

IN THE COURT OF COMMON PLEAS  
MEDINA COUNTY, OHIO

COMMON PLEAS COURT

2018 SEP -6 PM 2:37

18 CIV 0893

FILED  
DAVID B. WADSWORTH  
MEDINA COUNTY  
CLERK OF COURTS

MEDINA COUNTY LAW )  
LIBRARY RESOURCES BOARD )  
93 Public Square )  
Medina, OH 44256 )

Plaintiff, )

v. )

RELX INC. )  
AKA, REED ELSEVIER INC., )  
DbA LEXISNEXIS )  
c/o CT Corporation System )  
1300 E. Ninth Street )  
Cleveland, Ohio 44114 )

Defendant. )

CASE NO.

JUDGE CHRISTOPHER J COLLIER, JUDGE

**MOTION FOR TEMPORARY**  
**INJUNCTION WITHOUT HEARING**

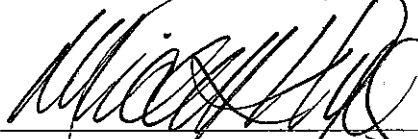
Plaintiff Medina County Law Library Resources Board, through Assistant Prosecuting Attorney Michael K. Lyons, hereby requests the court order, pursuant to Rule 65 of the Ohio Rules of Civil Procedure, without hearing, a temporary injunction enjoining defendant from withholding access to Ohio Enhanced and SmartLinx on-line research services from plaintiff's private attorney patrons who live in Medina County, practice law in Medina County and are registered with plaintiff. Plaintiff is an agency of county government and pursuant to Civil Rule 65(c) no security shall be required of a political subdivision of the state or agency thereof. Attached as Exhibit A is a statement of plaintiff's counsel concerning efforts to notify defendant and defendant's counsel of this request for temporary injunction without hearing.

The basis for this motion is more fully set forth in the verified complaint filed contemporaneously with this motion and the exhibits and affidavits attached to said complaint. Plaintiff draws the court's attention to the affidavits of Ian Haberman and Jeffrey Bramley, attached as Exhibits I and J to the complaint. Copies of those affidavits are attached to this

motion. Defendant had a long-standing arrangement with plaintiff to provide Ohio Enhanced and SmartLinx on-line research services to private attorney patrons who live in Medina County, practice law in Medina County and are registered with plaintiff, and under the current license addendum between plaintiff and defendant, defendant had agreed to provide this service to the private attorney user group through the end of 2020. On June 11, 2018 defendant gave plaintiff written notice of termination of this arrangement plaintiff regards as a violation of their contractual relationship, and on or about August 6, 2018 defendant physically terminated access to private attorneys. Plaintiff is unable to obtain these services elsewhere to meet its obligation to its attorney patrons and the attorney patrons will suffer irreparable injury as a result of the inappropriate termination of these serviced. Little or no harm will be done to defendant as defendant has provided these services to those private attorneys consistently for the past fifteen years.

Respectfully submitted,

FORREST THOMPSON, Prosecuting Attorney

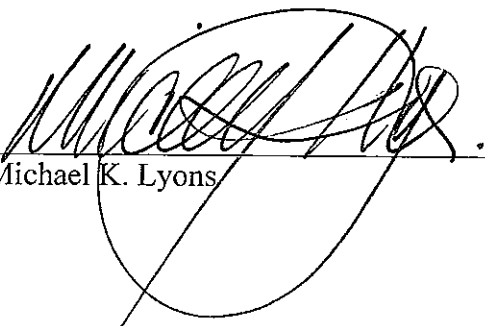


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MICHAEL K. LYONS (#0030792)  
Assistant Prosecuting Attorney  
Medina County Prosecutor's Office  
72 Public Square  
Medina, Ohio 44256  
(330) 723-9536  
[mlyons@medinaco.org](mailto:mlyons@medinaco.org)

CERTIFICATE OF SERVICE

A copy of the foregoing Statement was sent by email this 6th day of September, 2018  
to Jon Holt at [Jon.Holt@lexisnexis.com](mailto:Jon.Holt@lexisnexis.com).

