

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

<p>ARTHUR LAVIN, M.D. 18502 Lynton Road Shaker Heights, OH 44122</p> <p>and</p> <p>JASON CHAO, M.D. 3489 Fairmount Blvd. Cleveland Heights, OH 44118</p> <p>and</p> <p>MICHAEL W. DEVEREAUX, M.D. 2886 Litchfield Road Shaker Heights, OH 44120</p> <p>and</p> <p>PATRICIA J. KELLNER, M.D. 1951 Laurel Hill Road South Euclid, OH 44121</p> <p>and</p> <p>JEROME LIEBMAN, M.D. 567 Parkside Blvd. Cleveland, OH 44143</p> <p>and</p> <p>ERIC R. SCHREIBER, M.D. 18101 Shelburne Road Cleveland Heights, OH 44118</p> <p>and</p> <p>CONSTANCE D. MAGOULIAS, M.D. 13605 Shaker Blvd., #3A Cleveland, OH 44120</p>	<p>Case No.:</p> <p>JUDGE:</p> <p>MAGISTRATE JUDGE:</p> <p>COMPLAINT FOR DECLARATORY JUDGMENT, PRELIMINARY- AND PERMANENT-INJUNCTIVE RELIEF, AND ATTORNEYS' FEES AND COSTS</p>
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and

PETER A. DEGOLIA, M.D.

1648 Compton Road
Cleveland Heights, OH 44118

and

NATHAN R. BEACHY, M.D.

3685 Gridley Road
Shaker Heights, OH 44122

Plaintiffs,

– vs –

JENNIFER BRUNNER, In Her Official
Capacity as Ohio Secretary of State
180 East Broad Street, 16th Floor
Columbus, Ohio 43215

Defendant.

**COMPLAINT FOR DECLARATORY JUDGMENT, PRELIMINARY- AND
PERMANENT-INJUNCTIVE RELIEF, AND ATTORNEYS' FEES AND COSTS**

Respectfully submitted,

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– INTRODUCTION AND NATURE OF ACTION –

1. This action, brought under the Civil Rights Acts of 1871, 42 U.S.C. § 1983, contests on First and Fourteenth Amendment grounds the constitutionality of a state statute, R.C. 3599.45. That statute prohibits candidates for the office of Ohio Attorney General, and candidates for prosecuting attorney in any Ohio county, from accepting campaign contributions from recipients of Medicaid funding, and those with an ownership interest in such recipients (“Ohio Medicaid providers”).
2. Plaintiffs are Ohio Medicaid providers who wish to contribute to the election campaigns of certain candidates for the offices of Ohio Attorney General and Cuyahoga County Prosecutor. They have been thwarted in their ability to do so by the statute, and in particular by the refusal of a candidate to accept their contributions in light of the statute’s criminal characterization of this benign, constitutionally protected conduct. Plaintiffs seek a declaration that the statute impermissibly violates their right to make campaign contributions, and thus to engage in political expression protected by the First and Fourteenth Amendments. They also seek a preliminary and a permanent injunction that prohibits Defendant from enforcing the statute.

– PARTIES –

3. Plaintiff Arthur Lavin, M.D. (“Dr. Lavin”) is, and at all relevant times was, a physician and Ohio Medicaid provider licensed to practice medicine in and by the State of Ohio, with his principal place of business in Beachwood, Cuyahoga County, Ohio. Dr. Lavin, a pediatrician, has, and at all relevant times had, an ownership interest in Advanced Pediatrics, an Ohio corporation that provides goods and services under contract with the Ohio

Department of Job and Family Services under the Medicaid program of Title XIX of the Social Security Act, 42 U.S.C. § 301, *et seq.*

