

IN THE COURT OF COMMON PLEAS  
STARK COUNTY, OHIO

<p>DEBORAH L. CAIN, <i>et al.</i></p> <p>Plaintiffs,</p> <p>vs.</p> <p>CHRISTINA HAGAN,</p> <p>Defendant.</p>	<p>Case No.:</p> <p>Judge:</p>
<p><b>PLAINTIFFS' EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER</b></p>	

Plaintiffs Deborah L. Cain and Andrew DiLiddo, Jr. respectfully move this Court for a temporary restraining order enjoining Defendant Christina Hagan from serving or acting as an Ohio presidential elector in the Electoral College—including voting for Donald J. Trump and Michael Pence at the scheduled December 19, 2016 noon meeting of presidential electors. As the accompanying memorandum of law explains, under Ohio Constitution, Article II, Section 4, Defendant Hagan—as a member of the Ohio general assembly in the House of Representatives—is disqualified from being a presidential elector unless she resigns. Her acting as an elector will cause Plaintiffs—House-district constituents that she represents—irreparable harm.

## MEMORANDUM IN SUPPORT

### I. Issue presented

The Ohio Constitution prohibits general-assembly members from simultaneously holding any federal or state public office. According to the Ohio Supreme Court, the office of a presidential elector is a state public office. Defendant Christina Hagan is a sitting member of the Ohio House of Representatives, but purports also to serve as a presidential elector. Should this Court enjoin Hagan's constitutional violation and restrain her from casting a ballot for president and vice president?

### II. Introduction

Plaintiffs Deborah L. Cain and Andrew J. DiLiddo, Jr. are Stark County, Ohio, residents and are registered voters in that county. Defendant Hagan is a Republican member of the Ohio House of Representatives for the 50th District, which includes Stark County. Governor John Kasich certified her to serve as one of Ohio's 18 presidential electors in connection with the 2016 election. Defendant Hagan thus represents, or purports to represent, Plaintiffs, as well as all of her other constituents, in both capacities. As explained below, however, the Ohio Constitution prohibits such dual-capacity service.

Ohio's presidential electors are scheduled to meet in the Ohio State capitol at noon on December 19, 2016 to cast an electoral-college ballot for president and vice president of the United States. But Defendant Hagan is disqualified from participating in that process and serving as a presidential elector, unless she first resigns from the General Assembly. Should she participate as an elector, and should her vote be counted, Plaintiffs will be irreparably harmed because the

election results will be final. Plaintiffs lack any adequate legal remedy to prevent this result.

### III. Law and Argument

In assessing a claim for injunctive relief,

the following four factors are relevant: (1) there is a substantial likelihood of success on the merits, (2) the plaintiff will suffer irreparable harm if the injunction is not granted, (3) no third parties will be unjustifiably harmed by an injunction, and (4) the public interest will be served by an injunction.

*Youngstown Edn. Assoc. OEA/NEA v. Kimble*, 2016-Ohio-1481, \*P18, 63 N.E.3d 649 (7th Dist. 2016), *citing Martin v. Lake Mohawk Property Owner's Assn.*, 7th Dist. No. 04-CA-815, 2005-Ohio-7062, ¶ 36, *citing Blakeman's Valley Office Equip., Inc. v. Bierdeman*, 152 Ohio App.3d 86, 2003-Ohio-1074, 786 N.E.2d 914, ¶ 19 (7th Dist.). Each of the foregoing factors strongly supports Plaintiffs' entitlement to a temporary restraining order enjoining Defendant Hagan's service as a presidential elector.

- A. Plaintiffs have a substantial likelihood of success on the merits of their claim because Ohio Constitution, Article II, Section 4 specifically bars Defendant Hagan as a general-assembly member from serving in another public office—unless she first resigns. And being a presidential elector is serving in a public office.**

Ohio Constitution, Article II, Section 4, with certain exceptions not relevant here, in relevant part prohibits general-assembly members from serving in other public offices:

*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.*

(Emphasis added.)

