

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
CIVIL DIVISION

Students for Concealed Carry	:	
Foundation, Inc., et al.,	:	CASE NO. 14CV6927
	:	
Plaintiffs,	:	
	:	
Vs.	:	
	:	JUDGE HOGAN
The Ohio State University,	:	
	:	
Defendant.	:	

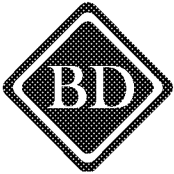
PLAINTIFFS' MEMORANDUM CONTRA TO DEFENDANT'S MOTION TO DISMISS

Defendant's Motion to Dismiss is rendered moot and should be denied as filed.

On July 6, 2014, Plaintiffs filed their complaint in this Court. On August 6, 2014 Defendant responded by filing a Motion to Dismiss pursuant to Civ. R. 12(B). Contemporaneous with the filing of this Memorandum Contra, Plaintiffs' have elected by right to amend their Complaint pursuant to Civ. R. 15(A).

As a result of the properly filed Amended Complaint, Defendant's Motion to Dismiss is now moot and should be denied as filed. In *Snyder v. Gleason Constr. Co.*, 2013-Ohio-1930, an amended complaint by right was properly filed, however the court ruled on the Defendant's Motion to Dismiss as to the original complaint. The Court of Appeals held that "[t]his matter must be reversed... so that it may be afforded an opportunity to analyze the correct complaint." *Id.* at ¶20.

It is clear that Defendant must file an additional response to the Amended Complaint if it so chooses, in conformity with the Civil Rules.



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Respectfully Submitted,

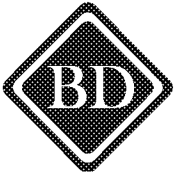
/s/ Derek DeBrosse
Derek DeBrosse (0084183)
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned certifies that a true and accurate copy of the foregoing Document was served this September 2, 2014 via US Mail/E-File upon the following:

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