4. Plaintiff Jason Chao, M.D. (“Dr. Chao”), is, and at all relevant times was, a physician licensed to practice medicine in and by the State of Ohio, with his principal place of business in Cleveland, Cuyahoga County, Ohio. Dr. Chao, an attending physician and Director of Quality Assurance at University Hospitals and a professor of Family Medicine at Case Western Reserve University, is, and at all relevant times was, a provider of services and goods under contract with the Department of Job and Family Services under the Medicaid program of Title XIX of the Social Security Act, 42 U.S.C. § 301, *et seq.*
5. Plaintiff Michael W. Devereaux, M.D. (“Dr. Devereaux”), is, and at all relevant times was, a physician licensed to practice medicine in and by the State of Ohio, with his principal place of business in Cleveland, Cuyahoga County, Ohio. Dr. Devereaux, a neurologist at University Hospitals and professor of Neurology at Case Western Reserve University, is, and at all relevant times was, a provider of services and goods under contract with the Department of Job and Family Services under the Medicaid program of Title XIX of the Social Security Act, 42 U.S.C. § 301, *et seq.*
6. Plaintiff Nathan R. Beachy, M.D. (“Dr. Beachy”), is, and at all relevant times was, a physician licensed to practice medicine in and by the State of Ohio, with his principal place of business in Cleveland, Cuyahoga County, Ohio. Dr. Beachy, a family physician at MetroHealth Hospitals and Senior Instructor of Family Medicine at Case Western Reserve University, is, and at all relevant times was, a provider of services and goods under contract with the Department of Job and Family Services under the Medicaid program of Title XIX of the Social Security Act, 42 U.S.C. § 301, *et seq.*

7. Plaintiff Patricia J. Kellner, M.D. (“Dr. Kellner”), is, and at all relevant times was, a physician and Ohio Medicaid provider licensed to practice medicine in and by the State of Ohio, with her principal place of business in Cleveland, Cuyahoga County, Ohio. Dr. Kellner, is, and at all relevant times was, a provider of services and goods under contract with the Department of Job and Family Services under the Medicaid program of Title XIX of the Social Security Act, 42 U.S.C. § 301, *et seq.*; is a family physician affiliated with University Hospitals; and has, and at all relevant times had, an ownership interest in Eastside Family Practice, an Ohio practice that provides goods and services under contract with the Department of Job and Family Services under the Medicaid program of Title XIX of the Social Security Act, 42 U.S.C. § 301, *et seq.*
8. Plaintiff Jerome Liebman, M.D. (“Dr. Liebman”), is, and at all relevant times was, a physician licensed to practice medicine in and by the State of Ohio, with his principal place of business in Cleveland, Cuyahoga County, Ohio. Dr. Liebman, a pediatric cardiologist at University Hospitals, is, and at all relevant times was, a provider of services and goods under contract with the Department of Job and Family Services under the Medicaid program of Title XIX of the Social Security Act, 42 U.S.C. § 301, *et seq.*
9. Plaintiff Eric R. Schreiber, M.D. (“Dr. Schreiber”), is, and at all relevant times was, a physician licensed to practice medicine in and by the State of Ohio, with his principal place of business in Cleveland, Cuyahoga County, Ohio. Dr. Schreiber, a diagnostic radiologist at the Cleveland Clinic, is, and at all relevant times was, a provider of services and goods under contract with the Department of Job and Family Services under the Medicaid program of Title XIX of the Social Security Act, 42 U.S.C. § 301, *et seq.*
10. Plaintiff Constance D. Magoulias, M.D. (“Dr. Magoulias”), is, and at all relevant times was, a

physician and Ohio Medicaid provider licensed to practice medicine in and by the State of Ohio, with her principal place of business in Cleveland, Cuyahoga County, Ohio, and is, and at all relevant times was, a provider of services and goods under contract with the Department of Job and Family Services under the Medicaid program of Title XIX of the Social Security Act, 42 U.S.C. § 301, *et seq.* Dr. Magoulias, a family physician at MetroHealth Hospitals, has, and at all relevant times had, an ownership interest in a private practice that is, and at all relevant times was, a provider of services and goods under contract with the Department of Job and Family Services under the Medicaid program of Title XIX of the Social Security Act, 42 U.S.C. § 301, *et seq.*

11. Plaintiff Peter A. DeGolia, M.D. (“Dr. DeGolia”), is, and at all relevant times was, a physician and Ohio Medicaid provider licensed to practice medicine in and by the State of Ohio, with his principal place of business in Cleveland, Cuyahoga County, Ohio, is, and at all relevant times was, a provider of services and goods under contract with the Department of Job and Family Services under the Medicaid program of Title XIX of the Social Security Act, 42 U.S.C. § 301, *et seq.* Dr. DeGolia, a family physician and geriatric specialist affiliated with University Hospitals, has, and at all relevant times had, an ownership interest in Foley Elder Health Center, an Ohio practice that provides goods and services under contract with the Department of Job and Family Services under the Medicaid program of Title XIX of the Social Security Act, 42 U.S.C. § 301, *et seq.*

12. Defendant Jennifer Brunner (“the Secretary”) is, and at all relevant times was, the Ohio Secretary of State, and as such is the chief elections officer of the State of Ohio, under R.C. 3501.04, who is both authorized to enforce and charged with the enforcement of the election laws of this state, and who is required by law under R.C. 3501.05(N)(1) to

investigate and to refer for prosecution violations of those laws. The Secretary is sued here in her official capacity only for purposes of obtaining declaratory and injunctive relief.

