

IN THE SUPREME COURT OF OHIO

ERIN GABBARD, et al.,	:	
	:	
Plaintiffs-Appellees,	:	CASE NO. 2020-0612
	:	
v.	:	Appeal from the Butler County
	:	Court of Appeals, Twelfth
MADISON LOCAL SCHOOL DISTRICT	:	Appellate District
BOARD OF EDUCATION, et al.,	:	Case No. CA2019-03-0051
	:	
Defendants-Appellants.	:	

SUPPLEMENT TO THE MERIT BRIEF OF PLAINTIFFS-APPELLEES

Rachel S. Bloomekatz (0091376)
Counsel of Record
1148 Neil Ave.
Columbus, OH 43201
(614) 259-7611
(614) 559-6731 (fax)
rachel@bloomekatzlaw.com

Alla Lefkowitz** (PHV 20596-2020)
James Miller** (PHV 20599-2020)
EVERYTOWN LAW
450 Lexington Ave.
P.O. Box 4184
New York, NY 10017
(646) 324-8365
(917) 410-6932 (fax)
alefkowitz@everytown.org
jedmiller@everytown.org

Counsel for Plaintiffs-Appellees
**admitted pro hac vice

Matthew C. Blickensderfer (0073019)
FROST BROWN TODD LLC
3300 Great American Tower
301 East Fourth Street
Cincinnati, Ohio 45202
(513) 651-6162
(513) 651-6981 (fax)
mblickensderfer@fbtlaw.com

Brodi J. Conover (0092082)
W. Joseph Scholler (0072764)
FROST BROWN TODD LLC
9277 Centre Pointe Drive, Suite 300
West Chester, Ohio 45069
(513) 870-8200
(513) 870-0999 (fax)
bconover@fbtlaw.com
jscholler@fbtlaw.com

Counsel for Defendants-Appellants

Dave Yost (0056290)

Attorney General of Ohio

Benjamin M. Flowers (0095284)

Solicitor General

Michael J. Hendershot (0081842)

Chief Deputy Solicitor General

30 East Broad Street, 17th Floor

Columbus, Ohio 43215

614-466-8980

614-466-5087 (fax)

benjamin.flowers@ohioattorneygeneral.gov

Counsel for Amicus Curiae

Ohio Attorney General Dave Yost

Jonathan N. Fox (0040264)

LYONS & LYONS, CO., LPA

8310 Princeton-Glendale Road

West Chester, Ohio 45069

(513) 777-2222

jfox@lyonsandlyonslaw.com

Counsel for Amici Curiae School Districts

INDEX TO THE SUPPLEMENT

	<u>Page</u>
Excerpt from R. 49, Plaintiffs' Motion for Summary Judgment, Exhibit J – Authorization Letters	1

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the Supplement to the Merit Brief of

Plaintiffs-Appellees by e-mail on October 5, 2020, to:

Matthew C. Blickensderfer (0073019)
FROST BROWN TODD LLC
3300 Great American Tower
301 East Fourth Street
Cincinnati, Ohio 45202
(513) 651-6162
(513) 651-6981 (fax)
mblickensderfer@fbtlaw.com

Brodi J. Conover (0092082)
W. Joseph Scholler (0072764)
FROST BROWN TODD LLC
9277 Centre Pointe Drive, Suite 300
West Chester, Ohio 45069
(513) 870-8200
(513) 870-0999 (fax)
bconover@fbtlaw.com
jscholler@fbtlaw.com

Counsel for Defendants-Appellants

Jonathan N. Fox (0040264)
LYONS & LYONS, CO., LPA
8310 Princeton-Glendale Road
West Chester, Ohio 45069
(513) 777-2222
jfox@lyonsandlyonslaw.com

Counsel for Amici Curiae School Districts

Dave Yost (0056290)
Attorney General of Ohio
Benjamin M. Flowers (0095284)
Solicitor General
Michael J. Hendershot (0081842)
Chief Deputy Solicitor General
30 East Broad Street, 17th Floor
Columbus, Ohio 43215
614-466-8980
614-466-5087 (fax)
benjamin.flowers@ohioattorneygeneral.gov

Counsel for Amicus Curiae
Ohio Attorney General Dave Yost

s/ Rachel S. Bloomekatz

EXHIBIT J

MADISON BOARD OF EDUCATION



Lisa Tuttle-Huff, Superintendent
Rich Natiello, Treasurer



Dear [Redacted]

