

2. Plaintiff John Barnes ran and won the May 6, 2014 primary election in a contest against Jill Miller Zimon for the Democratic nomination for the 12th Ohio House District seat that Plaintiff currently holds.

3. Defendant Chris Redfern is Chairman of Defendant Ohio Democratic Party. Chris Redfern also has represented the 89th District in the Ohio House of Representatives since 2013.

JURISDICTION AND VENUE

4. Defendant the Ohio Democratic Party's principal place of business is located in Franklin County Ohio.

5. Defendant Chris Redfern's principal place of business as Chairman of the Ohio Democratic Party is located in Franklin County, Ohio.

6. Defendants engaged in conduct that gave rise to the instant claim for relief in Franklin County Ohio.

7. All or part of the claim for relief arose in Franklin County, Ohio.

8. Jurisdiction and venue are proper in Franklin County because it is the county in which all or part of the claims for relief alleged in this Complaint arose, where Defendants engaged in conduct that gave rise to the claims for relief alleged in this Complaint, and/or where at least one of the Defendants has its or his principal place of business.

FACTS

9. Plaintiff Barnes has voted with his party, the Democratic Party, over 94% of the time. At the same time, John Barnes has always tried to put people before politics, to avoid useless partisan gridlock, and to achieve as much as he can for as many people as he can.

A. Redfern and Democratic House Leadership Insisted That Blacks Join OLBC.

10. During his 1999 to 2002 service in the Ohio House of Representatives, John Barnes joined Black Elected Democrats of Ohio (“BEDO”). After John Barnes was returned to the Ohio House of Representatives in the November 2010 election, John Barnes chose not to join the Ohio Legislative Black Caucus (“OLBC”), the successor to BEDO.

11. John Barnes saw little value to himself or to his district in joining OLBC and, frankly, wanted to be treated as an individual rather than as a member of a presumed monolithic block of votes based upon his skin color. This decision offended Defendant Chris Redfern and others in the Democratic House Leadership.

12. In the November 2010 elections, the Democrats lost their majority in the Ohio House of Representatives.

13. On or about November 15, 2010, as part of the new member orientation, John Barnes and other newly elected black Democrats met with Sandra Williams and other OLBC officials. John Barnes was told by OLBC that the leader of the Black Caucus would negotiate on behalf of all of the black Democrat Representatives to deliver votes for leadership. John Barnes discussed this with other newly elected black Democrats and decided that this was unsatisfactory.

14. Under the House Rules, the Minority Leader recommends the minority party members of each committee. Historically, with rare exceptions, the Speaker of the House has always followed those recommendations in making committee assignments.

15. Customarily, members of the minority party would discuss their committee assignment preferences with the Minority Leader.

16. However, John Barnes was told by the Democratic leadership that he would not be permitted to communicate directly with the Democratic House Leader regarding committee

assignments (as white Democratic legislators are permitted to do), but – as a black legislator - would be required to communicate only through the Chair of the Ohio Black Legislative Caucus.

17. After the Democrats lost their majority in the Ohio House in the 2010 elections, Ted Celeste announced that he would challenge then Speaker Armond Budish for the position of Minority Leader.

18. Thus, various individuals and groups within the House Democratic Caucus spoke with Ted Celeste or Armond Budish to find out what committee assignments they could expect if Budish or Celeste were to become the next Minority Leader.

19. During the November 15, 2010 meeting with the OLBC leaders, in an apparent attempt to show the newly elected black legislators how much clout she had, OLBC Chair Sandra Williams telephoned Armond Budish in their presence and said that in order to deliver the votes, OLBC needed all of the assignments and “in addition we need \$200,000” (or words to that effect). John Barnes told her that she needed to be careful about asking for money to deliver votes since that could “cross a line”. Everyone else in the room was dead silent about Sandra Williams’ request for money for OLBC in exchange for votes.

20. In addition to his desire to be treated as an individual rather than as a racial category, John Barnes was concerned that his reputation could suffer if he were to associate with an organization whose moral compass he found to be troubling.

21. John Barnes’ concern about the moral compass of OLBC’s leadership proved to be well founded. For examples:

- a. Former OLBC Secretary W. Carleton Weddington pleaded guilty to bribery and election falsification charges, and was sent to prison.
- b. Former OLBC Vice President Clayton Luckie pleaded guilty to multiple felonies regarding a pattern of embezzling funds from his campaign committee and lying about it, and was sent to prison.

- c. Former OLBC Vice President Dale Mallory pleaded guilty to two misdemeanor charges for illegally accepting gifts from lobbyists.
- d. Former OLBC President Sandra Williams was convicted of selling OSU tickets bought by her campaign committee, pocketing the money and falsifying the expense on her campaign finance reports.