– JURISDICTION AND VENUE –

13. This Court has jurisdiction under 28 U.S.C. § 1331, in that this is a civil action arising under the Constitution and the laws of the United States, and under 28 U.S.C. § 1343(a)(3) and (4), 28 U.S.C. §§ 2201 and 2202, and 42 U.S.C. §§ 1983 and 1988, in that this is an action for declaratory judgment and equitable relief authorized by law to redress deprivations under color of law of rights, privileges, and immunities secured by the United States Constitution.
14. Venue in this Court is proper under 28 U.S.C. § 1391(b), in that the Defendant maintains offices in, routinely conducts business in, and performs a substantial portion of her official duties within the Northern District of Ohio.

– FACTS COMMON TO ALL CLAIMS –

15. Article I § 3 of the Ohio Constitution of 1851 created the office of state Attorney General, and provides that he or she shall be chosen by the electors of the state on the first Tuesday following the first Monday in November. Under R.C. 109.01, the Attorney General serves a four-year term of office. The next quadrennial election in which Ohio voters will be asked to select an Attorney General will take place in November 2010.

– Medicaid Program –

16. In July 1965, Congress amended the Social Security Act of 1935 to add a Title XIX, which allows federal appropriations to be made to fund lump-sum disbursements to the states for the purpose of providing medical assistance and rehabilitation to the impecunious blind, disabled and aged, as well as their dependent children and families. This is known as the Medicaid program.

17. Section 1902 of the Medicaid Act, codified at 42 U.S.C. § 1996a(a)(4), requires states that participate in the Medicaid program to have in place fiscal procedures designed to ensure that the plan is administered efficiently and that contractors who provide services funded by the program are subject to certain standards of accountability and oversight.
18. In Ohio, the Medicaid program generally is overseen and managed by the Ohio Department of Job and Family Services (ODJFS). Healthcare providers who provide services to Medicaid-eligible recipients may seek compensation for those services under the aegis of the program. Billings for those services are submitted to, and payments are provided through, the ODJFS under regulations promulgated in the Ohio Administrative Code.

– The Contested Statute –

19. In 1978, the Ohio General Assembly adopted Amended Senate Bill 159, which comprised certain statutes regulating the Medicaid program within the state.
20. Among these was Ohio Revised Code section 5101.511, now 5111.03, which prohibits certain Medicaid fraud. The section states in part:

(A) No provider of services or goods contracting with the department of job and family services pursuant to the medicaid program shall, by deception, obtain or attempt to obtain payments under this chapter to which the provider is not entitled pursuant to the provider agreement, or the rules of the federal government or the department of job and family services relating to the program. No provider shall willfully receive payments to which the provider is not entitled, or willfully receive payments in a greater amount than that to which the provider is entitled; nor shall any provider falsify any report or document required by state or federal law, rule, or provider agreement relating to medicaid payments.

Ohio Rev. Code Ann. 5111.03(A) (West 2010).

21. R.C. 5111.03 further provides penalties for violations, authorizes termination of the provider agreement upon the conviction of or entry of a civil judgment against a provider, and authorizes the Ohio Attorney General to enforce the section. R.C. 5111.03(B), (C), (F).

22. Amended Senate Bill 159 also enacted R.C. 109.85, which allows both the Ohio Attorney General and prosecuting attorneys in the several counties to investigate and prosecute violations of the law involving Medicaid providers. It provides in part as follows:

- a. Upon the written request of the governor, the general assembly, the auditor of state, the director of job and family services, the director of health, or the director of budget and management, or upon the attorney general's becoming aware of criminal or improper activity related to Chapter 3721[] and the medical assistance program established under section 5111.01 of the Revised Code, the attorney general shall investigate any criminal or civil violation of law related to Chapter 3721 of the Revised Code or the medical assistance program.

