

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

LEAGUE OF WOMEN VOTERS OF OHIO, et al.,	)	
	)	CASE NO. 1:23-CV-2414
Plaintiffs,	)	
	)	JUDGE: BRIDGET BRENNAN
v.	)	
	)	ANSWER OF DEFENDANT CUYAHOGA COUNTY PROSECUTING ATTORNEY
FRANK LaROSE, et al.	)	MICHAEL C. O’MALLEY TO
	)	PLAINTIFFS’ COMPLAINT
Defendants.	)	
	)	

Answering the Plaintiffs’ Complaint, Defendant Cuyahoga County Prosecuting Attorney Michael C. O’Malley (“Prosecuting Attorney”) states as follows:

1. The Prosecuting Attorney denies the allegations in paragraph 1 of the Complaint for lack of sufficient knowledge or information.
2. The allegations in paragraph 2 of the Complaint state legal conclusions to which no response is required, and HB 458 speaks for itself. To the extent a response is required, the Prosecuting Attorney denies them.
3. The allegations in paragraph 3 of the Complaint state legal conclusions to which no response is required, and HB 458 speaks for itself. To the extent a response is required, the Prosecuting Attorney denies them.
4. The allegations in paragraph 4 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.
5. The Prosecuting Attorney denies the allegations in paragraph 5 of the Complaint for lack of sufficient knowledge or information.

6. The allegations in paragraph 6 of the Complaint state legal conclusions and the cited law speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

7. The allegations in paragraph 7 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

8. The Prosecuting Attorney denies the allegations in paragraph 8 of the Complaint for lack of sufficient knowledge or information.

9. The allegations in paragraph 9 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

10. The Prosecuting Attorney denies the allegations in paragraph 10 of the Complaint for lack of sufficient knowledge or information.

11. The allegations in paragraph 11 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

12. The Prosecuting Attorney denies the allegations in paragraph 12 of the Complaint for lack of sufficient knowledge or information.

13. The Prosecuting Attorney denies the allegations in paragraph 13 of the Complaint for lack of sufficient knowledge or information.

14. The Prosecuting Attorney denies the allegations in paragraph 14 of the Complaint for lack of sufficient knowledge or information.

15. The allegations in paragraph 15 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

16. The allegations in paragraph 16 of the Complaint state legal conclusions and the cited law speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

17. The allegations in paragraph 17 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

18. The allegations in paragraph 18 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

19. The allegations in paragraph 19 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

20. The allegations in paragraph 20 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

21. The allegations in paragraph 21 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

22. The allegations in paragraph 22 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

23. The allegations in paragraph 23 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

24. The Prosecuting Attorney denies the allegations in paragraph 24 of the Complaint for lack of sufficient knowledge or information.

25. The Prosecuting Attorney denies the allegations contained in paragraph 25 of the Complaint.

26. The allegations in paragraph 26 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

27. The allegations in paragraph 27 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

28. The allegations in paragraph 28 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

29. The Prosecuting Attorney admits that Michael C. O'Malley is the Prosecuting Attorney for Cuyahoga County, Ohio within the Northern District of Ohio and the remaining allegations in paragraph 29 of the Complaint state legal conclusions to which no response is required.

30. The allegations in paragraph 30 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

31. The Prosecuting Attorney denies the allegations in paragraph 31 of the Complaint for lack of sufficient knowledge or information.

32. The Prosecuting Attorney denies the allegations in paragraph 32 of the Complaint for lack of sufficient knowledge or information.

33. The Prosecuting Attorney denies the allegations in paragraph 33 of the Complaint for lack of sufficient knowledge or information.

34. The Prosecuting Attorney admits that Defendant Frank LaRose is the Secretary of State for the State of Ohio, and the remaining allegations in paragraph 34 of the Complaint state legal conclusions to which no response is required, except the office location which the Prosecuting Attorney denies for lack of sufficient knowledge or information.

35. The Prosecuting Attorney admits that Defendant David Yost is the Attorney General for the State of Ohio with offices located at the address identified in paragraph 35 of the Complaint, and the remaining allegations state legal conclusions to which no response is required.

