

IN THE TENTH DISTRICT COURT OF APPEALS

**STATE EX REL. AFTAB
PUREVAL**
580 Walnut Street, Apt. 1302
Cincinnati, Ohio 45202

CASE NO.

**ORIGINAL ACTION IN
PROHIBITION**

and

**STATE EX REL. FRIENDS OF
AFTAB PUREVAL**
580 Walnut Street, Apt. 1302
Cincinnati, Ohio 45202

and

**STATE EX REL. EVAN
NOLAN, Treasurer**
Friends of Aftab Pureval
3850 Hyde Park Avenue
Cincinnati, Ohio 45209

Relators,

-v-

**OHIO ELECTIONS
COMMISSION**
77 South High Street, Suite 1850
Columbus, Ohio 43215

Respondent.

**RELATORS' VERIFIED COMPLAINT IN ORIGINAL ACTION
FOR WRIT OF PROHIBITION**

Franklin County Ohio Court of Appeals Clerk of Courts- 2018 Oct 15 5:48 PM-18AP000789

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Counsel for Relators

Relators aver as follows:

1. This is an original action commenced pursuant to this Court’s original jurisdiction under Section 3, Article IV of the Ohio Constitution.
2. Relators seek an Order, Judgment, and/or Writ from this Court to prohibit Respondent Ohio Elections Commission from adjudicating Ohio Elections Commission Case No. 2018G-022 (“Case No. 2018G-022”) because the Commission lacks jurisdiction.
3. Relators also seek an alternative writ, injunction, or stay to temporarily enjoin or stay the proceedings in Case No. 2018G-022 pending resolution of the instant case, thereby preserving the status quo and aiding the Court’s original jurisdiction.

PARTIES

4. Relators Aftab Pureval, Friends of Aftab Pureval, and Evan Nolan, Treasurer, Friends of Aftab Pureval, are the three named respondents in Case No. 2018G-022.

5. Relator Aftab Pureval (“Relator Pureval”) is a resident of Cincinnati, Ohio and is the Hamilton County Clerk of Courts, having been elected to the office at the 2016 General Election.

6. Relator Friends of Aftab Pureval is the campaign committee connected to Relator Pureval's campaign for Hamilton County Clerk of Courts (the "County Committee").

7. Relator Evan Nolan, Treasurer, Friends of Aftab Pureval is a resident of Cincinnati, Ohio and is the treasurer of the County Committee.

8. Respondent Ohio Elections Commission ("Respondent Commission" or the "Commission") is a seven-member commission created by Ohio law to hear alleged violations of state campaign finance law contained in Ohio Revised Code sections 3517.08 to 3517.13, 3517.17, 3517.18, 3517.20 to 3517.22, 3599.03, and 3599.031. The Commission has the authority to find facts, make adjudications of violations, and impose administrative fines.

FACTS

9. On January 31, 2018, Relator Pureval announced that he would run as a Democrat for the United States House of Representatives from the 1st Congressional District of Ohio at the 2018 General Election.

10. Relator Pureval registered a candidate committee in connection with his federal campaign on January 29, 2018. The federal

committee is named “Aftab for Ohio” (hereinafter referred to as the “Federal Committee”).

11. Relator Pureval won the Democratic nomination for the 1st Congressional District of Ohio at the May 8, 2018 Primary Election, and he is currently the Democratic nominee for the 1st Congressional District of Ohio at the November 6, 2018 General Election.

12. On August 10, 2018, a complaint (the “OEC Complaint”) was filed with the Commission against Relators by an individual named Mark W. Miller (the “OEC Complainant”). A copy of the OEC Complaint is attached hereto as Exhibit A.

13. The OEC Complaint broadly alleges that: (1) all contributions received and reported by the County Committee from January 1, 2018 to June 30, 2018 were allegedly intended for the benefit of Relator Pureval’s federal campaign; (2) expenditures made and reported by the County Committee, ranging in dates from August 14, 2017 to May 2, 2018, were allegedly made for the benefit of Relator Pureval’s federal campaign; (3) the County Committee allegedly failed to provide sufficient documentation to verify reported expenditures; and (4) the County

Committee reported receiving two PAC contributions that the PACs did not report making.

14. The OEC Complaint alleges that because contributions and expenditures were allegedly in connection with Relator Pureval's campaign for federal office, the 2017 Annual and 2018 Semi-Annual campaign finance reports filed by the County Committee are not accurate in violation of R.C. 3517.13(D) and that for the same reason, the expenditures also constitute "personal use" of campaign funds in violation of R.C. 3517.13(O).

