya.Gupta@ChandraLaw.com

Patrick.Haney@ChandraLaw.com

Marvin.Brown@ChandraLaw.com

*Attorneys for Plaintiffs Deborah L. Cain and
Andrew J. DiLiddo, Jr.*

Verifications

Under oath, I verify the above to be true and accurate to the best of my own knowledge, information, and belief.


Deborah L. Cain 12/17/16
Deborah L. Cain Date

State of Ohio

County of SUMMIT

Sworn to and subscribed before me on DECEMBER 17, 2016

at AKRON, Ohio.



(Signature of Notary Public)

(Notary Public Seal)

SUBODH CHANDRA

(Printed Name of Notary Public)

Notary Public, State of Ohio

My commission expires on (NEVER EXPIRES)

Under oath, I verify the above to be true and accurate to the best of my own knowledge, information, and belief.

Andrew J. DiLiddo, Jr. 12-17-2016
Andrew J. DiLiddo, Jr. Date

State of Ohio

County of ~~COLUMBIA~~ SUMMIT

Sworn to and subscribed before me on DECEMBER 17, 2016

at ~~FERRIS~~ AKRON, Ohio.



(Signature of Notary Public)

(Notary Public Seal)

SUBODH CHANDRA

(Printed Name of Notary Public)

Notary Public, State of Ohio

My commission expires on (NEVER EXPIRES)

Certificate of Service

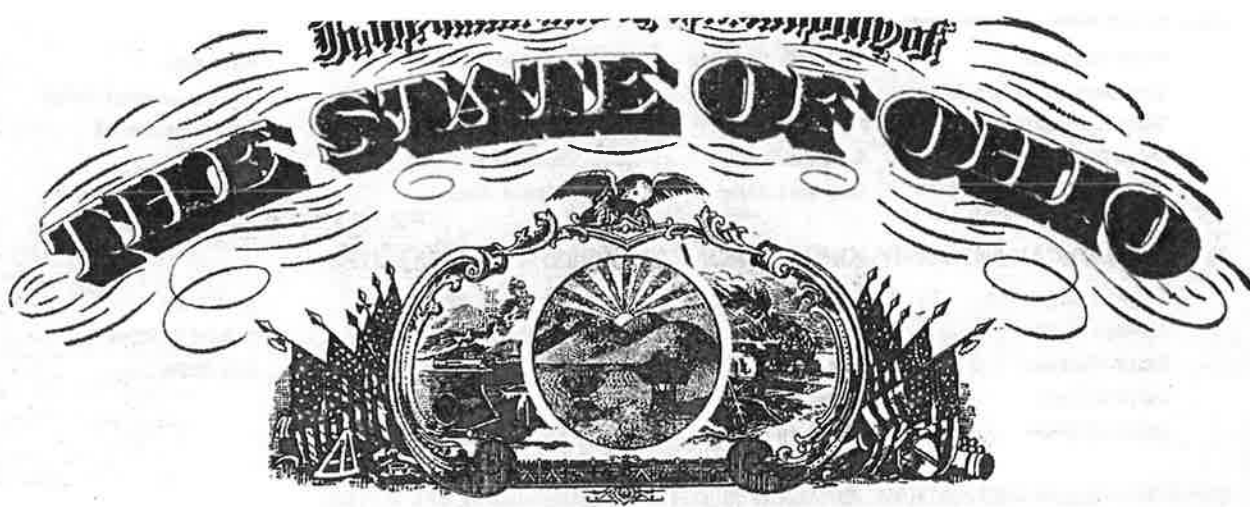
To the Clerk of Courts:

Please serve the Complaint and accompanying exhibit at the addresses listed above, making return according to law.

I certify that for purposes of providing timely notice about this Complaint and the accompanying Motion for Temporary Restraining Order, my office effected service by email to Rep50@OhioHouse.gov, the email address on Hagan's website, and Hagan4Ohio@gmail.com, her personal email address.