  
\_\_\_\_\_  
Michael K. Lyons

## EXHIBIT A

### STATEMENT CONCERNING EFFORT TO NOTIFY DEFENDANT

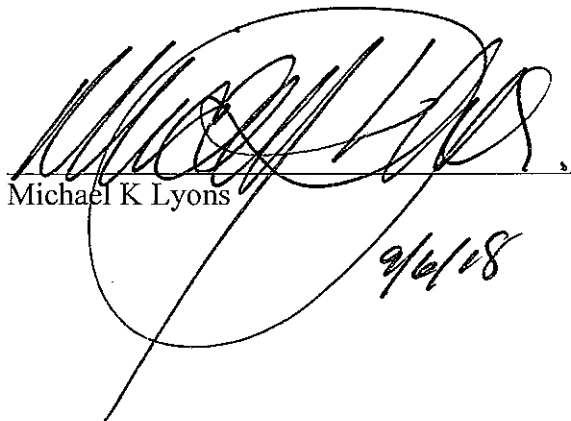
I, Michael K Lyons, Assistant Medina County Prosecutor, counsel for plaintiff Medina County Law Library Resources Board made the following efforts to notify defendant and defendant's legal representative of plaintiff's intention to file a complaint seeking a temporary injunction:

1. On or about August 10, 2018 I contacted John Williams, the LexisNexis account representative to the Medina County Law Library Resources Board to discuss the action taken by LexisNexis to terminate private attorney access to LexisNexis research tools. None of the notices from LexisNexis had contact information for administrators or legal representatives, so Mr. Williams was my only contact. Mr. Williams indicated the decision appeared to be final and he could not refer me to anyone else in the LexisNexis organization.
2. On August 16, 2018 I contacted the New York City offices of LexisNexis and asked for the legal department. I was transferred to Ian McDougall's office and his assistant, upon hearing my description of the contract issue transferred me to Loraina Santana. Loraina Santana did not answer, but I was able to leave a message describing the issue in general terms and asking her to call me back.
3. On August 20, 2018 I made a second attempt to call Loraina Santana, but there was again no answer and I left a message asking her to return the call. I received no return call.
4. On August 23, 2018 I called Loraina Santana a third time and left a message informing Ms. Santana that I was preparing to file an action to enforce plaintiff's contract with LexisNexis. I received no return call.
5. On August 27, 2018 I made a fourth call to Loraina Santana with a message that I had

prepared a complaint in which I would be seeking a temporary restraining order against defendant RELX INC., dba LexisNexis. I have not received a return call from Ms. Santana.

6. On August 27, 2018 I called John Williams to inform him I had prepared a civil complaint for filing on August 28, 2018 and to obtain from him contact information for the appropriate person at LexisNexis to provide a copy of the complaint. John Williams gave me the name of his supervisor, Dennis Brown at email address [dennis.brown@lexisnexis.com](mailto:dennis.brown@lexisnexis.com).
7. On August 27, 2018 I emailed a copy of a civil complaint to Dennis Brown at [dennis.brown@lexisnexis.com](mailto:dennis.brown@lexisnexis.com), John A. Williams at [john.williams@lexisnexis.com](mailto:john.williams@lexisnexis.com), and Wendy Weist at [wendy.weist@lexisnexis.com](mailto:wendy.weist@lexisnexis.com).
8. In the morning of August 28, 2017 I received an email response from Jon Holt, Senior Director and Senior Corporate Counsel out of LexisNexis's Dayton offices, who acknowledged receipt of the draft complaint and proposed a follow-up discussion. I had a telephone conference with Jon Holt and one of his associates from LexisNexis named Dori Geise.
9. Our attempts to resolve the issues were not successful and at in the morning of September 5, 2018 I called and emailed Jon Holt to inform him the board had directed me to file a complaint. At the end of the day on September 5, 2018 I received a call from Jon Holt and I informed him I had prepared a final version of the complaint and would be filing it on September 6, 2018. Immediately after that discussion I emailed to Jon Holt a full scanned copy of the complaint and exhibits. I talked with Mr. Holt at 10:20 am on September 6, 2018, but we were not able to resolve outstanding issues. I met with my client at 11:00 am on September 6, 2018 and I was directed by my client to initiate

litigation. At 1:45 p.m. on September 6, 2018 I called and emailed Jon Holt to inform him I am in the process of filing the complaint I had emailed to him on the afternoon of September 5, 2018 and this Motion for Temporary Injunction Without Hearing.