15. Respondent Commission assigned the OEC Complaint "Case No. 2018G-022," and, pursuant to O.A.C. 3517-1-11, scheduled a preliminary review for OEC Case No. 2018G-022 before the full Commission for September 20, 2018.

16. On September 13, 2018, Relators filed their response to the OEC Complaint with Respondent Commission. A copy of this response is attached hereto as Exhibit B.

17. On September 20, 2018, Respondent Commission held the preliminary review of OEC Case No. 2018G-022 before the full Commission.

18. At the conclusion of the preliminary review, Respondent Commission voted to proceed with OEC Case No. 2018G-022, setting the matter for a hearing by the full Commission, pursuant to O.A.C. 3517-1-11(A)(3)(d).

19. This decision also initiated the discovery process under the Commission's administrative rules.

20. On September 27, 2018, the Commission's Executive Director notified counsel for the parties that the Commission would hear and decide any motions filed by the parties at its regularly-scheduled October 11, 2018 meeting and would conduct a full evidentiary hearing before the Commission at its regularly-scheduled November 1, 2018 meeting. A copy of the notice from the Commission's Executive Director is attached hereto as Exhibit C.

21. On September 28, 2018, Relators in the instant action filed a Motion to Dismiss Case No. 2018G-022 with the Commission. A copy of the Motion to Dismiss is attached hereto as Exhibit D.

22. In the Motion to Dismiss, Relators argued that the Commission lacked jurisdiction to hear the OEC Complaint because the linchpin allegations in the OEC Complaint were based on “information and belief,” rather than personal knowledge as required by Ohio law and the Commission’s rules. Relators also argued that that the OEC Complaint had failed to set forth any claims upon which relief could be granted, and that many of the allegations were based on federal law over which the Commission has no jurisdiction.

23. Subsequent to the filing of the Motion to Dismiss, on October 1, 2018, a complaint was filed against Relator Pureval and the Federal Committee with the Federal Election Commission (“FEC”) regarding several of the same factual allegations as in Case No. 2018G-022. A copy of the FEC complaint is attached hereto as Exhibit E.

24. On October 2, 2018, OEC Complainant’s counsel indicated to Relators’ counsel that he plans to depose six individuals before the

Commission's November 1 meeting, including Relators Pureval and Nolan, as well as Relator Pureval's mother. A copy of an email from OEC Complainant's counsel is attached hereto as Exhibit F.

25. Subsequently, OEC Complainant's counsel served notices to take depositions duces tecum upon Relator Nolan for October 23, 2018 and Relator Pureval for October 26, 2018. The notices contain broad requests for production of documents relating to expenditures made by the County Committee. Copies of the notices to take deposition duces tecum are attached hereto as Exhibit G.

26. On October 2, 2018, OEC Complainant's counsel also filed a request with the Commission to subpoena seven individuals, including Relators Nolan and Pureval, as well as Relator Pureval's mother, to attend the Commission's November 1 meeting. A copy of this request for subpoenas is attached hereto as Exhibit H.

27. On October 4, 2018, OEC Complainant filed a Memorandum in Opposition to the Motion to Dismiss. A copy of this Memorandum in Opposition is attached hereto as Exhibit I.

28. Relators filed a Reply Brief in support of their Motion to Dismiss on October 8, 2018. A copy of this Reply Brief is attached hereto as Exhibit J.

29. On October 8, 2018, Relators also filed a Motion to Stay with the Commission to temporarily stay Case No. 2018G-022 until the FEC resolves the complaint filed with it regarding the same matters as Case No. 2018G-022. A copy of Relators' Motion to Stay is attached hereto as Exhibit K.

30. On October 10, 2018, OEC Complainant filed a Memorandum in Opposition to the Motion to Stay. A copy of this Memorandum in Opposition is attached hereto as Exhibit M.

31. On October 11, 2018, Respondent Commission held its hearing to decide the motions filed by Relators.

32. At the motion hearing, the OEC Complainant dismissed the allegations regarding the two PAC contributions after counsel for Relators pointed out that the PACs had in fact reported making the contributions

contrary to what the Complaint alleged. A transcript of the relevant portions of the October 11 motion hearing is attached as Exhibit L.

