

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>KAREN KRUMMEN, et al.,</b>	:	<b>CASE NO: 1:13cv00193</b>
	:	<b>(J. Dlott, Magistrate J. Litkovitz)</b>
<b>Plaintiffs</b>	:	
	:	
<b>vs.</b>	:	
	:	
<b>CITY OF NORTH COLLEGE HILL,</b>	:	
<b>et al.,</b>	:	
	:	
<b>Defendants</b>	:	

**MEMORANDUM OF DEFENDANT, CITY OF NORTH COLLEGE HILL IN RESPONSE  
TO PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER**

In November 2012, the voters of the City of North College Hill ("the City") passed an amendment to the City charter which provided for term limits of twelve (12) years for elected officials of the City, including members of City Council. The charter amendment also provided that these term limits were retroactive, such that any officeholder who had already served twelve years would be disqualified from seeking re-election.

The charter amendment resulted from a ballot initiative proposed by a group of voters in the City. The City had no involvement in originating the ballot initiative, nor in its ultimate approval by the voters. In this litigation, two sitting council members of the City are plaintiffs who will be prohibited by the charter amendment's retroactive application from seeking re-election. One of the proposed intervening plaintiffs is a current council member who would not be prohibited from running for re-election because of the term limit.

At a recent meeting of the City Council on May 6, 2013, the four (4) council members who are not involved as named parties in this litigation, passed a motion by a

three to one vote, which provided that the City would take no position either for or against the relief sought by the Plaintiffs as to the application of the charter amendment.

Accordingly, the City through this Memorandum, advises the Court that it takes no position either in favor or in opposition to Plaintiffs' Motion for a temporary restraining order and injunctive relief. Further, the City will adhere to and act consistently with, any and all orders entered by this Court in this action adjudicating the retroactive application of the term limits established in the charter amendment.

Respectfully submitted:

**/s/ Lawrence E. Barbieri**

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### **CERTIFICATE OF SERVICE**

I hereby certify that on May 22, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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