IN THE COURT OF COMMON PLEAS
LORAIN COUNTY, OHIO

GIBSON BROS., INC, et al.,	)	
	)	**CASE NO. 17CV193761**
Plaintiffs,	)	
	)	**JUDGE JOHN R. MIRALDI**
v.	)	
	)	
OBERLIN COLLEGE, et al.	)	
	)	
Defendants.	)	

MOTION OF WEWS-TV, ADVANCE OHIO, AND THE OHIO COALITION FOR OPEN GOVERNMENT FOR ACCESS TO SEALED CASE DOCUMENT AND MEMORANDUM OF LAW IN SUPPORT THEREOF

WEWS-TV, Advance Ohio, and the Ohio Coalition for Open Government (collectively, the "Media Movants") hereby move this Court, pursuant to Ohio Superintendence Rule 45(F), for access to certain sealed materials in the above-captioned matter (the "Lawsuit"). Specifically, Media Movants seek an order unsealing Exhibit G to the affidavit of Cary M. Snyder, which was filed with defendants' combined reply brief in support of their motions for summary judgment ("Exhibit G"). Court records in Ohio are presumptively open and may be sealed, or remain under seal, only if a court, via specific, on-the-record factual findings concludes that, by a showing of clear and convincing evidence, a higher interest outweighs the right of the press and the public to access the records. Sup. R. 45; *Vindicator Printing Co. v. Wolff*, 132 Ohio St. 3d 481, 2012-Ohio-3328, 974 N.E.2d 89, ¶ 24. Such findings were never made with respect to Exhibit G, and no higher interest outweighs the news media's and the

public's constitutional right of access. Accordingly, the Court should grant Media Movants' request to issue an order unsealing Exhibit G.[1]

INTRODUCTION AND FACTUAL BACKGROUND

In November 2016, a group of Oberlin College ("Oberlin") students participated in a protest of Gibson's Bakery (the "Bakery"), following an altercation between Bakery employee Allyn D. Gibson, Jr. and an African American Oberlin student. *See* Defendant Oberlin College's Motion for Summary Judgment ("MSJ"), at 4-5. Flyers distributed by Oberlin students in connection with the protest referred to the Bakery as "a racist establishment with a long account of racial profiling and discrimination." Complaint at ¶ 36; MSJ at 6. The Oberlin Student Senate subsequently published a resolution stating the same. Complaint at ¶ 48; MSJ at 6. On November 7, 2017, plaintiffs filed this Lawsuit against Oberlin and Oberlin Dean Meredith Raimondo alleging that they, *inter alia*, aided and encouraged Oberlin students in the publishing of allegedly libelous statements regarding the Bakery. Complaint at ¶¶ 100-09.

For purposes of facilitating discovery, the parties entered into a Stipulated Protective Order on June 6, 2018 (the "Protective Order"), permitting a party to designate documents as confidential "upon making a good faith determination" that the documents contained information that should be protected from disclosure. Protective Order at ¶ 3. The Protective Order stated that such party-level determinations, however, were not to "be construed or presented as a judicial determination that any documents or information designated CONFIDENTIAL by

[1] As noted below, Defendants filed an appeal from the verdict on the merits on October 8, 2019. However, this does not deprive the Court of ongoing jurisdiction over collateral matters, including the Media Movants' request to unseal at issue here. *See Yee v. Erie County Sheriffs Dept.*, 553 N.E.2d 1354, 1355 (Ohio 1990) ("When a case has been appealed, the trial court retains all jurisdiction not inconsistent with the court of appeals' jurisdiction to reverse, modify, or affirm the judgment.").

counsel or the parties is subject to protection . . . until such time as the Court may rule upon a specific document or issue." Protective Order at ¶ 16.

