

# OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

## Resolution Authorizing Legal Expenditures to Defend the Lawsuit filed by Melissa Ullmo

WHEREAS, on March 20, 2015, Melissa Ullmo (“Plaintiff”) filed a law suit in the Cuyahoga County Common Pleas Court (“State Court”) against the Ohio Turnpike and Infrastructure Commission (“Commission”) claiming seven separate violations of federal and state laws, including both the U.S. and Ohio Constitutions (the case was assigned to the Honorable Judge Michael E. Jackson as number CV-15-842397) (the “Ullmo Case”); and

WHEREAS, on April 27, 2015, the Ullmo Case was transferred to the United States District Court, Northern District of Ohio, Eastern Division (the case was assigned number 1:15-cv-0822) (the “Federal Court”) and assigned to the Honorable Judge Dan Aaron Polster; and

WHEREAS, on June 1, 2015, the Commission (through its General Counsel and outside attorneys, Taft Stettinius & Hollister LLP) moved the Federal Court to dismiss the Ullmo Case on the legal arguments set forth in the Commission’s Motion to Dismiss; and

WHEREAS, on August 25, 2015, the Federal Court, through Judge Dan Aaron Polster, issued a Memorandum of Opinion and Order, which effectively dismissed six of seven claims made by the Plaintiff; and

WHEREAS, the last remaining claim made by the Plaintiff was remanded back to State Court on August 26, 2015; and

WHEREAS, the Plaintiff amended its complaint on September 18, 2015, in State Court and the Plaintiff is currently pursuing its two claims against the Commission; and

WHEREAS, on September 21, 2015, the Commission (through its General Counsel and outside attorneys, Taft Stettinius & Hollister LLP) moved the State Court to dismiss the Ullmo Case on the legal arguments set forth in the Commission’s Motion to Dismiss the Amended Complaint; and

WHEREAS, on September 24, 2015, Judge Jackson ordered that the Commission orally present its legal arguments to dismiss the Ullmo Case on November 20, 2015; and

WHEREAS, the General Counsel further advises that, in compliance with Article V, Section 1.00 of the Commission’s Code of Bylaws, the Commission is being requested to authorize continued expenditures with Taft Stettinius & Hollister LLP, which expenditures the General Counsel, on behalf of the Commission, will seek reimbursement through the public officials insurance policy issued by Travelers; and

WHEREAS, the Commission has duly considered the General Counsel’s recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the General Counsel be, and she is hereby instructed to do or cause to be done all things that may be appropriate or necessary, whether by agreement or through legal proceedings, to defend the Commission as necessary and to assert any claims the Commission may have against Travelers under its public officials insurance policy; and to pursue the recovery of all costs or expenses incurred by the Commission in undertaking its legal defense with respect to the Ullmo Case currently pending against the Commission; and

FURTHER RESOLVED, that the continued retention of **Taft Stettinius & Hollister LLP**, of **Cleveland, Ohio**, is authorized by the Commission, under the supervision of the General Counsel, for the purpose of providing legal services required to defend the Commission in the Ullmo Lawsuit.

**(Resolution No. 47-2015 adopted October 26, 2015)**