Subodh Chandra
One of the attorneys for Plaintiffs



JOHN KASICH
Governor of said State

To all to whom these Presents shall come, Greeting:

Certificate of Ascertainment

Pursuant to the act of Congress approved June Twenty-Fifth, 1948, and amended October Thirty-First, 1951, October Fourth, 1961, and October Nineteenth, 1984, entitled "An act to fix the day for the meeting of the Electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President and the decision of questions arising thereon," I, John Kasich, Governor of the State of Ohio, do hereby certify that at the election held in the several voting precincts of the State of Ohio, on the Eighth day of November, A.D. 2016; that at a canvass of the official returns of said election, duly made according to law on the First day of December, A.D. 2016, at the office of the Secretary of State of Ohio, by Jon Husted, Secretary of State, it was duly ascertained that the following named persons were voted for, for the office of Elector of President and Vice-President of the United States, and that each received the number of votes as shown:

DONALD J. TRUMP AND MICHAEL R. PENCE ELECTORS RECEIVED 2,841,005 VOTES

Alex Triantafilou	Marilyn Ashcraft	Ralph King	Curt Braden
Mary Anne Christie	Christina Hagan	Leonard Hubert	LeeAnn Johnson
Corey Schottenstein	Richard Jones	Robert Paduchik	Ed Crawford
Jim Dicke II	Tom Coyne	James Wert	
Cheryl Blakely	Judy Westbrook	Brian Schottenstein	

HILLARY CLINTON AND TIM KAINE ELECTORS RECEIVED 2,394,164 VOTES

Beth Goldenfield	Ann Block	Janine Boyd	Pamela Miller
Bonnie Dunkelman	Barbra Lewis	Ed Helvey	David Pepper
Katherine Chipps	Brittany Maloney	Meika Penta	Rhine McLin
Sandra Wise	Amy Grubbe	Duane Feher	
Thomas Galloway	Karl Keith	Carole DePaola	

GARY JOHNSON AND WILLIAM WELD ELECTORS RECEIVED 174,498 VOTES

Scott Pettigrew	Christopher P. Gill	Elizabeth Gentner	Robert Jefferis
Robert Bridges	Steven Linnabary	Benjamin Yarboro	James Jarvis
Tricia Sprankle	Michael John Paul Folker	William Yarboro	Aaron Harris
Dustin Nanna	Ryan Holstine	Michelle MacCutcheon	
Joseph Bowersox	Richard Ehrbar	Amy Bridges	

Phillip Mohorich
Constance Gadell-Newton
Tekla Taylor-Lagway
Gwen E. Marshall
Donald L. Rucknagel

Dorsey R. Stebbins
Jim Villani
Robert Fittrakis
Suzanne Patzer
Stephen Caruso

Joseph DeMare
Anita Rios
Nathaniel Lane
Kim Wise
Mary A. Rios

Adela Rios
Douglas Jambart Sweet
Connie Hammond

RICHARD DUNCAN AND RICKY JOHNSON ELECTORS RECEIVED 24,235 VOTES

Bridget Duncan
Natalie Ratleff
Ronald Duncan
Laura Duncan
Adrienne Moore

Anthony Savarino
Freeman Byler
Alex Duncan
Robert Savarino
Paul C. Miller

Richard L. Seyer
Thomas Griffin
Brittany Duncan
David E. Troyer
Earl Swonger

Joe Kozsey
Richard R. Stone
Judy Stone

EVAN MCMULLIN AND NATHAN JOHNSON ELECTORS RECEIVED 12,574 VOTES

Darlene L. Parsons
Colin P. Ashley
Joel N. White
Susan J. Flaherty
Levi W. Stuckey

Phyllis M. Dempsey
William D. Dempsey
Roger E. Eckert
Linda L. Eckert
Vincent J. Festa II

Tipton G. Woodard
Jonathan H. Talbot
Christopher M. McGraw
Christen M. Varley
Donna M. Baker

Kenneth L. Lewis II
Richard E. Toulouse
Matthew F. O'Brien

DARRELL L. CASTLE AND SCOTT N. BRADLEY ELECTORS RECEIVED 1,887 VOTES

Tammy Joy
Gale Joy
Aaron Joy
Eric W. Deaton
Dianna S. Anderson

Ben Deaton
Frederick Shrader
Denise A. Riley
Randy Arnett
Tina M. Arnett

Beverly J. Shrader
Kim Simmons
James W. Simmons
Joyce A. Shrader
Donald R. Shrader