Among the discovery documents designated as "confidential" by plaintiffs was a forensic image of Allyn D. Gibson, Jr.'s Facebook account. *See* Brief in Support of Motion to Unseal Exhibit G of Defendants' Combined Summary Judgment Reply Brief ("Defendants' Motion"), at 4. A portion of that Facebook account—which defendants contend contains information regarding Mr. Gibson's views as to the Bakery's reputation and its alleged racial profiling—was filed under seal as Exhibit G to defendants' combined summary judgment reply brief. *Id.*

Defendants' motions for summary judgment were granted in part and denied in part. *See* Entry and Ruling on Defendants' Oberlin College and Meredith Raimondo's Motions for Summary Judgment, at 29. The case proceeded to trial on the remaining claims. *Id.* In June 2019, a jury found in favor of plaintiffs, awarding $11 million dollars in compensatory damages and $33 million dollars in punitive damages. *Market Awarded $44 Million in Racism Dispute with Oberlin College*, NEWS 5 CLEVELAND (last updated June 14, 2019), https://www.news5cleveland.com/news/local-news/oh-lorain/market-awarded-44m-in-racism-dispute-with-oberlin-college. The Court later reduced the compensatory and punitive damages awards to a total of $25 million dollars and awarded plaintiffs an additional $6.5 million dollars in attorneys' fees. *See* Judgment Entry on Award of Attorneys' Fees and Litigation Expenses; *Judge Reduces Jury Awards in Dispute With Oberlin College*, WALL STREET JOURNAL (June 28, 2019), https://www.wsj.com/articles/judge-reduces-jury-awards-in-dispute-with-oberlin-college-11561752684. Defendants have appealed the verdict. Mary Kilpatrick, *Oberlin College Appeals $31 Million Gibson Bakery Decision,* CLEVELAND.COM (Oct. 8, 2019),

https://www.cleveland.com/metro/2019/10/oberlin-college-appeals-31-million-gibson-bakery-decision.html.

The Lawsuit was highly publicized and covered by media outlets throughout Ohio and across the country, including by the Media Movants. *See, e.g.*, Talal Ansari, *Ohio Bakery Awarded $44 Million in Libel Verdict Against Oberlin College*, WALL STREET JOURNAL (June 14, 2019), https://www.wsj.com/articles/ohio-bakery-awarded-44-million-in-libel-case-against-oberlin-college-11560528172; Jenni Fink, *Oberlin College President $44 Million Dollar Price Tag on Free Speech Should Worry Conservatives, Too*, NEWSWEEK (June 27, 2019), https://www.newsweek.com/oberlin-bakery-lawsuit-raimondo-gibson-verdict-1446305; Phillip Morris, *Oberlin College Protest Farce Comes with Heavy Cost*, CLEVELAND.COM (June 26, 2019), https://www.cleveland.com/morris/2019/06/oberlin-college-protest-farce-comes-with-a-heavy-cost-phillip-morris.html; Alan Neuhauser, *A Liberal College Campus, a Local Bakery and a Multimillion Dollar Defamation Verdict Exposes National Fault Lines,* U.S. NEWS & WORLD REPORT (July 3, 2019), https://www.usnews.com/news/politics/articles/2019-07-03/oberlin-college-president-fights-back-against-defamation-verdict.

On August 28, 2019, Oberlin moved the Court for an order unsealing Exhibit G. The Court denied the request, in part, on the basis of the Protective Order. *See* Entry and Ruling on Defendants' Motion to Unseal Exhibit G of Defendants' Combined Summary Judgment Reply Brief. The Court made no factual findings as to whether the continued sealing of Exhibit G was necessary to serve a compelling interest or whether continued sealing of the entirety of Exhibit G was the least restrictive means of preserving any such interest. *Id.*

WEWS-TV is an ABC-affiliated television station, owned by Scripps Media, Inc., which serves the greater Cleveland metropolitan area and which broadcasts nearly 40 hours of locally

