

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

**Audrey J. Schering,**

**Plaintiff,**

**vs.**

**Case No. 1:04-CV-755**

**J. Kenneth Blackwell,**

**Judge Watson**

**Defendant.**

**Answer of Defendant J. Kenneth Blackwell**

J. Kenneth Blackwell, for his answer to the Plaintiff's complaint, states the following:

1. Denies each and every allegation not specifically admitted to.
2. With respect to the allegations contained in Paragraph 1, states that Plaintiff appears to bring a cause of action for declaratory judgment but denies that the Plaintiff has stated any cause of action upon which relief could be granted and denies the remaining allegations contained in Paragraph 1.
3. Denies for lack of knowledge the allegations contained in Paragraph 2 of the Complaint.
4. With respect to Paragraph 3, admits that Defendant Blackwell is the Ohio Secretary of State and further admits that the Plaintiff has alleged some of his duties. Defendant also admits that the Plaintiff has attempted to sue him in his official capacity but denies that the Plaintiff has stated a legally cognizable claim.
5. With respect to Paragraph 4, admits that the Plaintiff has attempted to bring her claim under the statutes listed but deny that the Plaintiff has stated a claim.
6. With respect to Paragraph 5, admits that venue is proper but denies the remaining allegations.
7. With respect to the allegations in Paragraph 6, admits that provisional ballots must be counted commencing eleven days after the election and states that the rest of Paragraph 6 does not require a responsive pleading.
8. Denies the allegations in Paragraph 7.

9. Admits the allegations in Paragraph 8 of the Complaint.
10. Denies the allegations in Paragraphs 9-15 of the Complaint.

With respect to the WHEREFORE paragraph, denies that the Plaintiff is entitled to any of the relief requested or to any relief whatsoever. Having answered the Plaintiff's complaint, the Defendant raises the following defenses, including affirmative defenses.

#### **Defenses**

11. The Plaintiff fails to state a claim upon which relief can be granted.
12. The Plaintiff lacks standing to bring this complaint.
13. This Court lacks jurisdiction over the Plaintiff's complaint.
14. The Plaintiff's claims are moot.
15. The Defendant reserves the right to supplement his answer with other defenses, including affirmative defenses, as discovery progresses in this case.

Wherefore, having answered the Plaintiff's complaint, Defendant prays that this Court dismiss the complaint and award him fees and costs.

Respectfully submitted,

Respectfully submitted,

Jim Petro  
Attorney General

*/s/ Richard N. Coglianesse*  
Richard N. Coglianesse (0066830)  
Trial Counsel  
Arthur J. Marziale, Jr. (0029764)  
Damian W. Sikora (0075224)  
Assistant Attorneys General  
Constitutional Offices Section  
30 East Broad Street, 17<sup>th</sup> Floor  
Columbus, Ohio 43215  
614-466-2872

**Certificate of Service**

This is to certify a copy of the foregoing answer was served upon all counsel of record by means of the Court's electronic filing system.

*/s Richard N. Coglianese*  
Richard N. Coglianese