22. John Barnes, Bill Patmon and Mike Ashford, met and decided that they wanted to talk to then Speaker Budish about what was to go forward after the unsatisfactory meeting with Ohio Legislative Black Caucus (OLBC). They obtained an appointment and went to then Speaker Armond Budish's office.

23. When the three of them entered Armond Budish's office, Sandra Williams, then President of OLBC, and Tracy Heard, then Whip and OLBC's representative in the Democratic Caucus, were already there.

24. John Barnes asked Mr. Budish about what committee assignments they could expect if Armond Budish were to become Minority Leader. Bill Patmon said he'd like to be on finance committee since he'd done that a lot in his other positions. Budish said "No, you can't talk to me about that stuff. You talk to Sandra Williams or to Tracy Heard. That's how it works." White legislators were allowed to discuss these matters with Democratic leadership directly. Black legislators were required to discuss these matters only through OLBC's leaders.

25. John Barnes persisted in his refusal to join OLBC.

26. John Barnes ultimately voted for Armond Budish for leadership. After the leadership election, Ted Celeste and other white legislators that voted for Ted Celeste were given plum committee assignments. But John Barnes was still punished with less than desirable committee assignments, with no ranking membership, and with no consideration for seniority.

House Democratic Leadership kept a seniority list, but in John Barnes' case his seniority was disregarded.

27. The punishment was a direct result of John Barnes' refusal to join OLBC. Indeed, in 2012, the Democratic leadership offered John Barnes the minority leader position of the House Finance Committee, but only if he agreed to join OLBC.

28. On March 13, 2012, OLBC's Secretary, W. Carlton Weddington, was indicted for bribery. He pled guilty and was sentenced to three years in prison in June 2012. As a result of Rep. Weddington's situation, a seat opened upon on Finance Committee. Sandra Williams offered John Barnes a seat on the Finance Committee – if he would join OLBC. John Barnes declined.

B. Redfern Decides To Punish Barnes For Raising Issue Of Racism In The Party.

29. John Barnes expressed to Chris Redfern and to others in the Democratic House Leadership that Barnes thought it was hypocritical for them to talk about racial justice at the same time that they denied black legislators the same privileges as white legislators.

30. John Barnes also expressed concern to Chris Redfern about the need for the Cuyahoga County Democratic Party and the Ohio Democratic Party to build better opportunities for blacks and minorities.

31. Chris Redfern did not react positively towards these communications.

32. On May 23, 2013, the President of the Cleveland Branch of the NAACP, and the Chairman of the Cleveland Branch of the NAACP Political Action Committee, wrote the Chairmen of the Cuyahoga County Republican and Democratic Parties expressing concern about the notable absence of minority paid staffers and vendors for the two Cuyahoga County political

parties and requesting an opportunity to discuss the matter with them. A copy of the NAACP letter is attached hereto as Exhibit A.

33. The Chairman of the Cuyahoga County Republican Party met and discussed the matter with the NAACP. The Chairman of the Cuyahoga County Democratic Party ignored the NAACP's letter.

34. Thus, on June 10, 2014, John Barnes and Bill Patmon wrote the Chairman of the Cuyahoga County Democratic Party that it was "embarrassing that a proposed discussion concerning equal employment and procurement opportunities for the African American Community has apparently been ignored, and asked the Cuyahoga Democratic Party Chairman to reconsider his refusal to meet with the NAACP. A copy of this June 10, 2013 letter is attached hereto as Exhibit C.

35. On June 13, 2013, John Barnes and Bill Patmon wrote Chris Redfern and the Ohio Democratic Party expressing their deep concern about the lack of performance and organizational integrity of both the Cuyahoga County Democratic Party and the Ohio Democratic Party as it relates to Women, African Americans, Hispanics, Asians, and the disenfranchised.

36. John Barnes and Bill Patmon provided Chris Redfern with copies of the NAACP's May 23, 2013, letter, of Barnes' and Patmon's June 10, 2013 letter, and of a June 10, 2013, letter from the American Center for Economic Equality, the Black Contractors Group and the Hispanic Contractors Association to the Cuyahoga County Democratic Party.

37. A copy of the June 10, 2013, letter from the American Center for Economic Equality, the Black Contractors Group and the Hispanic Contractors Association to the Cuyahoga County Democratic Party is attached hereto as Exhibit B.

38. A copy of John Barnes' and Bill Patmon's June 13, 2013, letter to Chris Redfern and the Ohio Democratic Party, with the attachments, is attached hereto as Exhibit D.