33. At the conclusion of its hearing, Respondent Commission granted Relators' motion to dismiss with respect to the claims that all contributions received and reported by the County Committee from January 1, 2018 to June 30, 2018 were allegedly intended for the benefit of Relator Pureval's federal campaign and violated R.C. 3517.13(D). However, Respondent Commission voted to move forward to a full evidentiary hearing with respect to the claims that the expenditures made and reported by the County Committee were allegedly made for the benefit of Relator Pureval's federal campaign and the claims that the County Committee allegedly failed to provide sufficient documentation to verify reported expenditures. Respondent Commission voted further to deny Relators' motion to stay the proceedings pending resolution of the FEC Complaint. *See*, Exhibit L.

34. Respondent Commission has set the full evidentiary hearing for November 1, 2018, which is five days before the federal election.

CLAIMS FOR RELIEF

First Claim

Respondent Commission lacks jurisdiction to adjudicate the claims that expenditures were made for the benefit of Relator Pureval’s federal campaign because the linchpin allegations in the OEC Complaint were not made on personal knowledge.

35. Each and every allegation contained above is incorporated as if fully rewritten herein.

36. The Commission is patently and unambiguously without jurisdiction over the claims in Case No. 2018G-022 that the expenditures were made for the benefit of Relator Pureval’s federal campaign because the linchpin allegations that the expenditures were made for the benefit of the federal campaign were not made on personal knowledge as required by Ohio law and the Commission’s rules.

37. R.C. 3517.153(A) mandates that complaints filed by individuals with the Commission “shall be made by affidavit of any person, on personal knowledge, and subject to the penalties for perjury...”

(Emphasis added).

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38. O.A.C. 3517-1-02(A)(1) also requires a complaint to be “[b]y affidavit by an individual based on personal knowledge...” (Emphasis added).

39. O.A.C. 3517-1-02(A)(1)(d) provides further that such a complaint shall “[c]learly set forth the specific source or basis of the personal knowledge...”

40. “Personal knowledge” is defined as knowledge gained through firsthand observation or experience, as distinguished from a belief. *Bonacorsi v. Wheeling & Lake Erie Ry. Co.*, 95 Ohio St.3d 314, 95 Ohio St.3d 314, 2002-Ohio-2220, 767 N.E.2d 707 quoting Black’s Law Dictionary (7th Ed.Rev.1999).

41. In the context of affidavits, “personal knowledge” is “knowledge of the truth in regard to a particular fact or allegation, which is original, and does not depend on information or hearsay.” *Ocwen Loan Servicing, LLC v. Graf*, 10th Dist. Franklin No. 17AP-361, 2018-Ohio-2411, ¶ 22 quoting *Applegate v. N.W. Title Co.*, 10th Dist. No. 03AP-855, 2004-Ohio-1465, ¶ 33 (emphasis added).

42. This high bar of personal knowledge was required by the General Assembly in order to prevent abuses of a state-created process, like the filing of spurious claims intended to harass parties and/or deceive electors close to an election.

43. Although the OEC Complainant's affidavit formalistically states in its final sentence "that the facts in the foregoing Complaint are based upon my personal knowledge," the statement is belied by the actual internal allegations.

44. The allegations that the County Committee reported expenditures that were allegedly made for the benefit of Mr. Pureval's federal campaign committee, in violation of R.C. 3517.13(D) and R.C. 3517.13(O), are in paragraphs 11-35, 42-56, 58-62, and 65-67 of the OEC Complaint.

45. However, Paragraphs 19, 22, 29, 34, and 54-55 of the OEC Complaint explicitly state that the linchpin allegations of these claims that the expenditures were made in connection with federal election are based on "information and belief," not personal knowledge.

46. Courts have expressly held that “information and belief” is not sufficient to establish personal knowledge. *Young v. State*, 10th Dist. Franklin No. 17AP-272, 2018-Ohio-2604, ¶ 19-22; *see also, State ex rel. Commt. for the Charter Amendment for an Elected Law Dir. v. City of Bay Village*, 115 Ohio St.3d 400, 2007-Ohio-5380, 875 N.E.2d 574, ¶ 13 (holding that an affidavit based on an attorney’s “personal knowledge and information” did not satisfy the Court’s personal knowledge requirement for affidavits in support of original actions because it was not clear what was based on personal knowledge and was based on information) (emphasis added); *see also, Alexander v. Kellogg USA, Inc.*, 674 Fed. App 496, 499 (6th Cir. 2017) (holding that statements “based on mere ‘information and belief’...are not based on personal knowledge.”)