Kari Wagers
Andrew J. Wagers
Nancy A. Rieman

BEN HARTNELL AND DAVE MARSHALL ELECTORS RECEIVED 589 VOTES

Kurt Yancey
James Brady
Scott Gaddis
Lane Halterman
Damon Mollenkopf

Chris Poynter
Jennifer Walpole
Stephanie McGeorge
Jason Saver
Robert Crain

Whitney Mayo
Gaven Jones
James Russell
Sean Ring
Brandon Allen

Elizabeth Beaver
Gabriel Hall
Nathan Hartnell

MICHAEL ANDREW MATUREN AND JUAN ANTONIO MUÑOZ ELECTORS RECEIVED 552 VOTES

Brennan M. Baker
Nathanael P. Braun
Jay D. Bruns
Chad C. Edwards
Kitty L. Gamble

Jonathan M. Grodi
Theresa M. Grodi
Christopher J. Johnson
Ryan D. Kindell
Austin J. Knuppe

Michael A. Karson
Ryan J. Kupiec
August I. Pacetti
Alexander S. Pyles
Brandon D. Scherer

Joshua C. Steiner
Jason E. Stone
Naomi E. Wall



In Testimony Whereof, I have hereunto subscribed my name, and caused to be affixed the Great Seal of the State of Ohio, at Columbus, the Seventh day of December in the year of our Lord two thousand sixteen and in the two hundred and forty-first year of the Independence of the United States of America.

John Kasich
Governor, State of Ohio

ATTEST:

Jan Husted
Secretary of State, State of Ohio

Susan Payson
Leah Brockhoeft
Elaine Triplett
Ricky Gantz, Jr.
Robert F. Weber

Tamera Seiler
Nikki Grim
Laura Burton
Wendy Lucas
Kory Kent

Beth Morris
David Beck
Debra Edwards
Terri Kent
Laura Morrison

Ryan Muniak
Frederick Triplett
Robert Ryan Lucas

CHRIS KENISTON AND DEACON TAYLOR ELECTORS RECEIVED 114 VOTES

Duane A. Frazier
Kathryn Baird
Marco Cuevas
Jessica Cuevas
Joyce A. Eikenberry

Carl L. Wittenmyer III
Erica Dudek
Clifford A. Rabek
Jason King
Kimberlee D. Rabek

Christopher Peck
Michael F. Smith
Hugh Bent, Jr.
Michael O. Girdler
Connie M. Girdler

Heath Bowling
Holly Ann Eckert
Phillip L. Burd, Jr.