According to the Ohio Supreme Court, moreover, “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, 909 (1948). It follows that no sitting member of Ohio’s General Assembly—unless that member first resigns that office—may serve as a presidential elector, or perform the acts—like attending a presidential-electors meeting or casting a ballot for president and vice president of the United States, that membership in the electoral college contemplates.

Defendant Hagan is a member of the Ohio House of Representatives, i.e., of the Ohio General Assembly. (See Hagan Ohio House webpage, available at <http://www.OhioHouse.gov/Christina-Hagan>, attached as Ex. 1.) She also has been appointed to serve as a presidential elector, a state office. (See Certificate of Ascertainment attached as Ex. 2.) Her dual-capacity service violates the Ohio Constitution, Article II, Section 4. Because this conclusion is a straightforward inference from applicable law and undisputed facts, Plaintiffs have a substantial likelihood of succeeding on the merits of their claim. The first factor thus strongly supports Plaintiffs’ entitlement to a temporary restraining order.

**B. Plaintiffs will suffer irreparable harm if an injunction is not granted because there would be no way to “undo” Defendant Hagan’s illegal act of serving as a presidential elector.**

Were Defendant Hagan to serve as an elector and cast her ballot for Donald Trump and Mike Pence, Plaintiffs would be irreparably harmed. There is no “turning back” from an election once it is held, or from a ballot once it is cast. Plaintiffs’ only opportunity for redress is to enjoin Defendant Hagan’s prospective, unconstitutional participation in the election scheduled for December 19.<sup>1</sup> The second TRO factor thus supports Plaintiffs’ request for injunctive relief.

**C. No third parties will be unjustifiably harmed by an injunction.**

Enjoining Defendant Hagan from serving as a presidential elector will cause no unjustifiable harm to any third parties. No one can claim harm when a court enforces state constitutional provisions designed to ensure the integrity of the legislative branch. While some may prefer a particular electoral result, being denied one’s electoral preference is not a cognizable “harm” justifying the denial of an otherwise meritorious injunction. And no one should be gratified to know that his or her desired election result was procured, even if only in small part, through unconstitutional means. Put another way, *everyone* benefits from a constitutional process. The third TRO factor thus supports Plaintiffs’ request for a temporary restraining order.

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<sup>1</sup> In other words, Plaintiffs “lack an adequate remedy at law,” a consideration that other courts often employ.

**D. The public interest will be served by an injunction because the public interest is always served by following the Constitution.**

Similarly, the public interest would also be served by the grant of an injunction. The public has an interest in ensuring the faithful and consistent observance of constitutional prohibitions, particularly those addressing important matters such as legislative or electoral integrity. See *G & V Lounge, Inc. v. Michigan Liquor Control Commn*, 23 F.3d 1071, 1079 (6th Cir. 1994) (“[I]t is always in the public interest to prevent the violation of a party’s constitutional rights”).

The legitimacy of next week’s election results will be enhanced if only qualified electors are permitted to participate in the process. The fourth factor listed above thus supports Plaintiffs’ request for a temporary restraining order.

**E. Although no notice to Defendant Hagan should be required in this case, Plaintiffs’ counsel made multiple, reasonable notification efforts.**

Counsel below certify their efforts to reach Defendant Hagan about the complaint and motion for temporary restraining order. On Friday, December 16, 2016, lead counsel Subodh Chandra sent a detailed email to both Hagan’s personal (Hagan4Ohio@gmail.com) and office (Rep50@OhioHouse.gov) email addresses. Email from S. Chandra to C. Hagan dated Dec. 16, 2016 (attached as Ex. 3). Counsel also read the content of that message into Defendant Hagan’s office voicemail.

As the email reflects, counsel in both communications asked Defendant Hagan to acknowledge the message and provide her mobile number—or have an attorney contact Mr. Chandra’s mobile number.