Michael K Lyons

9/6/18

EXHIBIT I  
(to Complaint)  
14 Pages

STATE OF OHIO            )  
                                  )  
COUNTY OF MEDINA    )        SS.        AFFIDAVIT

Now comes IAN S. HABERMAN, according to law deposes and states as follows:

1. I have been the Law Librarian of the Medina County Law Library, Medina County, Ohio from January 2017 through the present, and prior to becoming Law Librarian I was a member of the Medina County Law Library Resources Board, Medina County, Ohio for approximately five years.

2. As the Law Librarian I have been responsible for overseeing the day to day operations of the Law Library and monitoring and managing resources, including internet access to Lexis-Nexis legal research tools and services.

3. During the entire period of my service as Law Librarian the Law Library Board has provided on-line access to non-government attorneys who pay a fee to the Law Library and who live in Medina County and practice law in Medina County. This access is provided to those attorneys in their offices pursuant to a written agreement between the Law Library Board and Lexis-Nexis. On May 1, 2015 the Law Library Board and Lexis-Nexis entered into an addendum agreement for Ohio Enhanced on-line research services for non-government members of the Law Library. The addendum was executed by Jeffrey L. Bramley, the Law Librarian who served immediately before me. A copy of that agreement is attached to the complaint as Exhibit E-3. The agreement calls for the Law Library to pay for in-office service to 105 users Lexis-Nexis knew to be individual, non-governmental attorneys, and the agreement is effective through the end of the 2018 calendar year. The Medina County Law Library has paid a monthly fee for this service since the beginning of the term in January 2016, and the Law Library continues to receive invoices for this service and continues to make its monthly payment.

4. My review of the records of the Law Library indicate this arrangement of providing access to private attorneys was in place from approximately 2003. This is demonstrated by communications between our account representative and the Law Library's Administrative Assistant Mary Ann Lapina. Attached to this Affidavit as Attachment 1 is a request from Lexis-Nexis account representative Wendy Weist who requested from the Law Library confirmation of the users who were government versus private users. Attached to this affidavit as Attachment 2 is Mary Ann Lapina's response that identifies most of the attorneys in the Law Library patron category as "Private" attorneys.

5. In 2017 Wendy Weist, then Lexis-Nexis's account manager for Medina County Law Library, approached me to discuss expanding the account to allow individual attorneys to have access in their offices to the SmartLinx public records research tool in addition to the Ohio Enhanced legal research tool and to combine the two services into a single contract at a discounted price for a new three-year term. Attached to the complaint as Exhibit G is an email from Wendy Weist explaining it would not be necessary to go through a credentialing process for the Law Library patron contract that contemplates 105 users (the account that serves private, non-governmental attorneys) upon adding the public records research tool. Attached to the complaint as Exhibit H-3 is a copy of an "amendment" to the patron agreement to add SmartLinx and combine it with Ohio Enhanced under a single contract. Based on this amendment SmartLinx was extended to the private attorneys who had been served under the prior patron legal research agreements since approximately 2003. The agreement purports to provide services to only "government professional users," but I was led by our representative from LexisNexis to believe the purpose of this agreement was to extend the public records research



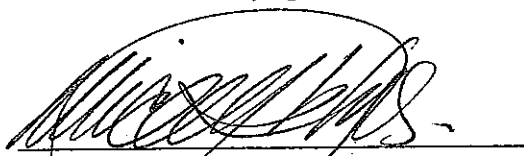
tool to the existing private attorney users of the services and to further extend the term of the existing agreement to December 31, 2020.

6. On April 3, 2018 the Law Library received a request to confirm the status of users under the patron account, and I provided that list with private attorneys identified (see correspondence and list attached to this affidavit as Attachment 3), as the Law Library had done repeatedly through the years. On June 11, 2018 Lexis-Nexis notified the Law Library it was terminating the contract attached to the complaint as Exhibit H-3 because extension of the services to the private attorneys violates the agreements. In conjunction with this notification, on or about August 6, 2018 Lexis-Nexis terminated the in-office access of the private attorneys to Ohio Enhanced and SmartLinx on-line research services. The action of Lexis-Nexis is inconsistent with the course of dealing between Lexis-Nexis and the Law Library from approximately 2003 through May of 2018. The action of Lexis-Nexis to terminate the access of the private attorneys is in breach of the contract and will result in irreparable damage by placing the Law Library in breach of its obligations to those patrons and by leaving those patrons with inadequate resources to fulfill their obligations.