The Madison Local School District Board of Education, through its Firearm Authorization Policy, gives the Superintendent the authority to authorize qualified school employees to carry a weapon in school, so long as the employee does so in accordance with the Superintendent's authorization. Under the policy, the authorized school employee must meet the following requirements:

- Have a concealed handgun license.
- Satisfactorily completed an approved active-shooter and firearm instruction through an approved vendor
- Passed a criminal background check and a mental health exam
- Passed a drug screening

This letter serves as written notification that I authorize you to possess a firearm while on duty at Madison Local School District. This authorization is contingent upon you satisfying the requirements above, which may be amended from time to time. You must receive continuing training in subsequent years. Also, you must maintain a valid concealed handgun license. Finally, you are required to comply with the Firearms Authorization Policy at all times.

Please note that this letter authorizes, but does not require, you to possess a firearm while on duty. You are granted this authorization as an additional safety measure to protect our students and staff from harm. You must only wield or use the weapon to protect students, staff, and other civilians from deadly harm. Any abuse of this authority could result in discipline up to and including termination.

This authorization is a confidential security record that is exempt from Ohio public records laws and will not be made available to the public. The District will update its emergency management plan to include this authorization.

Finally, this authorization may be terminated by the Superintendent at any time.

Regards,

A handwritten signature in cursive script that reads "Lisa Tuttle-Huff".
Lisa Tuttle-Huff

0115422.0561127 4816-2031-9593v1

MADISON BOARD OF EDUCATION



Lisa Tuttle-Huff, Superintendent
Rich Natiello, Treasurer



Dear 

The Madison Local School District Board of Education, through its Firearm Authorization Policy, gives the Superintendent the authority to authorize qualified school employees to carry a weapon in school, so long as the employee does so in accordance with the Superintendent's authorization. Under the policy, the authorized school employee must meet the following requirements:

- Have a concealed handgun license.
- Satisfactorily completed an approved active-shooter and firearm instruction through an approved vendor
- Passed a criminal background check and a mental health exam
- Passed a drug screening

This letter serves as written notification that I authorize you to possess a firearm while on duty at Madison Local School District. This authorization is contingent upon you satisfying the requirements above, which may be amended from time to time. You must receive continuing training in subsequent years. Also, you must maintain a valid concealed handgun license. Finally, you are required to comply with the Firearms Authorization Policy at all times.

Please note that this letter authorizes, but does not require, you to possess a firearm while on duty. You are granted this authorization as an additional safety measure to protect our students and staff from harm. You must only wield or use the weapon to protect students, staff, and other civilians from deadly harm. Any abuse of this authority could result in discipline up to and including termination.

This authorization is a confidential security record that is exempt from Ohio public records laws and will not be made available to the public. The District will update its emergency management plan to include this authorization.

Finally, this authorization may be terminated by the Superintendent at any time.

Regards,

Lisa Tuttle-Huff

0115422.0561127 4816-2031-9593v1

1324 Middletown-Eaton Road • Middletown, Ohio 45042 • 513-420-4750 • Fax 513-420-4781
000312-R

MADISON BOARD OF EDUCATION



Lisa Tuttle-Huff, Superintendent
Rich Natiello, Treasurer



Dear [Redacted]

The Madison Local School District Board of Education, through its Firearm Authorization Policy, gives the Superintendent the authority to authorize qualified school employees to carry a weapon in school, so long as the employee does so in accordance with the Superintendent's authorization. Under the policy, the authorized school employee must meet the following requirements:

- Have a concealed handgun license.
- Satisfactorily completed an approved active-shooter and firearm instruction through an approved vendor
- Passed a criminal background check and a mental health exam
- Passed a drug screening

This letter serves as written notification that I authorize you to possess a firearm while on duty at Madison Local School District. This authorization is contingent upon you satisfying the requirements above, which may be amended from time to time. You must receive continuing training in subsequent years. Also, you must maintain a valid concealed handgun license. Finally, you are required to comply with the Firearms Authorization Policy at all times.

Please note that this letter authorizes, but does not require, you to possess a firearm while on duty. You are granted this authorization as an additional safety measure to protect our students and staff from harm. You must only wield or use the weapon to protect students, staff, and other civilians from deadly harm. Any abuse of this authority could result in discipline up to and including termination.

This authorization is a confidential security record that is exempt from Ohio public records laws and will not be made available to the public. The District will update its emergency management plan to include this authorization.

Finally, this authorization may be terminated by the Superintendent at any time.

Regards,

Lisa Tuttle-Huff

0115422.0561127 4816-2031-9593v1