

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF OHIO**

STATE OF OHIO,	:	
<i>Plaintiff,</i>	:	
v.	:	Case No. 1:21-cv-181-DRC
JANET YELLEN, in her official	:	
capacity as Secretary of the	:	District Judge Douglas R. Cole
Treasury; RICHARD K. DELMAR,	:	
in his official capacity as acting	:	
inspector general of the Department	:	
of Treasury; and U.S.	:	
DEPARTMENT OF THE	:	
TREASURY,	:	
<i>Defendants.</i>	:	

EMERGENCY MOTION TO EXPEDITE PROCEEDINGS

The Court’s opinion and order on Ohio’s request for a preliminary injunction recognizes that Ohio is being irreparably harmed by the absence of clarity regarding the Tax Mandate’s constitutionality. *See Op.*, R.36, PageID#566–67. In hopes of obtaining that clarity, Ohio respectfully requests an expedited decision on its request for permanent-injunctive relief and a declaratory judgment. This case presents purely legal issues, meaning the parties do not need discovery. And because most of the issues have been fully briefed already, the parties do not need any considerable amount of time to file briefing on the remaining issues. Ohio respectfully requests a final judgment by **June 4**. To that end, it proposes the following briefing schedule:

- Ohio’s brief in support of a permanent injunction and declaratory relief: **May 19**
- The defendants’ response in opposition to a permanent injunction and declaratory relief: **May 26**

- Ohio's reply brief: **May 28**.

Ohio requests a decision by June 4 because it believes this will provide the Court and the parties with adequate time to review the remaining issues, while still providing Ohio with important and timely clarification during its ongoing budget process. Counsel for Ohio contacted counsel for defendants, who was unable to consent or oppose the proposed schedule at this time.

Respectfully submitted,

DAVE YOST (0056290)
Ohio Attorney General

/s/ Benjamin M. Flowers
BENJAMIN M. FLOWERS* (0095284)
Solicitor General

**Trial Attorney*

ZACHERY P. KELLER (0086930)
MAY DAVIS (*pro hac vice*)
Deputy Solicitors General
30 East Broad Street, 17th Floor
614-466-8980
614-466-5087; fax
benjamin.flowers@ohioattorneygeneral.gov

Counsel for the State of Ohio

CERTIFICATE OF SERVICE

I hereby certify that on May 12, 2021 a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system.

/s/ Benjamin Flowers
BENJAMIN M. FLOWERS* (0095284)
Solicitor General
**Trial Attorney*