47. Paragraph 19 of the OEC Complaint, which refers to the expenditures identified in paragraphs 11-18 of the OEC Complaint, states as follows:

On information and belief, the “Travel” expenditures set forth in paragraphs 11-18 were made to support of Pureval’s efforts in his campaign for Congress, and were not legitimate and verifiable ordinary, and necessary, or

otherwise permissible expenditures for Friends of Aftab Pureval, a campaign committee purporting to support a putative candidate for re-election as the Hamilton County Clerk of Courts, or the duties of Clerk of Courts.

(Emphasis added).

48. Paragraph 22 of the OEC Complaint, which refers to the expenditure identified in paragraphs 20-30 of the OEC Complaint, states as follows:

In fact, on information and belief, the “Media” for which Friends of Aftab Pureval paid, was photography services at Pureval’s congressional campaign kickoff events...

(Emphasis added).

49. Paragraph 29 of the OEC Complaint, which also refers to the expenditure identified in paragraphs 20-30 of the OEC Complaint, states as follows:

On information and belief, the “Media” expenditures set forth in paragraphs 20-22 were made to support of Pureval’s efforts in his campaign for Congress, and were not necessary, legitimate, reasonable, or otherwise permissible expenditures for Friends of Aftab Pureval, a campaign committee purporting to support a putative candidate for re-election as the Hamilton County Clerk of Courts, or the duties of the Clerk of Courts.

(Emphasis added).

50. Paragraph 34 of the OEC Complaint, which refers to the expenditure identified in paragraphs 31-35 of the OEC Complaint, states as follows:

On information and belief, the payment to GBA Strategies was for polling and other services related to Pureval’s campaign for Congress, and are not a legitimate and verifiable ordinary, and necessary, or otherwise permissible expenditures connected to Pureval’s putative campaign for re-election as the Hamilton County Clerk of Courts, or the duties of the Clerk of Courts.

(Emphasis added).

51. Paragraph 54 of the OEC Complaint, which refers to the expenditures identified in paragraphs 45-52 of the OEC Complaint, states as follows:

On information and belief, the expenditures referred to in paragraphs 45 and 52 were not a legitimate and verifiable ordinary, and necessary, or otherwise permissible expenditure related to Aftab Pureval’s purported race for re-election as the Hamilton County Clerk of Courts or the duties as the Hamilton County Clerk of Courts.

(Emphasis added).

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52. Paragraph 55 of the OEC Complaint, which also refers to the expenditures identified in paragraphs 45-52 of the OEC Complaint, states as follows:

On information and belief, the expenditures listed in paragraphs 45 through 52 were related to Aftab Pureval's testing of the waters for a run for Congress from either Ohio's First or Second Congressional District.

(Emphasis added).

53. Given that the linchpin allegations in the OEC Complaint are not made on personal knowledge as required by Ohio law and the Commission's rules, the Commission, under Ohio law and the Commission's rules, lacks jurisdiction over the allegations contained in the OEC Complaint that the expenditures were made for the benefit of Relator Pureval's federal campaign.

54. Despite a patent and unambiguous lack of jurisdiction over the allegations in the OEC Complaint, Respondent Commission, at the September 20, 2018 preliminary review and October 11, 2018 hearing on the motions, has asserted jurisdiction to adjudicate these claims.

55. Respondent Commission's decision to assert jurisdiction to adjudicate Case No. 2018G-022 and to set the matter for a full hearing before the Commission was a quasi-judicial act unauthorized by law.

56. Respondent Commission will exercise quasi-judicial power unauthorized by law by conducting an evidentiary hearing and adjudicating Case No. 2018G-022, presently scheduled to be held before the full Commission on November 1, 2018.

57. Denying the requested writ of prohibition will result in injury for which no other adequate remedy exists in the ordinary course of law.

58. Extraordinary circumstances exist to warrant issuing an alternative writ or stay to temporarily stay Case No. 2018G-022 pending resolution of the instant action, thereby preserving the status quo and aiding the Court's original jurisdiction.

59. Relators will suffer irreparable injury if the requested alternative writ or stay is not issued.

60. Issuance of an alternative writ or stay will serve the public interest and not cause harm to others.

Second Claim

Respondent Commission lacks jurisdiction over the allegations that expenditures were made for the benefit of Relator Pureval’s federal campaign because these allegations raise questions of federal law over which the Federal Election Commission has exclusive jurisdiction.