36. The Prosecuting Attorney admits that Michael C. O'Malley is the Prosecuting Attorney for Cuyahoga County with offices located at the address identified in paragraph 35 of the Complaint. The remaining allegations in paragraph 36 of the Complaint state legal conclusions to which no response is required.

37. The Prosecuting Attorney admits that HB 458 became effective April 7, 2023 and that the bill speaks for itself. The remaining allegations in paragraph 37 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

38. The allegations in paragraph 38 of the Complaint state legal conclusions and the cited law speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

39. The allegations in paragraph 39 of the Complaint state legal conclusions and the cited law speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

40. The Prosecuting Attorney denies the allegations contained in paragraph 40 of the Complaint for lack of sufficient knowledge or information.

41. The Prosecuting Attorney denies the allegations contained in paragraph 41 of the Complaint for lack of sufficient knowledge or information.

42. The allegations in paragraph 42 of the Complaint state legal conclusions and the cited law speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

43. The allegations in paragraph 43 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

44. The allegations in paragraph 44 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

45. The allegations in paragraph 45 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

46. The Prosecuting Attorney denies the allegations contained in paragraph 46 of the Complaint for lack of sufficient knowledge or information.

47. The Prosecuting Attorney denies the allegations contained in paragraph 47 of the Complaint for lack of sufficient knowledge or information.

48. The Prosecuting Attorney denies the allegations contained in paragraph 48 of the Complaint for lack of sufficient knowledge or information.

49. The Prosecuting Attorney denies the allegations contained in paragraph 49 of the Complaint for lack of sufficient knowledge or information.

50. The Prosecuting Attorney denies the allegations contained in paragraph 50 of the Complaint for lack of sufficient knowledge or information.

51. The Prosecuting Attorney denies the allegations contained in paragraph 51 of the Complaint for lack of sufficient knowledge or information.

52. The Prosecuting Attorney denies the allegations contained in paragraph 52 of the Complaint for lack of sufficient knowledge or information.

53. The Prosecuting Attorney denies the allegations contained in paragraph 53 of the Complaint for lack of sufficient knowledge or information.

54. The Prosecuting Attorney denies the allegations contained in paragraph 54 of the Complaint for lack of sufficient knowledge or information.

55. The Prosecuting Attorney denies the allegations contained in paragraph 55 of the Complaint for lack of sufficient knowledge or information.

56. The Prosecuting Attorney denies the allegations contained in paragraph 56 of the Complaint for lack of sufficient knowledge or information.

57. The Prosecuting Attorney denies the allegations contained in paragraph 57 of the Complaint for lack of sufficient knowledge or information.

58. The Prosecuting Attorney denies the allegations contained in paragraph 58 of the Complaint for lack of sufficient knowledge or information.

59. The Prosecuting Attorney denies the allegations contained in paragraph 59 of the Complaint for lack of sufficient knowledge or information.

60. The Prosecuting Attorney denies the allegations in paragraph 60 of the Complaint.

61. The Prosecuting Attorney admits that a letter dated April 25, 2023 is attached as Exhibit 2 to the Complaint, which speaks for itself, and denies the remaining allegations contained in paragraph 61 of the Complaint for lack of sufficient knowledge or information.

62. The Prosecuting Attorney admits a letter dated April 28, 2023 is attached as Exhibit 1 to the Complaint, which speaks for itself, and denies the remaining allegations contained in paragraph 62 of the Complaint for lack of sufficient knowledge or information.

63. The Prosecuting Attorney denies the allegations contained in paragraph 63 of the Complaint regarding Plaintiffs' family members for lack of sufficient knowledge or information, and the remaining allegations state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

64. The allegations in paragraph 64 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

65. The allegations in paragraph 65 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

66. The allegations in paragraph 66 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

67. The allegations in paragraph 67 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

68. The allegations in paragraph 68 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

69. The Prosecuting Attorney admits the letter dated April 25, 2023 is attached as Exhibit 2 to the Complaint, which speaks for itself, and denies the remaining allegations contained in paragraph 69 of the Complaint for lack of sufficient knowledge or information.

70. The Prosecuting Attorney denies the allegations contained in paragraph 70 of the Complaint for lack of sufficient knowledge or information.