Ohio Rev. Code Ann. § 109.85(A) (West 2010).

23. R.C. 109.85 further provides, in part:

- (B) When it appears to the attorney general, as a result of an investigation under division (A) of this section, that there is cause to prosecute for the commission of a crime or to pursue a civil remedy, the attorney general may refer the evidence to the prosecuting attorney having jurisdiction of the matter, or to a regular grand jury drawn and impaneled pursuant to sections 2939.01 to 2939.24 of the Revised Code, or to a special grand jury drawn and impaneled pursuant to section 2939.17 of the Revised Code, or the attorney general may initiate and prosecute any necessary criminal or civil actions in any court or tribunal of competent jurisdiction in this state. When proceeding under this section, the attorney general, and any assistant or special counsel designated by the attorney general for that purpose, have all rights, privileges, and powers of prosecuting attorneys. The attorney general shall have exclusive supervision and control of all investigations and prosecutions initiated by the attorney general under this section. The forfeiture provisions of Chapter 2981[] of the Revised Code apply in relation to any such criminal action initiated and prosecuted by the attorney general.

Ohio Rev. Code Ann. § 109.85(B) (West 2010).

24. In addition, the power to investigate and prosecute criminal activity in connection with the Medicaid program is reserved to prosecuting attorneys in the several counties under R.C. 109.85(c).

25. This action contests, on First and Fourteenth Amendments grounds, the final statute adopted as part of Amended Senate Bill 159, that is, R.C. 3599.45, which provides in its entirety:

3599.45 Contributions from medicaid provider

- (A) No candidate for the office of attorney general or county prosecutor or such a candidate's campaign committee shall knowingly accept any contribution from a provider of services or goods under contract with the department of job and family services pursuant to the medicaid program of Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, or from any person having an ownership interest in the provider.

As used in this section "candidate," "campaign committee," and "contribution" have the same meaning as in section 3517.01 of the Revised Code.

- (B) Whoever violates this section is guilty of a misdemeanor of the first degree.

Ohio Rev. Code Ann. § 3599.45 (West 2010).

– The Ohio Attorney General –

26. In Ohio, the Attorney General maintains and oversees a Health Care Fraud Office, which investigates and oversees, among other things, compliance by individual contractors with the requirements of the Medicaid program.
27. In addition to a Health Care Fraud Section, the Office of the Attorney General is divided into more than two dozen other sections, with individual focuses on the enforcement of a wide variety of laws, and the litigation of a wide variety of cases, including: antitrust; appellate litigation; charitable law; civil rights; collections enforcement and revenue recovery; consumer protection; defense of the State of Ohio in the Court of Claims; criminal justice; education law; employment law; environmental enforcement; labor relations; public utilities;

taxation; tobacco enforcement; transportation; and workers compensation.

28. The Ohio Attorney General has extensive duties, and extensive powers, that are both defined by statute and implied at common law. He or she is the chief law-enforcement officer of the State of Ohio, and may, upon the request of the Governor, prosecute any person indicted for a crime. He or she is, by default, counsel to every state officer, agency, and board, and no state entity may retain or be represented by other counsel without special authorization.
29. The Attorney General may appear in any action in any tribunal in which the state is a party or has an interest, and advises state officers, boards and commissions, as well as the separate houses of the General Assembly, and the prosecutors in the several counties on questions of law. The Attorney General is also authorized to prosecute actions in the names of the state (other than by indictment), in courts of proper jurisdiction. The Attorney General presently oversees several state agencies with a combined staff of over 1,400 persons, and with a combined annual budget exceeding \$220,000,000.
30. In short, the Office of Attorney General is an office crucial to the lives of all Ohioans, and no Ohioans should be denied a voice in the selection of the officeholder, much less be faced with the prospect of a criminal taint for doing so.

– Ohio Prosecuting Attorneys –

31. R.C. 309.01 provides for the quadrennial election, in each county in the state, of a prosecuting attorney, whose principal powers and duties are defined by statute as follows:

The prosecuting attorney may inquire into the commission of crimes within the county. The prosecuting attorney shall prosecute, on behalf of the state, all complaints, suits, and controversies in which the state is a party, except for those required to be prosecuted by a special prosecutor pursuant to section 177.03 of the Revised Code or by the attorney general

pursuant to section 109.83 of the Revised Code, and other suits, matters, and controversies that the prosecuting attorney is required to prosecute within or outside the county, in the probate court, court of common pleas, and court of appeals. In conjunction with the attorney general, the prosecuting attorney shall prosecute in the supreme court cases arising in the prosecuting attorney's county, except for those cases required to be prosecuted by a special prosecutor pursuant to section 177.03 of the Revised Code or by the attorney general pursuant to section 109.83 of the Revised Code.