61. Each and every allegation contained above is incorporated as if fully rewritten herein.

62. Respondent Commission is patently and unambiguously without jurisdiction to adjudicate the set of claims that expenditures were made for a federal election because such allegations involve questions of federal law beyond the Commission’s jurisdiction.

63. Instead, the issue is expressly reserved for interpretation and enforcement by the Federal Election Commission (“FEC”).

64. To find that the expenditures made by the County Committee were actually intended to support Relator Pureval’s federal campaign, Respondent Commission must decide if the expenditures were made for the purpose of influencing a federal election. *See* 52 U.S.C. § 30114(a). Particularly because the expenditures, in any other context, would represent prima facie lawful conduct under Ohio law, the finding of a

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violation on these claims necessarily hinges on a finding of federal expenditures.

65. Yet, to make such a finding is a matter expressly reserved to the FEC, which has exclusive civil jurisdiction on these matters. *See* 52 U.S.C. § 30106(b).

66. Federal law clearly reserves for the FEC the power to adjudicate cases over the disbursement of funds to engage in federal election activity.

67. The Federal Election Campaign Act of 1974 (the “Act”), as amended, states that the Act shall “supersede and preempt any provision of State law with respect to election to Federal office.” 52 U.S.C. § 30143(a); *see also* 11 C.F.R. § 108.7(a). Specifically, federal law has such effect with respect to any state law that purports to regulate the “[d]isclosure of receipts and expenditures by Federal candidates and political committees.” 11 C.F.R. § 108.7(b)(2).

68. The Act’s legislative history shows that Congress intended “to make certain that the Federal law is construed to occupy the field with respect to elections to Federal office and that the Federal law will be the

sole authority under which such elections will be regulated.” H.R. Rep. No. 93-1239, 93rd Cong., 2d Sess. 10 (1974).

69. The Act establishes that “the power of the [Federal Election] Commission to initiate civil actions . . . shall be the exclusive civil remedy for the enforcement of the provisions of this Act.” 52 U.S.C. § 30107(e).

70. Courts, including the Sixth Circuit, have accordingly and repeatedly intervened to guard the Commission’s exclusive civil jurisdiction and prevent litigants from making an end run around the federal process. *See, e.g., Bunning v. Com. of Ky.*, 42 F.3d 1008, 1011–13 (6th Cir. 1994) (barring application of state campaign finance law to polling expenditure incurred by federal candidate as “intrusion into [] federally regulated activity”); *Stockman v. Fed. Election Comm’n*, 138 F.3d 144, 154 (5th Cir. 1998) (preventing federal candidate from initiating collateral litigation to thwart federal complaint); *Republican Party of New Mexico v. King*, 850 F. Supp. 2d 1206, 1215–16 (D.N.M. 2012), *aff’d*, 741 F.3d 1089 (10th Cir. 2013) (finding that plaintiff was likely to succeed on claim that federal law preempted state law limit on solicitation and receipt of contributions to be used in federal campaigns).

71. Accordingly, Respondent Commission lacks jurisdiction to decide claims of purported federal campaign finance violations.

Third Claim

Respondent Commission lacks jurisdiction over the allegations that expenditures were made in violation of R.C. 3517.13(D) because the OEC Complaint failed to set forth facts that would constitute a prima facie violation of this statute.

72. Each and every allegation contained above is incorporated as if fully rewritten herein.

73. The Commission patently lacks jurisdiction over the OEC Complaint for the additional reason that the OEC Complaint fails to set forth facts that would constitute a prima facie violation of any law over which the Commission has jurisdiction.

74. R.C. 3517.153(A) mandates that complaints filed with the Commission must “[set] forth a failure to comply with or a violation of any provision in sections 3517.08 to 3517.13, 3517.17, 3517.18, 3517.20 to 3517.22, 3599.03, or 3599.031 of the Revised Code...”

75. O.A.C. 3517-1-02(A)(1)(f) requires complaints filed with the Commission to “[c]learly set forth sufficient facts, supported by affidavits, exhibits and/or other documents to constitute a prima facie

violation of Ohio election law over which the commission has jurisdiction.”

76. Further, O.A.C. 3517-1-02(A)(1)(g) requires complaints filed with the Commission to “[c]learly set forth each and every separate alleged violation of Ohio election law over which the commission has jurisdiction in a narrative form, cross-referenced to the relevant Revised Code section(s).”

77. It is not sufficient to invoke the Commission’s jurisdiction by merely asserting that something violates a statute over which the Commission has jurisdiction.

