

**EMERGENCY MOTION
IMMEDIATE CONSIDERATION REQUESTED**

**FIRST DISTRICT COURT OF APPEALS
HAMILTON COUNTY, OHIO**

LISA MCQUEEN, ET AL.,	:	CASE NO. C1300196
APPELLEES	:	TRIAL NO. A1301595
v.	:	
MILTON DOHONEY, JR., ET AL.,	:	APPELLANTS' EMERGENCY MOTION FOR EXPEDITED BRIEFING SCHEDULE
APPELLANTS.	:	

**EMERGENCY MOTION
IMMEDIATE CONSIDERATION REQUESTED**

This case is about whether the Cincinnati Charter permits City Council to make any ordinance immediately effective or whether every ordinance is subject to referendum. The specific ordinance at issue here is the ordinance directing the City administration to proceed with the Parking Modernization Plan. Appellants City of Cincinnati and its City Manager Milton Dohoney, Jr. (together, "City") move the Court to set an expedited briefing schedule.

The timely disposition of this case is important to all parties. The City and its citizens need to know by May 1 whether the City must begin the process of eliminating 443 positions and notifying 338 employees that they are losing their jobs.¹ Its Council must know how many votes are necessary to pass legislation immediately. Appellees and all citizens must know as soon as possible whether to start the expensive and time-consuming process of campaigning for or against the referendum.

¹ Exhibit A (attached) is a spreadsheet, titled General Fund Reductions, listing positions slated for elimination. Exhibit B (attached) is an email from City Manager Dohoney to all City employees explaining the need to take this unfortunate step now.

This appeal can be fully briefed and considered quickly. It involves issues of law related to the interpretation of the Ohio Constitution and statutes and the Cincinnati Charter. The facts, to the extent they are relevant, are undisputed and contained in joint stipulations of the parties. The record is short and consists of a First Amended Complaint, an Answer, a Motion for Declaratory Judgment and Permanent Injunction, a memo opposing that motion, a Temporary Restraining Order, the Decision of the trial court, and the joint stipulations.

Appellants request the following briefing and argument schedule:

April 8, 2013 – Appellants' Brief (filed and served by email);

April 15, 2013 – Appellees' Brief (filed and served by email); and

April 18 or 22, 2013 – Oral Argument.

The Appellants propose a 15 page limit; the appellees propose a 25 page limit. Appellants understand that the Court will take the time necessary to reach a decision, but Appellants hope that such a schedule will permit the Court to issue a decision by May 1, 2013. Undersigned counsel has contacted the Appellees's counsel and they have indicated they do not oppose the substance of the schedule proposed above.

Respectfully submitted,

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/s/ Terrance A. Nestor

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Expedited Briefing Schedule was served by electronic mail on March 29, 2013 on the following:

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