

IN THE COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO  
CIVIL DIVISION

State ex rel.  
Ohio Attorney General

Plaintiff,

v.

William Lager, et al.

Defendants.

Case No. 18-CV-007094

Judge Kimberly Cocroft

**MEMORANDUM CONTRA OF DEFENDANTS ALTAIR LEARNING MANAGEMENT  
I, INC., IQ INNOVATIONS, LLC AND WILLIAM LAGER TO SCHOOL DISTRICTS’  
MOTION TO INTERVENE FILED SEPTEMBER 24, 2018**

Defendants, Altair Learning Management I, Inc. (“Altair”), IQ Innovations, LLC (“IQ”), and William Lager (“Lager”) (collectively “Defendants”), oppose the Intervention Motion filed by the Logan-Hocking and Dayton City School Districts (collectively “Districts”). The Motion is improvident and flawed because the Districts each lack sufficient standing to prosecute the claims they tender in their proposed Intervenor Complaint. In addition, they fail to satisfy Ohio Civil Rule 24(A) and (B) in terms of the remoteness of their claims to the claims presented in this action and because they lack sufficient commonality with the presented claims. Further, allowing intervention would unnecessarily strain and complicate these proceedings. Intervention would provide no value. Intervention would certainly cause undue delay.

Leaving aside arguments dealing with the ability of the Ohio Attorney General to protect constituent interests and the conflict of interest issues raised, which are not directed to these

Defendants, the Defendants incorporate and rely on the balance of the arguments advanced by the Ohio Attorney General in its Memorandum Contra filed this date, which oppose intervention.

Based on the foregoing, the Districts simply lack proper basis under Ohio Civil Rule 24 to intervene in the present action. The Districts' attempt to intervene is improvident, insufficiently based and should be denied.

Respectfully submitted,

/s/ Karl H. Schneider

Karl H. Schneider (#0012881)

David M. Marcus (#0087144)

MCNEES WALLACE & NURICK LLC

21 E. State Street, Suite 1700

Columbus, Ohio 43215

Telephone: (614) 719-2843

Facsimile: (614) 469-4653

kschneider@mcneeslaw.com

dmarcus@mcneeslaw.com

*Counsel for Defendants William Lager,  
Altair Learning Management I, Inc., and  
IQ Innovations, LLC*

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and accurate copy of the foregoing was electronically filed on October 9, 2018, with the Clerk of Court using the electronic filing system, which will send notification of such filing to the following:

Todd R. Marti (0019280)  
Reid T. Caryer (0079825)  
Mia Yaniko (0083822)  
Assistant Attorneys General  
OFFICE OF THE OHIO ATTORNEY  
GENERAL  
Education Section  
30 E. Broad Street, 16<sup>th</sup> Floor  
Columbus, OH 43215  
Phone: (614) 644-7250  
Fax: (614) 644-7634  
[todd.marti@ohioattorneygeneral.gov](mailto:todd.marti@ohioattorneygeneral.gov)  
[reid.caryer@ohioattorneygeneral.gov](mailto:reid.caryer@ohioattorneygeneral.gov)  
[mia.yaniko@ohioattorneygeneral.gov](mailto:mia.yaniko@ohioattorneygeneral.gov)

*Counsel for the Ohio Attorney General*

Ellen M. Kramer (0055552)  
James B. Rosenthal (0062872)  
Joshua R. Cohen 0032368)  
COHEN ROSENTHAL & KRAMER LLP  
3208 Clinton Ave.  
Cleveland, OH 44113-2809  
Telephone: (216) 815-9500  
[emk@crklaw.com](mailto:emk@crklaw.com)  
[jbr@crklaw.com](mailto:jbr@crklaw.com)  
[jcohen@crklaw.com](mailto:jcohen@crklaw.com)

*Counsel for Logan-Hocking Local School  
District Board of Education and Dayton  
Public Schools Board of Education*

Jarrold Stone (0096122)  
MANIER & HEROD  
1201 Demonbreun Street  
Suite 900  
Nashville, TN 37203

*Counsel for Travelers Casualty and Surety  
Company of America*

Rick Teeters  
2 Arika at Lionspaw  
Daytona, Beach, FL 32124

Michele Smith  
6813 Oakfield North Rd. NW  
Bristolville, OH 44402

Christopher Meister  
134 Heishman Ave.  
Worthington, OH 43085  
[cmeister32@gmail.com](mailto:cmeister32@gmail.com)

Ann Barnes  
1335 Great Hunter Ct.  
Grove City, OH 43123  
[ann.barnes11@yahoo.com](mailto:ann.barnes11@yahoo.com)

Regina Lukich  
3175 Tremont Rd., Unit 206  
Upper Arlington, OH 43221  
[rlukich@columbus.rr.com](mailto:rlukich@columbus.rr.com)

*Defendants*

/s/ Karl H. Schneider  
Karl H. Schneider (0012881)