FURTHER AFFIANT SAYETH NAUGHT.

  
IAN S. HABERMAN

SWORN TO BEFORE me and subscribed in my presence this 5<sup>th</sup> day of September, 2018.

  
NOTARY PUBLIC  
MICHAEL K. LYONS, ATTY.  
NOTARY PUBLIC • STATE OF OHIO  
My commission has no expiration date  
Section 147.03 O.R.C.

14801017  
**Attachment 1**  
TO  
**HABERMAN**  
**AFFIDAVIT**  
(3 pages)

MaryAnn Lapina

From: Gramza, Wendy (LNG-HBE) [wendy.gramza@lexisnexis.com]  
Sent: Friday, April 09, 2010 10:48 AM  
To: MaryAnn Lapina  
Cc: Perito, Jenice (LNG-DAY)  
Subject: Users - Please Mark Each Person Govt or Private

- 11705H - MEDINA COUNTY LAW LIBRARY - LIBRARIANS (MEDINA, OHIO)
- 11705H - MEDINA COUNTY LAW LIBRARY - LIBRARIANS (MEDINA, OHIO) [L]
- 11707Z - MARY R KOVACK (MEDINA, OHIO) [L]
- 11708G - JAMES L KIMBLER (MEDINA, OHIO) [L]
- 11708F - JEFFREY BRAMLEY (MEDINA, OHIO) [L]
- 11708R - CHRISTOPHER COLLIER (MEDINA, OHIO) [L]
- 1173DH - MARY ANN LAPINA (MEDINA, OHIO) [L]

- 1170SJ - MEDINA COUNTY LAW LIBRARY - JUDGES (MEDINA, OHIO)
- 1170SJ - MEDINA COUNTY LAW LIBRARY - JUDGES (MEDINA, OHIO) [L]
- 1170SS - JILL R HECK (MEDINA, OHIO) [L]
- 1170SI - LAURA GALLAGHER (MEDINA, OHIO) [L]
- 1170TB - JAMES R LEAVER (MEDINA, OHIO) [L]
- 1170TC - CAROL CONRAD REITER (MEDINA, OHIO) [L]
- 1170TH - ALBERT D SHIRER (MEDINA, OHIO) [L]
- 1171ST - LORIE BROBST (MEDINA, OHIO) [L]
- 1171SV - RUSSELL BUZZELLI (MEDINA, OHIO) [L]
- 1171SW - ROGER INGRAHAM (MEDINA, OHIO) [L]
- 1173DJ - DALE H CHASE (MEDINA, OHIO) [L]
- 1173DK - LINDA A LEGGETT (MEDINA, OHIO) [L]
- 1173DM - CHARLES T LAWRIE (MEDINA, OHIO) [L]
- 1173DN - STEPHEN B MCILVAINE (WADSWORTH, OHIO) [L]
- 1173DP - THOMAS MCCORMACK (MEDINA, OHIO) [L]
- 1173DQ - BARBARA PORZIO (MEDINA, OHIO) [L]
- 1173DR - JACKIE L OWEN (MEDINA, OHIO) [L]

- 1170SN - MEDINA COUNTY LAW LIBRARY - ATTORNEYS (MEDINA, OHIO) [L]
- 11708G - PATRICIA A WALKER (MEDINA, OHIO) [L]
- 11708H - GARY L AINLEY (MEDINA, OHIO) [L]
- 11708M - MICHAEL CONWAY (BRUNSWICK, OHIO) [L]
- 11708Q - TIMOTHY D MCKINZIE (MEDINA, OHIO) [L]
- 11708T - ELLIS B BRANNON (WADSWORTH, OHIO) [L]
- 11708V - MARIE MIRRO EDMONDS (MEDINA, OHIO) [L]
- 11708W - WILLIAM F MCDONOUGH (MEDINA, OHIO) [L]

