

IN THE COURT OF COMMON PLEAS
DELAWARE COUNTY, OHIO

STATE EX REL, DAVID A. YOST,
DELAWARE COUNTY
PROSECUTING ATTORNEY, et al.,

Plaintiffs,

vs.

NATIONAL VOTING RIGHTS INSTITUTE
a.k.a. NVRI, et al.,

Defendants.

JUDGE: Whitney

CASE NO: 04-CVH-11-827

JUDGMENT ENTRY ISSUING RESTRAINING ORDER

COMMON PLEAS COURT
DELAWARE COUNTY, OHIO
FILED
2004 NOV 24 AM 10:01
JAN ANTONOPPLIS
CLERK

This matter came before the Court the 23rd day of November, 2004 on Plaintiffs' Motion for a Temporary Restraining Order. The Plaintiffs' request this order to restrain Defendants from requesting, applying for, and/or requiring a recount of all votes cast in the November 2, 2004 election in Delaware County for the office of President of the United States. The Plaintiffs' assert that performing the requested recount would cause them to suffer immediate and irreparable loss, harm, damage and injury. In particular, Plaintiffs' assert that the Defendants' request and application for a recount is premature pursuant to O.R.C. § 3515.02 and that in light of the very few votes cast in Delaware County for Defendants Cobb and Badnarik and the substantial cost to Plaintiffs' in performing the requested a recount, such a recount would be vain, needless, burdensome, wasteful, useless, meaningless, and purposeless.

Upon consideration of Plaintiffs' Motion, the Court FINDS as follows:

Plaintiff is likely to succeed on the merits, and the issuance of injunctive relief will prevent irreparable harm to the Plaintiffs; that there will be injury to others caused by

granting the relief sought for, and the public interest will be served in sustaining Plaintiff's Motion.

Therefore, in consideration of the same, the Court FINDS the Plaintiffs' Motion to be well taken, SUSTAINS the Plaintiffs Motion and ORDERS as follows:

A temporary restraining order is hereby issued against Defendants restraining them from requiring the performance of a recount of all votes cast in the November 2, 2004 election in Delaware County for the office of President of the United States.

This order shall remain in effect until the 1st day of December, 2004. at 12:00 P.M.

IT IS SO ORDERED.

DATE: 11/23/04


JUDGE

cc:
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