39. John Barnes made other communications to Chris Redfern and the Ohio Democratic Party regarding the lack of racial justice within the party structures as well.

40. Defendant Chris Redfern took offense at John Barnes' demands to be treated as an individual and not just as a racial category.

41. Defendant Chris Redfern also took offense at John Barnes' daring to raise the issue of institutional racism within the Democratic Party.

42. Thus, Defendants Chris Redfern and the Ohio Democratic Party helped to recruit and support a 2014 primary opponent for John Barnes.

C. Defendants Falsely Told Voters That Barnes "Disenfranchised Voters".

43. Defendants Chris Redfern and the Ohio Democratic Party paid for and disseminated the campaign flier attached hereto as Exhibit E in John Barnes' House District prior to the May 6, 2014 primary election in an attempt to influence the results of John Barnes' primary election campaign against Jill Miller Zimon.

44. Defendants' Campaign flier (Exhibit E) falsely states that:

"JOHN BARNES . . . Disenfranchised voters (HR 130, 5/22/13)"

45. In fact, whether or not HR 130 can properly be characterized as a resolution that "disenfranchised voters, John Barnes could not possibly have "disenfranchised voters" by voting on HR 130 – *because John Barnes never voted on HR 130!*

46. HR 130 was resolution that resolved the election contest of the election to the 98th Ohio House District in favor of Al Landis and adverse to Joshua O'Farrell. A copy of HR 130 is attached hereto as Exhibit F.

47. Defendant Redfern closely followed all aspects of HR 130. As Exhibit F indicates, Defendant Redfern was a member of the Select Committee that heard and reviewed the evidence, briefs and argument regarding the election contest.

48. Attached hereto as Exhibit G is a true copy of the official Ohio House of Representatives Journal for May 22, 2013. As Exhibit G indicates, John Barnes was not present on May 22, 2013 and did not vote either for or against HR 130. Neither did Defendant Chris Redfern.

49. As pages 554-555 of Exhibit G indicate, HR 130 passed by a vote of 59 to 33 without Plaintiff Barnes' (or Defendant Redfern's) vote for or against it.

50. Attached as Exhibit H is the easily accessible chart of the "Unofficial Votes for House Resolution 130", which shows exactly the same votes as those reflected on the official record of those votes found on pages 554-555 of Exhibit G.

51. Defendants know and knew full well that John Barnes has never "disenfranchised voters" by any 5/22/13 vote on HR 130 or otherwise.

D. Defendants Falsely Told Voters That Barnes "Blocked Medicaid for the poor".

52. Defendants' Campaign flier (Exhibit E) also falsely states that:

**"JOHN BARNES . . . Blocked Medicaid for the poor
(HB 59, 4/18/13)"**

53. In fact, far from "blocking Medicaid for the poor", John Barnes led the fight for Medicaid Expansion. Moreover, the Medicaid expansion aka "Medicaid for the poor" *was never blocked!*

54. HB 59 was the budget bill. The key provision in HB 59 regarding Medicaid expansion for the poor was a proposed enactment of a new statute, R.C. 5163.04. As originally proposed, HB 59 contained a proposed version of R.C. 5163.04, which would have required the

Medicaid expansion. However, the version reported by the House Finance and Appropriations Committee on April 17, 2013, contained a proposed version of R.C. 5163.04, which would have prohibited the Medicaid expansion.

55. Attached hereto as Exhibit I is a true copy of the official Ohio House of Representatives Journal for April 18, 2013.

56. As Exhibit I indicates, on April 18, 2013, John Barnes repeatedly voted for amendments that would have restored the requirement to include Medicaid expansion in HB 59. However, with one exception, there were not enough votes to pass these proposed amendments.

57. At page 367 of Exhibit I, Representative Sears moved to amend HB 59 to keep the discussion on Medicaid expansion going even after the budget bill was passed.

58. After a Democratic proposal to amend the amendment (which John Barnes supported) was tabled, Representative Sears' amendment to require the legislature to consider Medicaid expansion later in the year was passed 97-0. This vote is reflected at pages 370-371 of Exhibit I.

59. Plaintiff John Barnes voted for this amendment. Defendant Chris Redfern voted for this amendment. Indeed, every Democrat present voted for this amendment.

60. Thus, at the end of the April 18, 2013, session, John Barnes voted to pass the amended HB 59 on to the Senate. See Exhibit I, pp. 439-440.

61. The news media accurately reported this vote as a vote to keep the Medicaid discussion going. See, for example, the April 18, 2013 news article attached hereto as Exhibit J.