If Defendant Hagan does not respond to these efforts, or fails to cooperate by attending any scheduled hearing (of which counsel will similarly notify her), then the Court should deem these notice efforts reasonable and find that actual notice is not required here. As explained above, Ohio Constitution, Article II, Section 4's plain language could not be clearer. The provision bars a General Assembly member like Hagan from serving in a different public office—which would include serving as an Ohio presidential elector—unless Hagan first resigns from the General Assembly.

Yet she has not resigned. The Court should thus enjoin Hagan from betraying her duty to Ohioans generally and Plaintiffs—her own constituents—specifically.

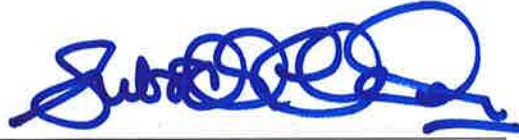
### **Conclusion**

Plaintiffs have shown their entitlement to an emergency temporary restraining order enjoining Defendant Hagan from serving as a presidential elector, including attending the December 19 noon presidential-electoral meeting and casting a vote for president and vice president. The Court should grant such relief before the meeting. A proposed order is attached as Exhibit 4.

Dated: December 17, 2016

Respectfully submitted,

THE CHANDRA LAW FIRM, LLC

A handwritten signature in blue ink, appearing to read 'Subodh Chandra', is written over a horizontal line.

Subodh Chandra (0069233)

Donald Screen (00440770)

Sandhya Gupta (0086052)

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



## Certificate of Service

I certify that the above filing was served upon Defendant Christina Hagan via her email addresses Hagan4Ohio@gmail.com and Rep50@OhioHouse.gov.

My office will also hand deliver it to her home address:

10418 Beeson St., NE  
Alliance, Ohio 44601-9757



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Subodh Chandra  
One of the attorneys for Plaintiffs



# The Ohio House of Representatives

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**REPRESENTATIVE CHRISTINA HAGAN (R)**  
OHIO HOUSE DISTRICT 50

REPRESENTATIVE

PHOTO GALLERY

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COMMITTEES

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## NEWSROOM

### 11.08.16 - Rep. Hagan Meets With International Fellows



State Representative Christina Hagan (R-Alliance) recently met with eight participants in the Legislative Fellows Program for South and Central Asia while they were in Columbus to learn more about the processes and policies behind state government in Ohio. The fellows traveled from India and Pakistan and are professionals involved in the government of their home country. The aim of the program is to provide practical knowledge of democracy that the fellows can take back to their respective countries.

[ Read Full Story ]

- 09.08.16 - Rep. Hagan To Hold "Ladies In Leadership" Workshop
- 08.05.16 - Rep. Hagan And 2015 Carnation Queen Brittany Ring To Hold Summer Reading Event
- 08.03.16 - "Blue Star Mothers And Families Day" Effective August 5th

[ View Representative Hagan's Press Release Archive ]

## LEGISLATION

Bills Primary Sponsor

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## SOCIAL MEDIA

### Connect With Representative Hagan



## CONTACT INFORMATION

**Representative Christina Hagan**  
**District 50**

77 S. High St  
13th Floor  
Columbus, OH 43215  
Phone (614) 466-9078  
Fax (614) 719-6950  
Email Representative Hagan

## BACKGROUND

**Hometown :** Alliance

**Party :** Republican

**Current Term :** Expires December 2016 / Eligible to run for another term



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**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 Triantafyllou	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 Sprinkle	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 Fitrakis  
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

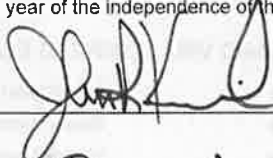
Jonathan M. Grodi  
Theresa M. Grodi  
Christopher J. Johnson  
Ryan D. Kindell  
Austin J. Knuppe

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:

  
\_\_\_\_\_  
Jon Huston  
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  
Phillp 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 Greeno  
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 Appelman  
Marian Powell

Lee Powell  
Brad Goldman  
Jessica Fahrner  
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  
Jerriedean 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.