produced newscasts each week. Advance Ohio is the publisher of cleveland.com and the online home of the *Plain Dealer*, the largest daily newspaper in Ohio. Both reported extensively on the Lawsuit and continue to report on Oberlin's pending appeal. *See, e.g.*, *Oberlin College Appeals Verdict that Awarded Bakery More Than $31 Million,* NEWS 5 CLEVELAND (last updated Oct. 9, 2019), https://www.news5cleveland.com/news/local-news/oh-lorain/oberlin-college-appeals-verdict-that-awarded-bakery-44-million; *Jury Awards $11 Million in Lawsuit Over Ohio College Dispute*, NEWS 5 CLEVELAND (last updated June 8, 2019), https://www.news5cleveland.com/news/local-news/oh-lorain/jury-awards-11-million-in-lawsuit-over-ohio-college-dispute; Emily Bamforth, *Gibson's Bakery Awarded More than $11 Million in Years-Long Legal Battle with Oberlin College*, CLEVELAND.COM (June 7, 2019), https://www.cleveland.com/news/2019/06/gibsons-bakery-awarded-more-than-11-million-in-years-long-legal-battle-with-oberlin-college.html; Editorial Board, *What are the Ramifications of the Gibson's Bakery v. Oberlin College Verdict*, CLEVELAND.COM (June 27, 2019), https://www.cleveland.com/opinion/2019/06/what-are-the-ramifications-of-the-gibsons-bakery-v-oberlin-college-verdict-editorial-board-roundtable.html. The Ohio Coalition for Open Government is a nonprofit corporation whose supporters include citizens, Ohio newspapers, Ohio broadcasters, local news websites and others who share a common interest in enforcing and studying Ohio's open records laws, including the right of access to court records. The coalition was formed in 1992 by the Ohio News Media Foundation, a nonprofit corporation affiliated with the Ohio News Media Association.

The First Amendment, Ohio Constitution, and Ohio Superintendence Rule 45 afford members of the media, like Media Movants, and the public a presumptive right of access to judicial records and documents. *See State ex rel. Cincinnati Enquirer v. Winkler*, 101 Ohio St.

3d 382, 2004-Ohio-1581, 805 N.E.2d 1094, ¶¶ 8-9. The existence of a stipulated protective order entered into between litigants does not vitiate these rights. *See Shane Grp., Inc. v. Blue Cross Blue Shield of Mich.*, 825 F.3d 299, 305-06 (6th Cir. 2016). Accordingly, for the reasons set forth herein, the Media Movants respectfully request that the Court enter an order unsealing Exhibit G.

ARGUMENT

I. The press and the public have a presumptive right of access to Exhibit G.

Openness is "an indispensable attribute" of our judicial system. *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 569 (1980); *see also Brown & Williamson Tobacco Corp. v. FTC*, 710 F.2d 1165, 1177 (6th Cir. 1983) (noting that openness "has been a fundamental feature of the American judicial system"); Ohio Const. Article I, Section 16 ("All courts shall be open...."). It guards against unfairness and inequity in the application of laws, giving "assurance that established procedures are being followed and that deviations will become known." *Press-Enter. Co. v. Superior Court*, 464 U.S. 501, 508 (1984) ("*Press-Enterprise I*"). The U.S. Supreme Court has long-recognized that the press plays a vital role in facilitating public monitoring of the judicial system, acknowledging that "[w]hile media representatives enjoy the same right of access as the public," they often "function[] as surrogates for the public" by, for example, attending proceedings, reviewing court documents, and reporting on judicial matters to the public at large. *Richmond Newspapers*, 448 U.S. at 573.

Particularly in cases of significant public interest and concern, like this one, the ability of the press and the public "to review the facts presented to the court" is necessary to assure public confidence in the administration of justice. *Brown & Williamson*, 710 F.2d at 1178; *see also Rudd Equip. Co., Inc. v. John Deere Constr. & Forestry Co.*, 834 F.3d 589, 593 (6th Cir. 2016)

("In civil cases, as much as in criminal matters, the resolution of private disputes frequently involves issues and remedies affecting third parties or the general public, and secrecy serves only to insulate the participants, mask impropriety, obscure incompetence, and conceal corruption.") (internal quotations and citations omitted). And, because "court records often provide important, sometimes the only, bases or explanations for a court's decision," the presumption of openness applies just as strongly to the accessibility of court documents—like exhibits filed in support of motions for summary judgment—as it does to court proceedings. *Brown & Williamson*, 710 F.2d at 1177; *see also, State ex rel. Beacon Journal Pub'g Co. v. Bond*, 98 Ohio St.3d 146, 2002-Ohio-7117, ¶ 15 (recognizing presumptive right of access to juror questionnaires). "Only the most compelling reasons can justify non-disclosure of judicial records." *In re Knoxville News-Sentinel Co., Inc.*, 723 F.2d 470, 476 (6th Cir. 1983).

