

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

**AMERICAN CIVIL LIBERTIES
UNION OF OHIO, INC., et al.**

Plaintiffs,

vs.

JENNIFER BRUNNER, et al.

Defendants.

) **JUDGE KATHLEEN M. O'MALLEY**
)
) **CASE NO. 1:08-CV-00145**
)
)
) **CLEVELAND BRANCH NAACP'S**
) **MOTION FOR LEAVE TO FILE**
) **AMICUS CURIAE BRIEF OPPOSING**
) **THE AMERICAN CIVIL LIBERTIES**
) **UNION OF OHIO, INC.'S ("ACLU")**
) **MOTION FOR PRELIMINARY**
) **INJUNCTION**
)

NOW COMES the Cleveland Branch National Association for the Advancement of Colored People ("NAACP"), through their legal counsel, George L. Forbes, Esq. and Scott H. Schooler, Esq. of Forbes, Fields & Associates Co., L.P.A. and hereby moves this Honorable Court for an Order permitting them to file an amicus brief on behalf of, and supporting, all the Defendants, in this litigation. The NAACP is the preeminent civil rights organization in the country and has been involved with the enforcement of the civil rights of their constituents for more than a century. The purposes and goals of the NAACP as a civil rights organization provides the basis and the legal right to file such a brief in this matter and join in the defense of

all pending claims against the State of Ohio and Cuyahoga County Defendants, especially as it relates to the ACLU's unsupported contention that the challenged central count optical scan voting system would interfere with the voting rights of African Americans. Consequently, this Motion should be granted, and the NAACP should be added as an amicus curiae party to this litigation.

Respectfully submitted,

FORBES, FIELDS & ASSOCIATES CO., L.P.A.

/s/ Scott H. Schooler, Esq.

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CERTIFICATE OF SERVICE

A copy of the foregoing Cleveland Branch NAACP’s Motion for Leave to File Amicus Curiae Brief Opposing the American Civil Liberties Union of Ohio, Inc.’s (“ACLU”) Motion for Preliminary Injunction was filed electronically with service to the other parties, via the Court System on this 4th day of February, 2008 and the following:

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