71. The Prosecuting Attorney denies the allegations contained in paragraph 71 of the Complaint for lack of sufficient knowledge or information.

72. The Prosecuting Attorney admits the letter dated April 28, 2023 is attached as Exhibit 1 to the Complaint, which speaks for itself, and denies the remaining allegations contained in paragraph 72 of the Complaint for lack of sufficient knowledge or information.

73. The allegations in paragraph 73 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.



74. The allegations in paragraph 74 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

75. The allegations in paragraph 75 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

76. The allegations in paragraph 76 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

77. The Prosecuting Attorney denies the allegations in paragraph 77 of the Complaint for lack of sufficient knowledge or information.

78. The allegations in paragraph 78 of the Complaint state legal conclusions and the cited law speaks for itself, neither of which requires a response, and the Prosecuting Attorney denies the remainder of the allegations the paragraph for lack of sufficient knowledge or information.

79. The Prosecuting Attorney denies the allegations in paragraph 79 of the Complaint for lack of sufficient knowledge or information.

80. The Prosecuting Attorney denies the allegations in paragraph 80 of the Complaint for lack of sufficient knowledge or information.

81. The Prosecuting Attorney denies the allegations in paragraph 81 of the Complaint for lack of sufficient knowledge or information.

82. The Prosecuting Attorney denies the allegations in paragraph 82 of the Complaint for lack of sufficient knowledge or information.

83. The Prosecuting Attorney denies the allegations in paragraph 83 of the Complaint for lack of sufficient knowledge or information.

84. The Prosecuting Attorney denies the allegations in paragraph 84 of the Complaint for lack of sufficient knowledge or information.

85. The allegations in paragraph 85 of the Complaint state legal conclusions and the cited law speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

86. The allegations in paragraph 86 of the Complaint state legal conclusions and the cited law speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

87. The allegations in paragraph 87 of the Complaint state legal conclusions and the cited law speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

88. The allegations in paragraph 88 of the Complaint state legal conclusions and the cited law speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

89. The allegations in paragraph 89 of the Complaint state legal conclusions and the cited law speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

90. The allegations in paragraph 90 of the Complaint state legal conclusions and the cited law speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

91. The Prosecuting Attorney denies the allegations in paragraph 91 of the Complaint for lack of sufficient knowledge or information.

92. The Prosecuting Attorney denies the allegations in paragraph 92 of the Complaint for lack of sufficient knowledge or information.

93. The Prosecuting Attorney denies the allegations in paragraph 93 of the Complaint for lack of sufficient knowledge or information.

94. The allegations in paragraph 94 of the Complaint state legal conclusions and the cited law speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

95. The allegations in paragraph 95 of the Complaint state legal conclusions and the cited law speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

96. The Prosecuting Attorney denies the allegations in paragraph 96 of the Complaint for lack of sufficient knowledge or information.

97. The Prosecuting Attorney admits that Michael C. O'Malley is the Prosecuting Attorney of Cuyahoga County, Ohio and denies the remaining allegations in paragraph 97 of the Complaint for lack of sufficient knowledge or information.

98. The allegations in paragraph 98 of the Complaint state legal and the cited law speaks for itself, neither of which requires a response.

99. The Prosecuting Attorney denies the allegations in paragraph 99 of the Complaint.

100. The allegations in paragraph 100 of the Complaint state legal conclusions and the cited law speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

101. The allegations in paragraph 101 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

102. The allegations in paragraph 102 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

103. The allegations in paragraph 103 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

104. The allegations in paragraph 104 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

105. The allegations in paragraph 105 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

106. The Prosecuting Attorney denies the allegations in paragraph 106 of the Complaint.

107. The Prosecuting Attorney incorporates the all the foregoing responses in this Answer in answering the allegations in paragraph 107.

108. The Prosecuting Attorney admits that Plaintiffs assert allegations under the laws cited in paragraph 108 of the Complaint but denies that Plaintiffs are entitled to any relief.

109. The allegations in paragraph 109 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

110. The allegations in paragraph 110 of the Complaint state legal conclusions and the cited law speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

111. The allegations in paragraph 111 of the Complaint state legal conclusions and the cited law speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

112. The allegations in paragraph 112 of the Complaint state legal conclusions and the cited law speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

113. The allegations in paragraph 113 of the Complaint state legal conclusions and the cited law speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

114. The Prosecuting Attorney denies the allegations in paragraph 114 of the Complaint for lack of sufficient knowledge or information.