Ohio Rev. Code Ann. § 309.08(A) (West 2010).

32. Toward these ends, the prosecuting attorney is authorized to employ assistant prosecutors, investigators, and clerical staff. By way of example, the Cuyahoga County Prosecutor maintains a staff of over 325 persons and has an annual budget in excess of \$27,000,000.
33. In addition to their prosecutorial duties, the prosecuting attorneys in the several counties have a wide range of additional powers and responsibilities. Each acts as the chief legal advisor to the elected commissioners of his or her county, as well as to the county board of elections, the public libraries, and all other county boards, be they elected or appointed. The prosecuting attorney is by default the chief legal advisor to the various townships within each county, and may in addition, with the approval of the county commissioners, serve as counsel to a variety of other agencies and special-purpose districts, such as fire and park districts.
34. In short, the Office of Prosecuting Attorney is an office crucial to the lives of all county residents, and no one should be denied a voice in the selection of the officeholder—much less be faced with the prospect of a criminal taint for doing so.

**– PLAINTIFFS WISH TO HAVE THEIR VOICES HEARD BY CONTRIBUTING TO CERTAIN
ATTORNEY-GENERAL AND PROSECUTING-ATTORNEY CANDIDATES –**

35. Plaintiffs are all physicians who have deeply held beliefs about the kinds of candidates that

they would like to see prevail in contests for the offices of Attorney General and Prosecuting Attorney. For example, as physicians, Plaintiffs have experienced first hand what a broken health-insurance system has wrought on patients who need quality care without interference from insurers. As a consequence, they have well-informed and deeply held beliefs about the need for health-insurance reform, played a significant role in obtaining such reform, and would like to be free to contribute to candidates for these offices who share their beliefs on these and other issues.

36. In July 2010, on his own behalf and on behalf of all Plaintiffs and those similarly inclined and situated, Plaintiff Lavin contacted the Cordray Committee by telephone about making contributions to Attorney General Cordray's campaign for re-election. A representative of the Cordray Committee refused to accept the contributions, citing R.C. 3599.45.
37. Furthermore, a contribution form for the Cordray Committee located on the website www.CordrayforOhio.com specifically refuses contributions from Ohio Medicaid providers like Plaintiffs: "Please note that The Cordray Committee is not permitted to accept campaign contributions from a provider of services or goods under contract with the department of job and family services pursuant to the Medicaid program of Title XIX of the 'Social Security Act,' 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, or from any person having an ownership interest in the provider."
38. Plaintiffs were shocked to learn that making financial contribution to Attorney General or Prosecuting Attorney campaigns could be viewed as aiding, abetting, participating, and/or conspiring in a criminal act and that such contributions would be refused accordingly.
39. The only conceivable rationale for the statute—that the Attorney General and Prosecuting Attorneys prosecute Medicaid fraud and would allow their prosecutorial decisions to be

influenced by providers' campaign contributions—is offensive and odious. To stigmatize Plaintiffs for exercising their First Amendment rights, on the grounds that they could one day be criminal defendants in Medicaid prosecutions, is outrageous. Ohio's Attorney General prosecutes death-penalty cases as well. Yet no one dare contend that everyone should be barred from contributing to the campaigns of attorney-general and prosecuting-attorney candidates because every contributor is a prospective killer. Simply put, Ohio law assumes Plaintiffs are fraudsters whose voices must be silenced. Such a stigma is unwarranted and violates Plaintiffs' right to free speech.

