

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Marian A. Spencer, et al.	:	Case No.	1:04CV00738
	:		
Plaintiffs	:	(Hon. Susan J. Dlott)	
	:		
v.	:	MOTION TO DISMISS UNDER CIVIL	
	:	RULE 12 OF DEFENDANTS	
J. Kenneth Blackwell, et al.	:	HAMILTON COUNTY BOARD OF	
	:	ELECTIONS, MEMBERS TIMOTHY	
Defendants	:	BURKE, MICHAEL BARRETT, TODD	
	:	WARD, DANIEL RADFORD. AND	
	:	JOHN WILLIAMS, DIRECTOR	

The above captioned defendants hereby move to dismiss this matter for the same reasons stated in their memorandum in opposition to Plaintiffs' Motion for a Temporary Restraining Order.

MICHAEL K. ALLEN
PROSECUTING ATTORNEY
HAMILTON COUNTY, OHIO

BY:

/s/David T. Stevenson
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by electronic mail via the CM/ECF system and that a true copy of the foregoing was hand delivered to all counsel of record and all unrepresented parties on this 28th day of October, 2004.

/s/ David T. Stevenson _____
David T. Stevenson