78. The OEC Complaint, in paragraphs 57-62, alleges that the County Committee violated R.C. 3517.13(D) by reporting six expenditures that were allegedly intended for the benefit of Mr. Pureval’s federal campaign.

79. R.C. 3517.13(D) provides that “[n]o campaign committee shall fail to file a complete and accurate statement required under division (A)(3) or (4) of section 3517.10 of the Revised Code.”

80. The OEC Complaint does not contend or allege that the expenditures were not in fact received or made by the County Committee or that the names, addresses, dates, or amounts reported are inaccurate.

81. Therefore, even if presuming that the allegations that the expenditures were intended for the benefit of Relator Pureval's federal campaign, R.C. 3517.13(D) would still require the County Committee to accurately report the expenditures regardless of the intended beneficiary.

82. Accordingly, the OEC Complaint fails to clearly set forth sufficient facts that would constitute a prima facie violation of R.C. 3517.13(D) with respect to the identified expenditures, and the Commission, therefore, lacks jurisdiction to adjudicate these claims.

Fourth Claim

Respondent Commission lacks jurisdiction over the allegations that the County Committee allegedly failed to provide sufficient documentation to verify reported expenditures in violation of R.C. 3517.10(D)(4) because the OEC Complaint failed to set forth facts that would constitute a prima facie violation of this statute.

83. Each and every allegation contained above is incorporated as if fully rewritten herein.

84. The OEC Complaint, in paragraph 63, also alleges that the County Committee failed to provide sufficient documentation for certain expenditures in violation of R.C. 3517.10(D)(4).

85. R.C. 3517.10(D)(4) provides, in relevant part, that “[e]very expenditure in excess of twenty-five dollars shall be vouched for by a receipted bill, stating the purpose of the expenditure, that shall be filed with the statement of expenditures.”

86. Further, O.A.C. 111:2-4-13(D) provides:

The requirement of section 3517.10 of the Revised Code that every expenditure in excess of twenty-five dollars shall be vouched for, is satisfied by providing an original or photocopy of any of the following:

- (1) A receipted bill; or
- (2) A canceled check;
- (3) An account statement, from the committee's financial institution, which contains the name of the payee, amount, date, and check number.

87. Despite alleging that the County Committee failed to provide sufficient documentation for the identified expenditures, the OEC

Complaint had attached as part of its Exhibit 15 bank statements for the County Committee that satisfied O.AC. 111:2-4-13(D).

88. Accordingly, the OEC Complaint fails to set forth facts that would constitute prima facie violations of R.C. 3517.10(D)(4) with respect to these expenditures, and, therefore, the Commission lacks jurisdiction to adjudicate these claims.

PRAYER FOR RELIEF

WHEREFORE, Relators respectfully pray the Court to grant the following relief:

- A. Issue an Order, Judgment, Peremptory Writ of Prohibition, or Writ of Prohibition prohibiting Respondent Commission from adjudicating Case No. 2018G-022;
- B. An alternative writ, injunction, or stay to temporarily enjoin or stay the proceedings in Case No. 2018G-022 pending resolution of the instant case, thereby preserving the status quo and aiding the Court's original jurisdiction;
- C. Assess the costs of this action against Respondent Commission;
- D. Award Relators' their attorneys' fees and expenses; and
- E. Award such other relief as may be appropriate.

Respectfully submitted,

/s/ Donald J. McTigue
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Counsel for Relators

Case No. _____

**In the
Tenth District Court of Appeals
For the State of Ohio**

STATE EX REL. AFTAB PUREVAL, *et al.*,
Relators,

v.

OHIO ELECTIONS COMMISSION,
Respondent.

Original Action in Prohibition

AFFIDAVIT OF EVAN NOLAN

Hamilton County

/ss

State of Ohio

I, Evan Nolan, having been duly sworn and cautioned according to law, hereby state that I am over the age of eighteen years and am competent to testify, and hereby state based on my personal knowledge that:

1. I have read the facts set forth in the foregoing Complaint, and the facts as stated therein are true.

2. I have personally read true copies of each of the exhibits referenced in the Complaint.

3. I am one of the Relators in this action, and am a qualified elector of Cincinnati, Ohio.

FURTHER AFFIANT SAYETH NAUGHT

Evan T. Nolan

Evan Nolan

Sworn to and subscribed before me this 15th day of October, 2018.

Bethany A. Palmer

Notary Public



BETHANY A. PALMER
Notary Public, State of Ohio
My Commission Expires 09-24-2023