Jake Kasich  
Governor, State of Ohio

ATTEST:

Jan Husted  
Secretary of State, State of Ohio



Subodh Chandra <subodh.chandra@chandraLaw.com>

## URGENT: temporary restraining order to be sought against you

Subodh Chandra <subodh.chandra@chandraLaw.com>

Fri, Dec 16, 2016 at 10:27 PM

To: Christina Hagan <hagan4ohio@gmail.com>, Christina Hagan <Rep50@ohiohouse.gov>

Cc: Donald Screen <donaId.screen@chandraLaw.com>, Marvin Brown <marvin.brown@chandraLaw.com>

Dear Rep. Hagan:

This weekend, our office anticipates filing a civil complaint, and an emergency motion for temporary restraining order against you under Rule 65 of the Ohio Rules of Civil Procedure. The complaint and motion will allege that by serving as a presidential elector without resigning your position as a member of Ohio's General Assembly, you are violating Ohio Constitution Article II, Section 4. That section provides in relevant part as follows:

**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.**

The Supreme Court of Ohio has observed that the office of presidential elector is a state office. *State ex rel. Beck v. Hummel*, 150 Ohio St. 127, 147 (1948).

Thus, our clients believe you are violating the Ohio Constitution and must not serve, act, or vote as a presidential elector on December 19, 2016 unless you first resign from the general assembly.

This communication serves as my best effort at notifying you about the filing and hearing we will be seeking on an expedited and emergency basis. If you provide me with a mobile number, or have an attorney call my mobile number below, I will tell you when the filing occurs and when the judge is planning to hear the motion. We will be seeking a hearing this weekend or first thing Monday morning. If I do not hear from you by phone, I will email you a copy of the filings once they are accomplished, as well as the hearing date and time when I have it.

Thank you for your consideration of this important matter. Please reply to all acknowledging that you received this correspondence.

Respectfully yours,

Subodh Chandra  
The Chandra Law Firm LLC  
1265 W. 6th Street, Suite 400; Cleveland, OH 44113.1326  
216.578.1700 office; 216.578.1800 fax; 216.965.6463 mobile  
Subodh.Chandra@ChandraLaw.com  
www.ChandraLaw.com  
**Twitter:** @SubodhChandra • **Facebook:** The Chandra Law Firm LLC

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IN THE COURT OF COMMON PLEAS  
STARK COUNTY, OH

DEBORAH L. CAIN, <i>et al.</i>  Plaintiff,  vs.  CHRISTINA HAGAN,  Defendant.	Case No.  Judge:
<b>[PROPOSED] ORDER</b>	

The Court finds that Plaintiffs have demonstrated their entitlement to a temporary restraining order. Article II, Section 4 of the Ohio Constitution clearly prohibits a sitting member of the General Assembly from holding a federal or state public office. As a presidential elector, Defendant Hagan is a state public-office holder. Because Plaintiffs have therefore identified a clear constitutional violation, they have shown a substantial likelihood of success on the merits of their claim.

Plaintiffs have also shown that they will suffer irreparable harm if their requested injunction is denied. If Defendant Hagan is permitted to cast a ballot on December 19, 2016 despite her constitutional disability, the action cannot be “undone” and any effect will be permanent. Plaintiffs’ exclusive remedy is the injunction they seek and that the Court here grants. The Court



also finds that an injunction will serve the public interest via constitutional compliance, and will cause no harm to third parties.

Plaintiffs' counsel have, moreover, certified to the Court the reasonable efforts they made to ensure that Defendant Hagan received notice of their institution of these proceedings. Defendant Hagan has not, as of the date of this Order, entered an appearance, and the Court has not otherwise been notified that she in fact received such notice. In view of the urgency and importance of the matter Plaintiffs raise, however, the Court believes that the requested injunction should issue despite any lack of actual notice to Defendant Hagan.

Thus, the Court orders that Defendant Hagan is enjoined, for a period of 14 days, from attending or participating in the meeting of presidential electors scheduled for December 19, 2016, from casting a ballot for president or vice president at such meeting or at any other time, and from otherwise serving as a presidential elector, unless she shall first have resigned her office as Ohio State Representative.

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Judge