– COUNT 1: FIRST- AND FOURTEENTH-AMENDMENT DECLARATORY JUDGMENT –

40. Plaintiffs restate the above allegations of this Complaint.
41. Plaintiffs are United States citizens and residents of Cuyahoga County, Ohio, and duly qualified electors in both those jurisdictions. As such, they have an interest in the qualifications and the public-policy agenda of candidates standing for election to the Office of the Cuyahoga County Prosecuting Attorney and the Office of the Ohio Attorney General.
42. Plaintiffs desire to participate in and to influence the outcome of the next elections in which an Ohio Attorney General and Cuyahoga County Prosecuting Attorney will be chosen.
43. Plaintiffs desire to donate money to the candidates of their choice who are standing for election to those important offices.
44. Plaintiffs cannot do so, however, because they are Ohio Medicaid providers and/or have an ownership interest in Medicaid-provider entities, and candidates for those offices are prohibited from accepting campaign contributions from them.
45. Under R.C. 3599.45, those candidates would be subject to prosecution for a misdemeanor crime if they accepted from Plaintiffs contributions to their campaigns. Plaintiffs themselves

could be subjected to prosecutions for conspiring and/or aiding and abetting such criminal activity, and/or subjected to public opprobrium.

46. As a result of this, Plaintiffs have been unable to contribute to the political campaigns of the candidates of their choice for those offices.
47. Campaign contributions of this sort are unquestionably a form of political speech and an important means of political association protected by the First and Fourteenth Amendments to the United States Constitution.
48. Plaintiffs have been chilled, and continue to be chilled, in the exercise of their First Amendment rights through R.C. 3599.45's existence and operation.
49. At all relevant times, R.C. 3599.45 was the official policy, practice, custom, and usage of the State of Ohio relevant to the subject matter that it governs.
50. At all relevant times, Defendant was authorized and required to enforce the provisions of R.C. 3599.45 under color and authority of state law.
51. R.C. 3599.45 violates the First and Fourteenth Amendments on its face for each of the following reasons:
 - a. the statute unconstitutionally abridges the fundamental freedoms of political expression and association but is neither necessary to, nor the least restrictive means of achieving, a governmental interest, compelling or otherwise;
 - b. the statute unconstitutionally abridges political speech and association but is not closely drawn to achieve a governmental interest, whether sufficiently important or otherwise;
 - c. the statute impermissibly imposes a prior restraint on important political expression;
 - d. the statute is unconstitutionally overbroad on its face;
 - e. the statute imposes unconstitutional conditions upon Plaintiffs as a condition of their participation in, or affiliation with a participant in, the Medicaid program, in that it makes such participation or affiliation contingent upon their forsaking the

right to engage in certain political expression;

- f. the statute is irrational, arbitrary, and capricious and does not further any legitimate governmental interest;
- g. the statute operates to chill protected expression;
- h. the statute does not leave open ample alternative avenues for protected expression.

52. Plaintiffs are thus entitled to a declaration holding that the R.C. 3599.45 violates the First and Fourteenth Amendments to the United States Constitution.

– COUNT 2: FIRST- AND FOURTEENTH-AMENDMENT INJUNCTION –

53. Plaintiffs restate the above allegations of this Complaint.

54. For the above-described reasons, Plaintiffs desire to exercise their rights to free speech and free association by contributing to the candidates of their choice in the 2010 races for the offices of Ohio Attorney General and Prosecuting Attorney, but have refrained from doing so because of R.C. 3599.45's chilling effect.

55. Unless enjoined by this Court from enforcing R.C. 3599.45's provisions, Defendant will cause Plaintiffs irreparable harm for which no remedy at law is adequate, including, without limitation, the loss of their rights under the First and Fourteenth Amendments and the imposition of a prior restraint against them.

56. Plaintiffs are thus entitled to a preliminary and permanent injunction barring Defendant from enforcing the provisions of the contested statute against those candidates to whom Plaintiffs may choose to make campaign contributions.

THUS, Plaintiffs demand judgment as follows:

- A. Upon Count I of this Complaint, a declaration that the Ohio Revised Code § 3599.45 and its various subparts, violate the First and Fourteenth Amendments to the United States Constitution; and

- B. Upon Count 2 of this Complaint, after an appropriate hearing, an injunction barring Defendant and those acting on her behalf from enforcing Section 3599.45 against those candidates to whom Plaintiffs may elect to make campaign contributions;; and
- C. Upon all counts of this Complaint, attorneys' fees and costs of suit under 42 U.S.C. § 1988 and Fed. R. Civ. P. 54(b); and
- D. All other relief in law or equity to which Plaintiffs are entitled and that the Court deems equitable, just, or proper.

Respectfully submitted,

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