4/28/2010

- Ⓟ 11708Z - DONALD WOCHNA (HINCKLEY, OHIO) [L]
- Ⓟ 11709B - BRUCE D PARISH (MEDINA, OHIO) [L]
- Ⓟ 11709D - GERALD D PISZCZEK (MEDINA, OHIO) [L]
- Ⓟ 11709E - SUSAN HIRSCH (MEDINA, OHIO) [L]
- Ⓟ 11709H - THOMAS E PALECEK (WADSWORTH, OHIO) [L]
- Ⓟ 1170SQ - JEFFREY L BRAMLEY (MEDINA, OHIO) [L]
- Ⓟ 1170SV - IAN S HABERMAN (MEDINA, OHIO) [L]
- Ⓟ 1170SX - BRUCE HALL (MEDINA, OHIO) [L]
- Ⓟ 1170SZ - C NEVADA JOHNSON JR (MEDINA, OHIO) [L]
- Ⓟ 1170TJ - PRUDENCE C SPINK (MEDINA, OHIO) [L]
- Ⓟ 1170VW - JENNIFER HENSAL (MEDINA, OHIO) [L]
- Ⓟ 1170VZ - THEODORE J LESIAK (MEDINA, OHIO) [L]
- Ⓟ 1170WB - JIM PALMQUIST (MEDINA, OHIO) [L]
- Ⓟ 1170WH - JOHN T JEANDREVIN (MEDINA, OHIO) [L]
- Ⓟ 1170WK - J MATTHEW LANIER (MEDINA, OHIO) [L]
- Ⓟ 1170WM - JEFF HOLLAND (SHARON CENTER, OHIO) [L]
- Ⓟ 1170WN - ELAYNE M SIEGFRIED (MEDINA, OHIO) [L]
- Ⓟ 1170WO - JOHN J MCCARROLL (MEDINA, OHIO) [L]
- Ⓟ 1170WR - ERIC W NODERER (WADSWORTH, OHIO) [L]
- Ⓟ 1170WS - THOMAS W SHARRATT (MEDINA, OHIO) [L]
- Ⓟ 1170WT - JOSEPH A DICKINSON (WADSWORTH, OHIO) [L]
- Ⓟ 1170WW - JOHN N PORTER (BRUNSWICK, OHIO) [L]
- Ⓟ 1170WX - CAMERON PEDRO (MEDINA, OHIO) [L]
- Ⓟ 1170WZ - VANCE P TRUMAN (MEDINA, OHIO) [L]
- Ⓟ 1170XB - ELIZABETH B MANNING (WADSWORTH, OHIO) [L]
- Ⓟ 1170XC - KEVIN DUNN (MEDINA, OHIO) [L]
- Ⓟ 1170XF - MARK S ABOOD (BRUNSWICK, OHIO) [L]
- Ⓟ 1170ZD - RONALD R STANLEY (LITCHFIELD, OHIO) [L]
- Ⓟ 1170ZH - S FORREST THOMPSON (WADSWORTH, OHIO) [L]
- Ⓟ 1170ZM - MARIE L MOORE (WADSWORTH, OHIO) [L]
- Ⓟ 1170ZX - CHRISTOPHER T BROWN (MEDINA, OHIO) [L]
- Ⓟ 1171BC - MARY JO MORSE (WADSWORTH, OHIO) [L]
- Ⓟ 1171BH - JONATHAN M STEINGASS (MEDINA, OHIO) [L]
- Ⓟ 1171FS - L RAY JONES (MEDINA, OHIO) [L]
- Ⓟ 1171FT - THOMAS J MORRIS (WADSWORTH, OHIO) [L]
- Ⓟ 1171FV - JAMES R MCILVAINE (WADSWORTH, OHIO) [L]
- Ⓟ 1171FW - DENNIS E PAUL (WADSWORTH, OHIO) [L]
- Ⓟ 1171FX - LINDA HOFFMANN (WADSWORTH, OHIO) [L]
- Ⓟ 1171FZ - ANDREW S MCILVAINE (WADSWORTH, OHIO) [L]
- Ⓟ 1171GB - WILLIAM J MUNIAK (MEDINA, OHIO) [L]
- Ⓟ 1171GC - SUNNY NASH HERRON (MEDINA, OHIO) [L]

