

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

LIBERTARIAN PARTY OF OHIO, et al.,

Plaintiffs,

v.

JENNIFER BRUNNER, in her Official
Capacity as Ohio Secretary of State,

Defendant.

Case No. 2:08-cv-555

JUDGE EDMUND A. SARGUS, JR.

MAGISTRATE JUDGE NORAH
MCCANN KING

ORDER

The Court hereby **ORDERS** that the Consent Decree entered on July 20, 2009 is hereby
VACATED and **REPLACED** in all respects with the attached Consent Decree.

IT IS SO ORDERED.

7-30-2009
DATED


EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE

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FOR THE SOUTHERN DISTRICT OF OHIO
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LIBERTARIAN PARTY OF OHIO, et al.,

Plaintiffs,

v.

**JENNIFER BRUNNER, in her Official
Capacity as Ohio Secretary of State,**

Defendant.

**Case No. 2:08-cv-555
Judge Edmund A. Sargus, Jr.
Magistrate Judge Norah McCann King**

CONSENT DECREE

This Consent Decree is made and entered into as of the 26th day of June, 2009 by and between the Libertarian Party of Ohio, Kevin Knedler, Bob Barr, Wayne A. Root, Mark Noble and Margaret A. Leech (“Plaintiffs”) and Secretary of State Jennifer Brunner (“Defendant”) (collectively, “the parties”).

A. WHEREAS, the Plaintiffs have brought suit against the Defendant alleging that the Ohio legislature has not enacted new ballot access procedures for minor political parties since the Sixth Circuit struck down Ohio’s procedures in *Libertarian Party of Ohio v. Blackwell*, 462 F.3d 579 (6th Cir. 2006); and

B. WHEREAS, the Plaintiffs sought and were granted preliminary injunctive relief enjoining the enforcement of Directive 2007-09 as violating the First and Fourteenth Amendments and Articles I and II of the United States Constitution and granting Plaintiffs access to the November 4, 2008 general election ballot; and

C. WHEREAS, the parties have agreed to resolve this litigation in the manner set

forth in this Consent Decree,

NOW, THEREFORE

1. Defendant on May 27, 2009 formally withdrew Directive 2007-09 so that it no longer has force and will not be enforced in the future;
2. The Plaintiffs agree to dismiss the above-styled Complaint without prejudice;
3. The parties agree that this Consent Decree will only become effective and binding if and when incorporated into a Final Judgment in this case;
4. The parties agree that when this Consent Decree is incorporated into a Final Judgment, Plaintiffs will be entitled to their reasonable attorney's fees as prevailing parties in the above-styled action as that term is defined in 42 U.S.C. § 1988(b);
5. The parties agree that when this Consent Decree is incorporated into a Final Judgment, Plaintiffs will within fourteen days file a motion for an award of costs under Rule 54 and attorney's fees under 42 U.S.C. § 1988(b) with the District Court.

Respectfully submitted,

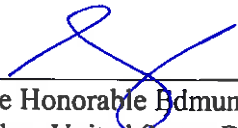
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Entered by Order of the Court this 30 day of July, 2009.



The Honorable Edmund A. Sargus, Jr.
Judge, United States District Court for the Southern district of Ohio