62. However, the language keeping the Medicaid expansion proposal alive was stripped out of the conference committee's report. Thus, on June 27, 2013, John Barnes voted

against the Amended Substitute HB 59. See the excerpt from the official Ohio House of Representatives Journal for June 27, 2013, attached hereto as Exhibit K.

63. The final version of HB 59, which John Barnes voted against, contained the proposed R.C. 5163.04 language prohibiting Medicaid expansion. However, on June 30, 2013, Governor Kasich exercised a line item veto over proposed R.C. 5163.04. A true copy of the portion of Governor Kasich's HB 59 veto message reflecting his line item veto of R.C. 5163.04 is attached hereto as Exhibit L. The veto was not overridden.

64. Because of the Governor's line item veto, Medicaid expansion was never "blocked". In fact, Medicaid expansion was approved by the Controlling Board and has gone forward.

65. The authority of the State of Ohio to expand Medicaid was challenged in the Ohio Supreme Court. On December 20, 2013, in *State ex rel. Cleveland Right to Life v. State of Ohio Controlling Bd.*, 138 Ohio St.3d 57, 2013-Ohio-5632, a copy of which is attached hereto as Exhibit M, the Ohio Supreme Court held that nothing in Ohio law required the Medicaid expansion to be blocked. Thus, the Ohio Supreme Court refused to grant a writ preventing the Medicaid expansion from going forward.

66. Defendants Chris Redfern and the Ohio Democratic Party knew full well that John Barnes did not "block Medicaid for the poor" and that Medicaid for the poor had never been "blocked" at the time they attempted to defraud the voters into believing otherwise by publishing their campaign flier attached hereto as Exhibit E.

CAUSE OF ACTION

67. Plaintiff incorporates the preceding paragraphs of this Complaint as if fully restated herein.

68. Defendants intentionally and maliciously published these false statements throughout Plaintiff's House District with the express purpose of harming Plaintiff's reputation and good name in order to defraud voters into voting for his opponent in the 2014 Democratic Primary.

69. Defendants made these false statements with the knowledge that the statements were false and/or with reckless disregard for the truth or falsity of such statements.

70. Defendants made these false statements in order to punish John Barnes for demanding the same treatment as white legislators and for objecting to the lack of performance and organizational integrity of the Cuyahoga County Democratic Party and the Ohio Democratic Party under Chris Redfern's leadership regarding the needs and concerns of blacks and other minorities.

71. Defendants did not care whether the statements were true as long as they harmed John Barnes' reputation and good name.

72. Defendants' lies did, in fact, harm John Barnes' reputation by defrauding voters and other members of Barnes' community into believing that Barnes has disenfranchised voters and blocked Medicaid for the poor when, in fact, he had done no such thing.

73. John Barnes has suffered damage as a result of Defendants' defamatory statements.

WHEREFORE, Plaintiff asks the Court for the following relief and judgment:

- A. Compensatory damages in an amount in excess of \$25,000 to be determined at trial;
- B. Punitive damages in an amount in excess of \$25,000 to be determined at trial;
- C. Attorney Fees, and costs; and,
- D. Any such other relief to which Plaintiff is entitled.

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Counsel for Plaintiff John Barnes

JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues so triable.

Donald C. Brey

VERIFICATION

State of Ohio :
County of Franklin : SS.

John E. Barnes, being first duly sworn, deposes and says that all of the facts set forth in this Complaint are true based upon his personal knowledge.

John E. Barnes, Jr.

Sworn to and subscribed in my presence this 5th day of November, 2014.

Notary Public

EXHIBITS

- A. May 23, 2013, NAACP Letter
- B. June 10, 2013, American Center for Economic Equality, Black Contractors Group and the Hispanic Contractors Association letter to the Cuyahoga County Democratic Party
- C. June 10, 2013, Barnes and Patmon Letter to Cuyahoga County Democratic Party
- D. June 13, 2013 Barnes and Bill Patmon letter to Chris Redfern and Ohio Democratic Party
- E. 2014 Campaign Flier Issued by Chris Redfern and Ohio Democratic Party
- F. HR 130
- G. May 22, 2013, Ohio House of Representatives Journal
- H. Unofficial Votes for House Resolution 130
- I. April 18, 2013, Ohio House of Representatives Journal
- J. April 18, 2013, Plain Dealer News Article
- K. June 27, 2013 Ohio House of Representatives Journal excerpt
- L. June 30, 2013 Governor Kasich HB 59 Veto Message excerpt
- M. *State ex rel. Cleveland Right to Life v. State of Ohio Controlling Bd.*, 138 Ohio St.3d 57, 2013-Ohio-5632

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