

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

May 18, 2016

[Cite as *05/18/2016 Case Announcements #3, 2016-Ohio-3042.*]

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## MOTION AND PROCEDURAL RULINGS

### **2016-0313. Ohio Mfrs. Assn. v. Ohioans for Drug Price Relief Act.**

Miscellaneous case. This cause originated in this court upon the filing of a challenge invoking this court's original jurisdiction under Article II, Section 1g of the Ohio Constitution.

Upon consideration of respondent Ohio Secretary of State Jon Husted's motion for leave to file a response to the motion for judgment on the pleadings filed by respondents William S. Booth et al., it is ordered by the court that the motion is granted.

Upon consideration of the motion by respondents William S. Booth et al. for judgment on the pleadings or, in the alternative, for partial judgment on the pleadings, it is ordered by the court that the motion is denied, consistent with the opinion rendered herein.

O'Connor, C.J., and O'Donnell, Lanzinger, Kennedy, and French, JJ., concur.

Pfeifer, J., dissents with an opinion that O'Neill, J., joins.

O'Neill, J., dissents with an opinion.

### **2016-0313. Ohio Mfrs. Assn. v. Ohioans for Drug Price Relief Act.**

Miscellaneous case. This cause originated in this court upon the filing of a challenge invoking this court's original jurisdiction under Article II, Section 1g of the Ohio Constitution.

Upon consideration of the motion by respondents William S. Booth et al. to expedite case schedule, it is ordered by the court that the motion is granted. Upon consideration of relators' motion for scheduling conference, it is ordered by the court that the motion for scheduling conference is denied. The parties shall submit

a joint report as to the progress of discovery within 14 days of the date of this entry. Further, any request for an evidentiary hearing, if necessary, shall be made within 14 days of the date of this entry.

It is further ordered that the following briefing schedule is set: relators' merit brief and evidence are due within 21 days of the date of this entry; respondents' merit brief and evidence are due within 14 days of the filing of relators' merit brief; and relators may file a reply brief within seven days of the filing of respondents' merit brief. The parties shall address the applicability of *Cappelletti v. Celebrezze*, 58 Ohio St.2d 395, 396-397, 390 N.E.2d 829 (1979), and *State ex rel. Hodges v. Taft*, 64 Ohio St.3d 1, 10, 591 N.E.2d 1186 (1992), in their merit briefs.

It is further ordered by the court that if a request for an evidentiary hearing is filed, the briefing schedule set forth in this order shall remain in effect unless the court grants the request for a hearing and stays the briefing schedule.

Kennedy, and French, JJ., concur as to the disposition of all motions.

O'Connor, C.J., and O'Donnell, and Lanzinger, JJ., dissent in part and would deny the motion to expedite but grant all other motions.

Pfeifer, J., dissents in part, would grant the motion to expedite but refrain from setting a briefing schedule until receipt of the joint report, and would not instruct the parties to address any issues not previously raised.

O'Neill, J., dissents in part and would grant the motion to expedite and deny all other motions.