

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

KING LINCOLN BRONZEVILLE NEIGHBORHOOD ASSOCIATION, <i>ET AL.</i>,	:	
	:	
PLAINTIFFS,	:	
	:	
VS.	:	CASE NO. 2:06-CV-745
	:	
JENNIFER BRUNNER, <i>ET AL.</i>,	:	JUDGE MARBLEY
	:	
DEFENDANTS.	:	

**MEMORANDUM IN OPPOSITION TO PLAINTIFFS’
MOTION FOR RELIEF FROM STAY**

I. Introduction

Ohio Secretary of State Jennifer Brunner opposes the Plaintiffs’ July 17 motion to lift the stay and allow discovery to proceed in this case. Currently Secretary of State Brunner has been busily working with Ohio’s bi-partisan boards of elections in order to prepare for the November 4, 2008 general election. There are only 85 days until that election and only 50 days until absentee voting begins. As a result, her attention, as well as the attention of the boards of elections, are focused on completing the preparation for that vote. The Secretary predicts that at least 80% of Ohio’s registered voters will cast a ballot in this election. Thus, it is vitally important that the efforts of all elections officials remain focused exclusively on preparation for the 2008 presidential election, rather than looking backwards to the 2004 presidential election..

II. Argument

In their motion, the Plaintiffs claim that they can resume activity in this case “without disrupting the important work of []Secretary of State Jennifer Brunner and the county boards of

elections in preparing for the 2008 general election,” (Motion for Relief from Stay at 7), but the Secretary of State respectfully disagrees with that assertion. She has limited personnel who are charged with elections administration. These individuals have already worked with her on issuing 60 new directives for 2008. They are busily working on others which will be issued before the November general election. Their attention is best served working on this instead of aiding defense counsel on charges concerning the 2004 election. Likewise, the Secretary’s statutory counsel, the Ohio Attorney General, also has limited resources. Counsel for Secretary Brunner have been busy representing their client in this Court as well as others in Franklin County. Their attention is also best served dealing with issues concerning the 2008 election and other matters of importance to the Secretary.

The Plaintiffs have simply failed to address why it is necessary to begin litigation at this point instead of waiting three months. While the Secretary is cognizant of the fact that parties to litigation should be allowed to conduct appropriate discovery, there is no reason to start discovery at this time. The most important obligation Secretary Brunner and the boards of elections have at this point is to properly prepare for the November general election. Since this case is already stayed, it should remain so for the near term.

Respectfully submitted,

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Certificate of Service

This is to certify a copy of the foregoing was served upon all counsel of record by means of the Court's electronic filing system on this 11th day of August, 2008.

/s Richard N. Coglianesi