A. The First Amendment and the Ohio Constitution afford the Media Movants a qualified right of access to judicial records that is applicable to Exhibit G.

The Ohio Supreme Court has recognized that the right of access guaranteed by the First Amendment and by Article I, Section 16 of the Ohio Constitution extends to judicial documents. *Winkler*, 101 Ohio St. 3d at 384 ("Article I of the Ohio Constitution guarantees the public's right to open courts. This right of access found in both the federal and state Constitutions includes records and transcripts that document the proceedings."); *see also Dream Fields, L.L.C. v. Bogart*, 175 Ohio App. 3d 165, 2008-Ohio-152, 885 N.E.2d 978, ¶ 2 ("Courts have traditionally recognized the right of the public to inspect judicial records."). Because the "open courts" provision of the Ohio Constitution creates an equivalent right of public access to court proceedings and records as "that accorded by the Free Speech and Free Press Clauses of the First Amendment to the United States Constitution," *Bond* at ¶ 14 (quoting *Cleveland v. Trzebuckowski*, 709 N.E.2d 1148 (1999)), to determine whether the constitutional right applies to

a specific judicial record, Ohio courts look to the same complementary and related considerations of "experience" and "logic" recognized by the U.S. Supreme Court in *Press-Enter. Co. v. Superior Court*, 478 U.S. 1, 8 (1986) ("*Press-Enterprise II*"). *See Bond* at ¶ 38; *see also, e.g.*, *State ex rel. Scripps Howard Broad. Co. v. Cuyahoga Cty. Court of Common Pleas, Juv. Div.*, 73 Ohio St. 3d 19, 652 N.E.2d 179 (1995); *State ex rel. Cincinnati Enquirer v. Bronson*, 191 Ohio App. 3d 160, 2010-Ohio-5315, 945 N.E.2d 551.

In applying these considerations to Exhibit G, courts around the country have consistently held that "documents submitted to a court for its consideration in a summary judgment motion are—as a matter of law—judicial documents to which a strong presumption of access attaches, under . . . the First Amendment." *Lugosch v. Pyramid Co. of Onondaga,* 435 F.3d 110, 121 (2d Cir.2006); *see also San Jose Mercury News, Inc. v. U.S. District Court,* 187 F.3d 1096, 1102 (9th Cir.1999) ("the unbroken string of authorities . . . leaves little doubt" that the "right of public access extends to materials submitted in connection with motions for summary judgment in civil cases prior to judgment"); *Rushford v. New Yorker Magazine, Inc.,* 846 F.2d 249, 252–53 (4th Cir.1988) (finding that "[b]ecause summary judgment adjudicates substantive rights and serves as a substitute for a trial" the presumption of access attaches to "documents filed in connection with a summary judgment motion in a civil case"). Indeed, as the Sixth Circuit recently explained, "briefs . . . filed with the court, *as well as any reports or exhibits that accompan[y] those filings*, are the sort of records that would help the public assess for itself the merits of judicial decisions . . . [and] therefore subject to the strong presumption in favor of openness." *In re Nat'l Prescription Opiate Litig.*, 927 F.3d 919, 939 (6th Cir. 2019). Moreover, the strong presumption in favor of access to documents, like Exhibit G, submitted in support of a dispositive motion is not dependent on "the extent to which they

were relied upon in resolving the motion." *Lugosch*, 435 F.3d at 123 ("documents used by parties moving for, or opposing, summary judgment should not remain under seal *absent the most compelling reasons.*") (quoting *Joy v. North*, 692 F.2d 880, 893 (2d Cir. 1982)); *see also*, *Wolff*, 132 Ohio St.3d 481, 2012-Ohio-3328, 974 N.E.2d 89, ¶ 27 ("There is no requirement . . . that a record or document must be used by the court in a decision to be entitled to the presumption of public access.").