115. The Prosecuting Attorney denies the allegations in paragraph 115 of the Complaint for lack of sufficient knowledge or information.

116. The Prosecuting Attorney denies the allegations in paragraph 116 of the Complaint for lack of sufficient knowledge or information.

117. The allegations in paragraph 117 of the Complaint state legal conclusions and the cited law speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

118. The allegations in paragraph 118 of the Complaint state legal conclusions and the cited law speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

119. The Prosecuting Attorney denies the allegations in paragraph 119 of the Complaint for lack of sufficient knowledge or information.

120. The allegations in paragraph 120 of the Complaint state legal conclusions which require no response. To the extent a response is required, the Prosecuting Attorney denies them.

121. The allegations in paragraph 121 of the Complaint state legal conclusions and the cited law speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

122. The allegations in paragraph 122 of the Complaint state legal conclusions and the cited law speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

123. The allegations in paragraph 123 of the Complaint state legal conclusions and the cited law speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

124. The allegations in paragraph 124 of the Complaint state legal conclusions and the cited law speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

125. The Prosecuting Attorney denies the allegations in paragraph 125 of the Complaint.

126. The allegations in paragraph 126 of the Complaint state legal conclusions regarding what the law allows which require no response, and the Prosecuting Attorney denies the remaining allegations in paragraph 126 of the Complaint.

127. The allegations in paragraph 127 of the Complaint state legal conclusions regarding what the law allows which require no response, and the Prosecuting Attorney denies the remaining allegations in paragraph 127 of the Complaint.

128. The Prosecuting Attorney denies the allegations in paragraph 128 of the Complaint.

129. The Prosecuting Attorney denies the allegations in paragraph 129 of the Complaint.

130. The Prosecuting Attorney denies the allegations in paragraph 130 of the Complaint.

131. The Prosecuting Attorney denies the allegations in paragraph 131 of the Complaint.

132. The Prosecuting Attorney denies the allegations in paragraph 132 of the Complaint.

133. The Prosecuting Attorney denies the allegations in paragraph 133 of the Complaint.

134. The Prosecuting Attorney denies the allegations in paragraph 134 of the Complaint.

135. The allegations in paragraph 135 of the Complaint state legal conclusions and the cited law speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

136. The allegations in paragraph 136 of the Complaint state legal conclusions and the cited law speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

137. The Prosecuting Attorney denies the allegation in paragraph 137 of the Complaint.

138. The allegations in paragraph 138 of the Complaint state legal conclusions which require no response. To the extent a response is required, the Prosecuting Attorney denies them.

139. The Prosecuting Attorney denies the allegations in paragraph 139 of the Complaint.

140. The Prosecuting Attorney incorporates the all the foregoing responses in this Answer in answering the allegations in paragraph 140.

141. The Prosecuting Attorney admits that Plaintiffs assert allegations under the laws cited in paragraph 141 of the Complaint but denies that Plaintiffs are entitled to any relief.

142. The allegations in paragraph 142 of the Complaint state legal conclusions and the cited law speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

143. The allegations in paragraph 143 of the Complaint state legal conclusions and the cited law speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

144. The allegations in paragraph 144 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

145. The Prosecuting Attorney denies the allegations in paragraph 145 of the Complaint for lack of sufficient knowledge or information.

146. The allegations in paragraph 146 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

147. The allegations in paragraph 147 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

148. The allegations in paragraph 148 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

149. The Prosecuting Attorney denies the allegations in paragraph 149 of the Complaint for lack of sufficient knowledge or information.

150. The Prosecuting Attorney denies the allegations in paragraph 150 of the Complaint for lack of sufficient knowledge or information.

151. The allegations in paragraph 151 of the Complaint state legal conclusions and the cited law speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

152. The allegations in paragraph 152 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

153. The allegations in paragraph 153 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

154. The allegations in paragraph 154 of the Complaint state legal conclusions and the cited law speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.



