

**In The United States District Court
For The Southern District Of Ohio
Eastern Division**

Ohio Democratic Party,

Plaintiff,

vs.

Case No. 2:04-cv-1055

J. Kenneth Blackwell, et al.,

Judge Marbley

Defendants.

Magistrate Judge Abel

Notice Of Appeal

Intervening Defendant The State of Ohio gives notice to the parties that it is appealing the decision of the District Court granting a temporary restraining order and dismissing the Intervening Defendant's counterclaim. The orders were entered on November 2, 2004 and August 26, 2005, respectively.

Respectfully submitted,

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Ohio Attorney General

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CERTIFICATE OF SERVICE

I hereby certify that on September 23, 2005, a copy of the foregoing was served upon all counsel of record by means of the Court's electronic filing system.

/s/ Richard N. Coglianese

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