Where, as here, the constitutional right applies, the presumption of access can be overcome only if "specific, on the record findings are made demonstrating that 'closure is essential to preserve higher values and is narrowly tailored to serve that interest.'" *Press-Enterprise II*, 478 U.S. at 13–14 (quoting *Press–Enterprise I*, 464 U.S. at 510). In the context of civil litigation "only trade secrets, information covered by a recognized privilege (such as the attorney-client privilege), and information required by statute to be maintained in confidence (such as the name of a minor victim of a sexual assault) is typically enough to overcome the presumption of access." *Shane Grp.*, 825 F.3d at 308 (internal quotations and citation omitted). The party seeking closure or sealing bears a "heavy burden" to overcome such scrutiny, and must "analyze in detail, document by document, the propriety of secrecy, providing reasons and legal citations." *Id.* at 305–06.

B. Ohio Superintendence Rule 45 affords the Media Movants a qualified right of access to Exhibit G.

In addition to the constitutional presumption of access, Ohio Superintendence Rule 45(A) also recognizes a fundamental presumption of open access to all judicial documents, including the summary judgment exhibit at issue here. Sup. R. 45 ("Court records are presumed open to public access."); *see also* Sup. R. 44(B) and (C)(1) (defining "court records" to include, in part, "a document and information in a document submitted to a court or filed with a clerk of court in

a judicial action or proceeding, including exhibits, pleadings, motions, orders, and judgments . . ."). According to the Ohio Supreme Court, "the Rules of Superintendence regarding public access to court records should enjoy a broad judicial construction in favor of access to records, which promotes openness, transparency of process, and accountability." *State ex rel. Cincinnati Enquirer v. Lyons*, 140 Ohio St.3d 7, 2014-Ohio-2354, 14 N.E.3d 989, ¶ 14.

Pursuant to Superintendence Rule 45, a court may restrict public access to all or part of a court record only "if it finds by clear and convincing evidence that the presumption of allowing public access is outweighed by a higher interest." Sup. R. 45(E)(2); *State ex rel. Cincinnati Enquirer v. Hunter*, 1st Dist. Hamilton No. C-130072, 2013 WL 558750, 2013-Ohio-4459, ¶ 11 (granting release of juvenile court records in the absence of "clear and convincing evidence that the presumption of allowing public access is outweighed by a higher interest").

Prior to doing so, the court must consider:

> (a) Whether public policy is served by restricting public access;
>
> (b) Whether any state, federal, or common law exempts the document or information from public access;
>
> (c) Whether factors that support restriction of public access exist, including risk of injury to persons, individual privacy rights and interests, proprietary business information, public safety, and fairness of the adjudicatory process.

Sup. R. 45(E)(2)(a)-(c); *Wolff*, 132 Ohio St.3d 481, 2012-Ohio-3328, 974 N.E.2d 89, at ¶¶ 32-34.

In the event the court finds it necessary to restrict public access, it must do so using "the least restrictive means available," which typically requires "[r]edacting the information rather than limiting public access to the entire document." Sup. R. 45(E)(3).

II. The presumptions in favor of public access to Exhibit G are not overcome; Exhibit G should be unsealed.

Exhibit G was filed as an exhibit to defendants' combined reply in support of their motions for summary judgment. As such, it falls squarely within the category of judicial records and documents to which a presumption of openness attaches under the First Amendment and the Ohio Constitution. Moreover, as an "exhibit" that was "submitted to a court or filed with a clerk of court in a judicial action or proceeding," it constitutes a "case record" to which a presumption of openness applies under Superintendence Rule 45.

Here, Exhibit G was filed under seal on the basis of the parties' stipulated Protective Order. However, the Protective Order was designed to facilitate *discovery* by allowing the parties to determine in the first instance the appropriate level of confidentiality applicable to documents exchanged between the parties during the course of discovery. "'There is a stark difference between so-called 'protective orders' entered pursuant to . . . discovery . . . on the one hand, and orders to seal court records, on the other." *Shane Grp.*, 825 F.3d at 305. While "[s]ecrecy" may, in many cases, be " fine at the discovery stage," once the document is filed with the court, the presumptions of public access apply; the press and the public have "a strong interest in obtaining the information contained in the court record." *Id.* (internal quotations and citations omitted); *see also Cincinnati Enquirer v. Dinkelacker*, 144 Ohio App.3d 725, 730-31, 761 N.E.2d 656, 659-660 (1st Dist. 2001) (holding that "discovery material becomes a public record when it becomes part of the court record.").