LAURENCE KOTLIKOFF AND EDWARD LEAMER ELECTORS RECEIVED 90 VOTES

Amy L. Dietz
Daniel C. Dietz
Lynda Gillespie
Victoria Gracon
Martin Saavedra

Barbara Craig
Timothy Guy
Edward Guy
Marc Jeremy Blecher
Sharon Weber Blecher

Edward F. McKelvey
Hirschel Kasper
Hamilton Cauffiel
Charles Moul
Sean Wood

Sara Wood
Robert Wood
Calvin Poznik

JOE SCHRINER AND JOE MOREAUX ELECTORS RECEIVED 62 VOTES

James Wayne King
Dale Seefeldt
Dan Kremer
Nancy Kremer
Cindy Basinger

Dan Basinger
Patricia King
Connie Maroscher
Robert Kevin Mohr
Deborah Sue Mohr

Mark Hedge
Judy Hedge
Mary Susan Wake
Keith Bates
Greg Kidd

Rebekah M. Gambrell
Benjamin J. Gambrell
Sarah Bergstrand

MIKE SMITH AND DANIEL WHITE ELECTORS RECEIVED 62 VOTES

Diane Sirlouis
Thomas Himler
Bonnie Himler
Cheryl Massie
James Massie

Betty Cummins
Cathy Loughery
Caren Cummins
David Kraft
Cindy Kraft

Raymond Gentile
Joanne Gentile
Megan SirLouis
Matthew Rider
Edna Wells

Larry Cummins
Dale Cummins
Christina Kowalski

JOSIAH R. STROH AND PAUL CALLAHAN ELECTORS RECEIVED 30 VOTES

Jeremiah Carsey
Emma Carsey
Gattison Greene
Amy Greene
Bethany Sibbitt

Jesse Bowers
Christina West
Bashar Antoon
DeMarcus Suggs
Alexis Britford

Jacob Swogger
Rich Anglin
Benjamin McFall
Steve Ward
Jennifer Ward

Jacob Stroh
Nathanael Stroh
Drew Clemens

MONICA MOOREHEAD AND LAMONT LILLY ELECTORS RECEIVED 19 VOTES

Sharon Danann
Barbara Louise
Jean Shurtleff
Valerie Robinson
Stewart Robinson

Julia Boyd
Mattie Hayes
A. Grace Lee Mims
Jasmine Graham
Terrance McLeod

Susan Schnur
Donnie M. Pastard
Dennis Quarles
Don Bryant
Margaret Rice

Marjorie Clark
Jocelyn Clark
Joe Gerdy

JOSEPH MALDONADO AND DOUGLAS TERRANOVA ELECTORS RECEIVED 18 VOTES

Jamie A. Cooper-Broczy
Jody A. Porter
Jessica Greene
Rebecca Paradis
Carla Bogan

Audra Headley
Rende T. Beeker
Alyssa S. Headley
Jeremy Feller
Dustin Vollmar

Roberta Collins
Patricia Christy
Sharon Merrill
Amanda Price
Vicki L. Goble

Bobby L. Goble
Jayme Fredrick
Bobby L. Goble, Jr.

Dale Montello
John Ahlrichs
Audrey Ahlrichs
Tonya Kellenberger
Aaron Kellenberger

Christina Gromada
Joe Sodd
Nancy Sodd
Mary Appelmann
Marian Powell

Lee Powell
Brad Goldman
Jessica Fahner
Elise Bailey
Mariah Stalvey

Ross Stalvey
Yolanda Kirschner
Parker Bailey

JAMES JEROME BELL AND SCHEEM MILTON HEMPSTEAD ELECTORS RECEIVED 9 VOTES

Timothy M. Bennet, Sr
Marvine Bizzell
Cheryl Stewart
Lareka Johnson
James Johnson

Shanteia Stewart
Georgia Mixon
Naomi D. Bennett
Napolean Allen
Blanche Haynes

Mary Frary
Gloria Shelton
Faye E. Hill
Jeff Mixon
Beverly Tidmoke

Bennie DeLoach
Demi DeLoach
Marquetta Tidmore

BRUCE E. JAYNES AND ROGER W. STEWART ELECTORS RECEIVED 8 VOTES

Jeffrey Spence
Aaron Middleton
Eric Voshel
Charlotte Smith
Patrick Wheeler

Roger Doty
Judith Doty
Brad Feightner, Jr.
Anthony W. Bonsignore
Joel Calabrese

Brent Russell
Aimee Jantz
Sarah Pratt
Eli Callis
Kim Stewart

Sarah Stewart
Brooklyn Stewart
Morgan Calbert

MICHAEL BICKELMEYER AND ROBERT YOUNG ELECTORS RECEIVED 6 VOTES

Tim Trammell
Erik Schumacher
Daphne Laurenti
Dennis Leonard
Bill Goetz

June Tischler
Victor Ladan
Khalid Darr
Elizabeth Hoinke
Violette Shamatta

Paul Hoffman
Jane Hoffman
Dan Logan
Judy Golod
William Schwab

Jonathan Young
David A. Young
April Young

DOUGLAS W. THOMSON AND THOMAS A. DUCRO, JR. ELECTORS RECEIVED 6 VOTES

Dave Daniels
Steve Connor
Joy Carver
Deborah Skidmore
Gretchen Thomson

Pam Levinson
Rebecca P. Meyer
Thomas C. Meyer
Samuel Thomson
Emily Smith

Nathan Smith
Debbie J. Bruton
William J. Eroe
Delma Eroe
Velvet Wilson

Cheri Schuster
Penny Tieke
Charlie Rogers

CHERUNDA FOX AND ROGER KUSHNER ELECTORS RECEIVED 5 VOTES

Lavera Pressley
Thomas Brown
Jerrledean Stewart
David Wingate
Ronnie Smith

Norman Napier
George Crisp
Douglas Martin
Jacqueline Martin
Shamya Point

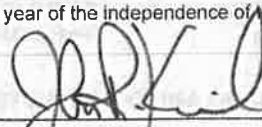
Ian Speight
David Dunbar
Danny Riley
LaTaya Burton
Joy Jenkins


Danielle Cummings
Nathaniel Jenkins
Roy Jenkins



In Testimony Whereof, I have hereunto subscribed my name, and caused to be affixed the Great Seal of the State of Ohio, at Columbus, the Seventh day of December in the year of our Lord two thousand sixteen and in the two hundred and forty-first year of the independence of the United States of America.

ATTEST:


John Kasich
Governor, State of Ohio


Jon Husted
Secretary of State, State of Ohio