

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

OHIO REPUBLICAN PARTY, et al.	:	
	:	
Plaintiffs,	:	
	:	Case No. 2:08CV913
v.	:	
	:	JUDGE SMITH
JENNIFER BRUNNER,	:	
Secretary of State of Ohio,	:	MAGISTRATE JUDGE KING
	:	
Defendant	:	

MOTION TO STAY TEMPORARY RESTRAINING ORDER

Counsel for Defendant Secretary of State Jennifer Brunner hereby request that this Court stay its decision granting the Plaintiffs’ renewed motion for a temporary restraining order pending appeal. The Secretary has demonstrated during the oral hearing in this case the difficulty involved in modifying the Statewide Voter Registration Database (“SWVRD”) in the manner contemplated by the Court’s Order.¹ Such action will require advanced programming of a computer system that interfaces with databases maintained by the Bureau of Motor Vehicles, the Social Security Administration, and 88 county boards of elections. The boards’ databases are maintained by three separate vendors. With only twenty-five days before the election begins and eleven days until pollbooks must be completed, any substantial reprogramming of the SWVRD can lead to a breakdown in the boards’ ability to properly prepare accurate lists of voters for each precinct. Thus, Secretary Brunner respectfully requests this Court stay its order granting the Plaintiffs’ motion for a temporary restraining order.

¹ The Court, in its order, incorrectly stated that reprogramming may take only two or three days. Rather, counsel for the Secretary stated that such reprogramming may take at least 4 to 5 days because of the complexities involved. Although staff lawyers for the court stated that they believe reprogramming the database is a simple process similar to writing a program using an excel spreadsheet, such conclusion is incorrect. If the Secretary were allowed to present evidence during the temporary restraining order hearing as she had requested, she would have been able to demonstrate how complex the reprogramming issues are that she is now facing.

Respectfully submitted,

NANCY H. ROGERS
ATTORNEY GENERAL

/s Richard N. Coglianesse

Richard N. Coglianesse (0066830) Trial Attorney

Aaron D. Epstein (0063286)

Damian W. Sikora (0075224)

Daniel C. Roth (D.C. Bar Number 503236)

Steven McGann (0075476)

Assistant Attorneys General

Constitutional Offices

30 East Broad Street, 16th Floor

Columbus, Ohio 43215-3400

rcoglianesse@ag.state.oh.us

(614) 466-2872 – phone

(614) 728-7592 – fax

Attorneys for Defendant

Jennifer Brunner

Ohio Secretary of State

CERTIFICATE OF SERVICE

This is to certify a copy of the foregoing was served upon all counsel of record by means of the Court's electronic filing system on this 9th day of October, 2008.

/s Richard N. Coglianese