

IN THE COURT OF COMMON PLEAS,  
FRANKLIN COUNTY, OHIO

DR. TRUDY BOND, et. al.

Relators/Plaintiffs,

vs.

OHIO STATE BOARD OF PSYCHOLOGY

Respondent/Defendant.

Case Number: 11CV-04-4711

Judge L. Beatty

FILED  
COMMON PLEAS COURT  
FRANKLIN CO., OHIO  
2011 AUG 17 PM 8:33  
CLERK OF COURTS

---

REPLY MEMORANDUM ON THE OHIO PSYCHOLOGY BOARD'S  
MOTION TO STAY DISCOVERY

---

The Ohio Psychology Board filed a motion to dismiss the complaint in mandamus based upon on pure legal grounds. First relators do not have standing to pursue this matter. Ohio law is quite clear on this point. Moreover in a recent decision from New York directly on point, the court ruled that a psychologist filing a similar action did not have standing to require the Disciplinary Board to initiate disciplinary action. See *Reisner v. Catone* (Supreme Ct. of N.Y, New York County, 2011), 115400/2010 (Attached as Exhibit 2 to the Board's Reply Brief.)

Similarly the Board's argument that the mandamus action should be dismissed for failure to state a claim is solely a matter of law. There is no need for discovery in order to rule on the Board's motion and relators do not even suggest that they need discovery to respond. In the interests of judicial economy and efficiency all discovery should be stayed until the court has an opportunity to rule on the Board's motion. If granted, the Board's motion will resolve the entire case.

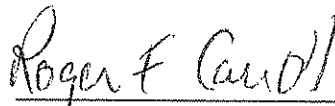
Moreover under Board policy cases closed without formal Board action are

confidential and not made public. (See State Board of Psychology, Guidelines for Disciplinary Actions p. 3). Therefore any records relators may seek are not subject to disclosure.

For the foregoing reasons the Ohio State Board of Psychology requests that the court stay all discovery until it rules on the Board's dispositive motion.

Respectfully submitted,

**MICHAEL DEWINE** (0009181)  
Attorney General of Ohio



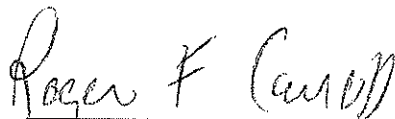
---

**ROGER F. CARROLL** (0023142)  
**LYNDSAY A. NASH** (0082969)  
Assistant Attorneys General  
30 East Broad Street, 26th Floor  
Columbus, Ohio 43215-3400  
Phone: (614) 466-8600  
Facsimile: (614) 466-6090  
*Counsel for Ohio State Board of Psychology*

#### **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing REPLY MEMORANDUM ON THE OHIO PSYCHOLOGY BOARD'S MOTION TO STAY DISCOVERY was sent by regular U.S. mail on August 17, 2011 to the following:

Terry J. Lodge, Esq.  
316 North Michigan Street  
Suite 520  
Toledo, Ohio 43624-1627  
*Counsel for Plaintiffs*



---

**ROGER F. CARROLL** (0023142)  
Principal Assistant Attorney General