A party may not waive the *public's* rights to access court records by filing a document under seal pursuant to a stipulated protective order. *See Rudd Equip. Co.*, 834 F.3d at 595. The "court's obligation to keep its records open for public inspection is not conditioned on an objection from anybody." *Shane Grp.*, 825 F.3d at 307. Nor may a party rely on a stipulated

protective order to relieve it of its burden under the First Amendment, Ohio Constitution, or Superintendence Rule 45 to articulate the compelling interests that it contends justify sealing. *See In re Nat'l Prescription Opiate Litig.*, 927 F.3d at 940-41 (remanding to district court to make specific factual findings as to pleadings filed under seal pursuant to a protective order, and advising the court "to bear in mind that the party seeking to file under seal must provide a compelling reason to do so and demonstrate that the seal is narrowly tailored to serve that reason").

Because Exhibit G was filed under seal purportedly on the basis of the parties' Protective Order, the Court was not asked to and did not make the requisite specific, on the record findings as to whether sealing was "essential to preserve higher values" and, if so, whether wholesale sealing of Exhibit G was narrowly tailored to serve any such interest. *See Press-Enterprise II*, 478 U.S. at 13–14. Nor, prior to sealing, did the Court make a finding as to whether "by clear and convincing evidence . . . the presumption of allowing public access [under Sup. R. 45(A)] is outweighed by a higher interest" and, if so, whether sealing the document would be "the least restrictive means available" to protect the interest, per the mandates of Sup. R. 45(E)(2)-(3).

Public interest in this Lawsuit and, specifically, its allegations of discrimination and racial profiling by a century-old neighborhood bakery, on the one hand, and of alleged impropriety on the part of a large educational institution on the other, is substantial. The case has garnered significant media attention from both local and national news outlets. *See, e.g.*, EJ Dickson, *How a Small-Town Bakery in Ohio Became a Lightning Rod in the Culture Wars*, ROLLING STONE (July 18, 2019), https://www.rollingstone.com/culture/culture-features/oberlin-gibson-bakery-protest-defamation-suit-controversy-culture-war-850404/; Conor Friedersdorf, *From Public Shame to the Courtroom,* THE ATLANTIC (June 15, 2019),

https://www.theatlantic.com/ideas/archive/2019/06/the-publicly-shamed-sue-oberlin-college-verdict/591379/; *Oberlin Helped Students Defame a Bakery, a Jury Says*, NEW YORK TIMES (June 14, 2019) https://www.nytimes.com/2019/06/14/us/oberlin-bakery-lawsuit.html; Sammy Westfall & Asha Prihar, *Oberlin Libel Trial Rattles Community, Raises Questions About Free Speech,* TOLEDO BLADE (June 15, 2019), https://www.toledoblade.com/local/education/2019/06/15/oberlin-college-gibsons-bakery-libel-lawsuit-race-community-free-speech/stories/20190614189. Interest in the Lawsuit is likely to remain high as the case proceeds on appeal.

Based on documents filed with the Court, Exhibit G is believed to contain information directly related to the allegations of racial profiling that spurred the student protest that is at the heart of this Lawsuit and, about which, the public has a right to know. Defendants' Motion, at 4. Indeed, "[t]he remedies or penalties imposed by the court will be more readily accepted, or corrected if erroneous, if the public has an opportunity to review the facts presented to the court." *Brown & Williamson*, 710 F.2d at 1178.