155. The Prosecuting Attorney admits that Plaintiffs assert allegations under the law cited in paragraph 155 of the Complaint, which speaks for itself, but denies that Plaintiffs are entitled to any relief.

156. The Prosecuting Attorney denies the allegation in paragraph 156 of the Complaint.

157. The allegations in paragraph 157 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

158. The allegations in paragraph 158 of the Complaint state legal conclusions to which no response is required. To the extent a response is required, the Prosecuting Attorney denies them.

159. The Prosecuting Attorney incorporates the all the foregoing responses in this Answer in answering the allegations in paragraph 159.

160. The Prosecuting Attorney admits that Plaintiffs assert allegations under the laws cited in paragraph 160 of the Complaint but denies that Plaintiffs are entitled to any relief.

161. The law cited in paragraph 161 of the Complaint speaks for itself, which requires no response. To the extent a response is required, the Prosecuting Attorney denies any allegation in paragraph 161 of the Complaint.

162. The allegations in paragraph 162 of the Complaint state legal conclusions and the cited law speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

163. The allegations in paragraph 163 of the Complaint state legal conclusions and the cited law speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

164. The allegations in paragraph 164 of the Complaint state legal conclusions and the cited law speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

165. The allegations in paragraph 165 of the Complaint state legal conclusions which require no response. To the extent a response is required, the Prosecuting Attorney denies them.

166. The allegations in paragraph 166 of the Complaint state legal conclusions which require no response. To the extent a response is required, the Prosecuting Attorney denies them.

167. The Prosecuting Attorney denies the allegations contained in paragraph 167 of the Complaint for lack of sufficient knowledge or information.

168. The allegations in paragraph 168 of the Complaint state legal conclusions which require no response. To the extent a response is required, the Prosecuting Attorney denies them.

169. The allegations in paragraph 169 of the Complaint state legal conclusions which require no response. To the extent a response is required, the Prosecuting Attorney denies them.

170. The allegations in paragraph 170 of the Complaint state legal conclusions which require no response. To the extent a response is required, the Prosecuting Attorney denies them.

171. The Prosecuting Attorney denies the allegation in paragraph 171 of the Complaint.

172. The allegations in paragraph 172 of the Complaint state legal conclusions and the cited law speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

173. The Prosecuting Attorney admits that Plaintiffs assert allegations under the law cited in paragraph 173 of the Complaint, which speaks for itself, but denies that Plaintiffs are entitled to any relief thereunder.

174. The allegations in paragraph 174 of the Complaint state legal conclusions which require no response. To the extent a response is required, the Prosecuting Attorney denies them.

175. The Prosecuting Attorney denies the allegations in paragraph 175 of the Complaint.

176. The Prosecuting Attorney denies the allegations in paragraph 176 of the Complaint.

177. The Prosecuting Attorney incorporates the all the foregoing responses in this Answer in answering the allegations in paragraph 177.

178. The Prosecuting Attorney admits that Plaintiffs assert allegations under the law cited in paragraph 178 of the Complaint, which speaks for itself, but denies that Plaintiffs are entitled to any relief thereunder.

179. The allegations in paragraph 179 of the Complaint state legal conclusions and the law cited speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

180. The allegations in paragraph 180 of the Complaint state legal conclusions and the law cited speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

181. The allegations in paragraph 179 of the Complaint state legal conclusions and the law cited speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

182. The allegations in paragraph 182 of the Complaint state legal conclusions and the cited law speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

183. The allegations in paragraph 183 of the Complaint state legal conclusions and the cited law speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

184. The allegations in paragraph 184 of the Complaint state legal conclusions and the law speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

185. The allegations in paragraph 185 of the Complaint state legal conclusions which require no response. To the extent a response is required, the Prosecuting Attorney denies them.

186. The allegations in paragraph 186 of the Complaint state legal conclusions and the cited law speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

187. The Prosecuting Attorney denies the allegation in paragraph 187 of the Complaint.

188. The allegations in paragraph 188 of the Complaint state legal conclusions and Exhibit 1 speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

189. The Prosecuting Attorney denies the allegations in paragraph 189 of the Complaint.

190. The allegations in paragraph 190 of the Complaint state legal conclusions and the cited law speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

191. The allegations in paragraph 191 of the Complaint state legal conclusions and the letter attached as Exhibit 1 speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

192. The Prosecuting Attorney denies the allegations in paragraph 192 of the Complaint for lack of sufficient knowledge or information.