- B** 1171GF - JIM A SHIELDS (MEDINA, OHIO) [L]
- B** 1171GG - JOHN CRILLY (WADSWORTH, OHIO) [L]
- B** 1171GH - ERIC D HALL (MEDINA, OHIO) [L]
- B** 1171GI - ANDREW M KORDUBA (MEDINA, OHIO) [L]
- B** 1171GN - JOSEPH E FOREMAN (WADSWORTH, OHIO) [L]
- B** 1171GQ - SUSAN L FUNK (MEDINA, OHIO) [L]
- B** 1171GS - AMY L MCGARRY (WADSWORTH, OHIO) [L]
- B** 1171GT - DAVID V GEDROCK (MEDINA, OHIO) [L]
- B** 1171GV - RALPH A BERRY (MEDINA, OHIO) [L]
- B** 1171KV - JOHN J DOLATOWSKI (MEDINA, OHIO) [L]
- B** 1171KZ - DANIEL F GIGIANO (WADSWORTH, OHIO) [L]
- B** 1171MB - JULIANA WEBBER REINEKE (MEDINA, OHIO) [L]
- B** 1171MD - ROBERT J BUX (MEDINA, OHIO) [L]
- B** 1171MG - WILLIAM B YOUNG (MEDINA, OHIO) [L]
- B** 1171MH - GREGORY A HUBER (MEDINA, OHIO) [L]
- B** 1171MN - AMANDA GASHEL DILLON (MEDINA, OHIO) [L]
- B** 1171MP - RALPH E JOCKE (MEDINA, OHIO) [L]
- B** 1171MQ - CHRISTOPHER L PARMELEE (MEDINA, OHIO) [L]
- B** 1171SZ - MARY ELLEN LESLIE (MEDINA, OHIO) [L]
- B** 1171TS - JAMES F CICCOLINI (MEDINA, OHIO) [L]
- B** 1171TV - ALFRED C MINICHIELLO (AKRON, OHIO) [L]
- B** 1171TW - MICHELLE L SLIMAK (MEDINA, OHIO) [L]
- B** 11904Z - DAVID B HARE (MEDINA, OHIO) [L]
- B** 1199N4 - GLENN JONES (MEDINA, OHIO) [L]
- B** 1199N5 - JENNIFER MATYAC (MEDINA, OHIO) [L]
- B** 120NVI - RUSSELL A HOPKINS (MEDINA, OHIO) [L]
- B** 1219MJ - JILL R HECK (MEDINA, OHIO) [L]
- B** 122BRR - ARTHUR E FOTH ESQ (MEDINA, OHIO) [L]
- B** 122MM1 - EUGENE ELIAS (WADSWORTH, OHIO) [L]
- B** 122N2X - LEE T SKIDMORE (MEDINA, OHIO) [L]
- B** 122N3C - SHANE M OEHLHOF (MEDINA, OHIO) [L]

*Sankae - Name Change*

The ones that are RED are inactive... disregard those.

Thanks again!!!!

**Wendy Gramza**  
Account Manager

[wendy.gramza@lexisnexis.com](mailto:wendy.gramza@lexisnexis.com)  
937-241-8515 DIRECT  
800-227-9597 x57831  
(866) 960-3065 FAX

4/28/2010

# FAX

Medina County Law Library  
93 Public Square  
Medina OH 44256

**Attachment Z**

To  
**HABERMAN  
AFFIDAVIT  
(4 pages)**

Date 4/9/10  
Number of pages including cover sheet 4

Wendy Grange  
Seper  
\_\_\_\_\_  
\_\_\_\_\_  
Phone \_\_\_\_\_  
Fax Phone \_\_\_\_\_  
CC: \_\_\_\_\_

From: Mary Ann Lapina  
\_\_\_\_\_  
\_\_\_\_\_  
E-mail maryann@medlawlib.org  
Phone 330-725-9744  
Fax Phone 330-723-9608

**REMARKS:**

- Urgent     For your review     Reply ASAP     Please comment

*Mary Ann*