Continued sealing of Exhibit G cannot be justified. Plaintiffs have not met their burden under the First Amendment, Ohio Constitution, or Superintendence Rule 45, and the Court has not weighed the purported interests in favor of sealing against the public's strong, presumptive right to inspect this judicial record. For these reasons, Exhibit G should be unsealed. Even assuming, *arguendo*, that the Court were to determine—via specific, on-the-record factual findings— that countervailing interests overcome the public's rights of access to Exhibit G, any continued restrictions must be "narrowly tailored to serve that interest" and must be "the least restrictive means available," for example, "[r]edact[ion] . . . rather than limit[ed] public access to the entire document." *See* Sup. R. 45(E)(3); *see also Press-Enterprise I*, 464 U.S. at 511, 513

(noting that where jurors have a privacy interest in their answers during *voir dire*, "[t]he trial judge should seal only such parts of the transcript as necessary to preserve the anonymity of the individuals sought to be protected"); *Frisby v. Schultz*, 487 U.S. 474, 485 (1988) (narrow tailoring "targets and eliminates no more than the exact source of the 'evil' it seeks to remedy").

CONCLUSION

For the foregoing reasons, the Media Movants respectfully request that the Court unseal Exhibit G to defendants' combined summary judgment reply brief.

Dated: October 31, 2019

Respectfully submitted,

Michael K. Farrell (0040941)
Melissa D. Bertke (0080567)
BAKER & HOSTETLER LLP
Key Tower
127 Public Square, Suite 2000
Cleveland, OH 44114
Phone: (216) 861-7865
Fax: (216) 696-0740

Katie Townsend (*pro hac vice pending*)
THE REPORTERS COMMITTEE FOR
FREEDOM OF THE PRESS
1156 15th St. NW, Suite 1020
Washington, DC 20005
Phone: (202) 795-9300
Fax: (202) 795-9310

Counsel for Media Movants

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served this 31st day of October, 2019, via e-mail, pursuant to Civ.R. 5(B)(2)(f) of the Ohio Rules of Civil Procedure, upon the following:

Owen J. Rarric
Jacqueline Bollas Caldwell
Terry A. Moore
Matthew W. Onest
Krugliak, Wilkins, Griffiths & Dougherty Co., L.P.A.
4775 Munson Street, NW
P.O. Box 36963
Canton, OH 36963
orarric@kwgd.com
jcaldwell@kwgd.com
tmoore@kwgd.com
monest@kwgd.com

Lee E. Plakas
Brandon W. McHugh
Jeananne M. Ayoub
Tzangas, Plakas, Mannos & Raies
220 Market Avenue South
8th Floor
Canton, OH 44702
lplakas@lawlion.com
bmchugh@lawlion.com
jayoub@lawlion.com

James N. Taylor
James N. Taylor Co., L.P.A.
409 East Avenue, Suite A
Elyria, OH 44035
taylor@jamestaylorlpa.com

Attorneys for Plaintiffs

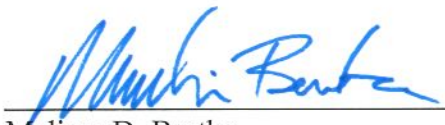
Ronald D. Holman, II
Julie A. Crocker
Cary M. Snyder
William A. Doyle

Josh M. Mandel
Taft Stettinius & Hollister LLP
200 Public Square, Suite 3500
Cleveland, OH 44114-2302
rholman@taftlaw.com
jcrocker@taftlaw.com
csnyder@taftlaw.com
wdoyle@taftlaw.com
jmandel@taftlaw.com

Irene Keyse-Walker
Benjamin C. Sassé
TUCKER ELLIS LLP
950 Main Avenue, Suite 1100
Cleveland, OH 44113
jkeyse-walker@tuckerellis.com

Richard D. Panza
Matthew W, Nakon
Rachelle Kuznicki Zidar
Malorie A. Alverson
Wilbert V, Farrell, IV
Michael R. Nakon
Wickens, Herzer, Panza, Cook & Batista Co
35765 Chester Road
Avon, OH 44011-1262
RPanza@WickensLaw.com
NNakon@WickensLaw. com
RZidar@WickensLaw.com
MAlverson@WickensLaw.com
WFarrell@WickensLaw.com
MRNakon@WickensLaw.com

Co-Counsel for Defendants Oberlin College aka Oberlin College and Conservatory, and Meredith Raimondo



Melissa D. Bertke
Counsel for WEWS-TV, Advance Ohio, and the Ohio Coalition for Open Government