

THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

THE SANDUSKY COUNTY)	CASE NO.: 3:04CV7582
DEMOCRATIC PARTY, et al.)	
)	JUDGE: JAMES G. CARR
Plaintiffs,)	
)	
vs.)	
)	
J. KENNETH BLACKWELL,)	<u>MOTION FOR STAY AND</u>
)	<u>SUSPENSION OF INJUNCTION</u>
Defendant.)	<u>PENDING APPEAL</u>

Pursuant *inter alia*. to Rule 8 of the Federal Rules of Appellate Procedure, Defendant, Ohio Secretary of State, J. Kenneth Blackwell, hereby respectfully requests that this Honorable Court stay and suspend the Order and Injunction entered against him in the instant case on October 14, 2004, during the pendency of his appeal to the United States Court of Appeals for the Sixth Circuit.

Defendant submits that the overall nature and complexity of the issues raised in this case warrant a stay and suspension to allow the Sixth Circuit Court of Appeals the ability to pass upon such issues before this Court's Order is implemented. Defendant further submits that a stay and suspension are appropriate since the questions raised in the instant case concern important aspects of State and Federal law, and the implementation of the Help America Vote Act ("HAVA") by Ohio's Chief Election Official. Finally, Defendant notes that a stay and suspension are appropriate since the ramifications of the Court's Order are likely to play a significant role in the November 2, 2004 State and National elections.

Respectfully submitted,

JIM PETRO
ATTORNEY GENERAL OF OHIO

By: /s/ Richard G. Lillie
RICHARD G. LILLIE (390023744)
GRETCHEN A. HOLDERMAN (390058508)
BENESCH, FRIEDLANDER, COPLAN
& ARONOFF LLP
2300 BP TOWER, 200 Public Square
Cleveland, Ohio 44113
(216) 363-4159, rlillie@bfca.com

*Special Counsel for
Secretary of State J. Kenneth Blackwell*

CERTIFICATE OF SERVICE

This is to certify that the foregoing was filed electronically on the 14th day of October, 2004 in accordance with the Court's Electronic Filing Guidelines. Notice of this filing will be sent to all parties by operation of the Court's Electronic Filing System. Parties may access this filing through the Court's Filing System.

JIM PETRO
ATTORNEY GENERAL OF OHIO

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GRETCHEN A. HOLDERMAN (390058508)

*Special Counsel for
Secretary of State J. Kenneth Blackwell*