193. The allegations in paragraph 193 of the Complaint state legal conclusions and the cited law speaks for itself, neither of which requires a response. To the extent a response is required, the Prosecuting Attorney denies them.

194. The allegations in paragraph 194 of the Complaint state legal conclusions that require no response. To the extent a response is required, the Prosecuting Attorney denies them.

195. The Prosecuting Attorney denies the allegations in paragraph 195 of the Complaint.

196. The Prosecuting Attorney denies the allegations in paragraph 196 of the Complaint.

197. The allegations in paragraph 197 of the Complaint state legal conclusions that require no response. To the extent a response is required, the Prosecuting Attorney denies them.

198. The Prosecuting Attorney denies the allegations in paragraph 198 of the Complaint.

199. The Prosecuting Attorney denies the allegations in paragraph 199 of the Complaint.

200. The Prosecuting Attorney denies the allegations in Plaintiffs' recitals, headnotes, claims for relief and each and every other averment in the Complaint not specifically admitted in this Answer.

#### **ADDITIONAL AND AFFIRMATIVE DEFENSES**

The Prosecuting Attorney asserts the following defenses and reserves the right to assert additional defenses if their existence or applicability becomes known through discovery:

1. Plaintiffs' Complaint fails to state a claim against the Prosecuting Attorney upon which relief may be granted and should be dismissed with prejudice.

2. The Prosecuting Attorney is entitled to all the defenses and immunities afforded under law, including, but not limited to, those established under the Revised Code and common law, sovereign immunity, qualified immunity, 11th Amendment immunity and prosecutorial immunity.
3. Plaintiffs' Complaint is barred by the applicable statute of limitations.
4. Plaintiffs failed to exhaust the available administrative remedies.
5. The doctrines of waiver, laches, and/or estoppel bar the claims alleged in Plaintiffs' Complaint.
6. Plaintiff lack standing to assert the claims alleged in Plaintiffs' Complaint.
7. Plaintiffs have failed to name and join necessary and indispensable parties, namely the prosecuting attorneys for the 87 other counties in Ohio and the United States Postal Service.
8. Plaintiffs' claims are barred due to the independent acts or decisions of others over whom the answering Prosecuting Attorney had no control or right to control.
9. At all times referenced in Plaintiffs' Complaint, the Prosecuting Attorney has acted properly, in good faith, and in accordance with the duties under the law.
10. Plaintiffs are not entitled to injunctive or equitable relief based on the allegations in the Complaint.
11. Even if Plaintiffs prevail, which they should not, they are not entitled to recover attorneys' fees that are unreasonable, excessive, unwarranted, or unrelated to this litigation.
12. Plaintiffs' claims are moot or not ripe for judicial review.
13. The Prosecuting Attorney expressly incorporates any and all affirmative defenses raised by any other Defendants in responding to Plaintiffs' Complaint.

14. The Prosecuting Attorney gives notice that it intends to rely upon such other defenses as may become available during the discovery proceedings in this case and hereby reserves the right to amend its Answer, if necessary, in order to assert any such defenses.

WHEREFORE, the Prosecuting Attorney respectfully request that Plaintiffs' Complaint be dismissed with prejudice, that judgment be entered in their favor, and that the Prosecuting Attorney be awarded their costs, expenses, and such other relief as the Court deems just.

MICHAEL C. O'MALLEY  
Prosecuting Attorney of  
Cuyahoga County, Ohio

By: s/ Mark R. Musson  
Mark R. Musson (0081110)  
CUYAHOGA COUNTY PROSECUTOR'S OFFICE  
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*Attorneys for Defendant Cuyahoga County Prosecuting  
Attorney*

#### **CERTIFICATE OF SERVICE**

The foregoing Answer was filed and served through the Court's electronic filing system on January 24, 2024. Parties may access this filing through the Court's system.

s/ Mark R. Musson  
Mark R. Musson (0081110)