

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND DIVISION**

American Civil Liberties Union of Ohio, et al.;)	
)	
Plaintiffs,)	
)	
v.)	Case No.: 1:08-cv-145
)	
Jennifer Brunner, et al.;)	
)	
Defendants.)	
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PLAINTIFFS' MOTION TO DISMISS WITHOUT PREJUDICE

Now come Plaintiffs, by and through counsel, to ask this Court to dismiss their case without prejudice.

Plaintiffs brought suit against Defendants for abridgement of their voting rights due to the Defendants' selection and use of non-notice central count optical scan (CCOS) voting equipment for the March 4, 2008 presidential primary in Cuyahoga County. During the pendency of this case, the Ohio General Assembly passed 127th Oh. Gen. Ass. Sub. S.B. 286 (SB 286) which prohibits the County from using CCOS beginning May 1, 2008. The Governor signed the bill, and it took effect immediately upon signing.

Although SB 286 prohibits the use of non-notice CCOS voting equipment, Plaintiffs were still concerned that the Defendants were free under Ohio law to use other types of non-notice voting equipment. Defendants have stipulated to this Court that they will use notice-based equipment beginning with the November 4, 2008 presidential election, and they do not have any intention to return to using non-notice voting equipment.

Based on Defendants' stipulations, Plaintiffs agree to voluntarily dismiss their claims without prejudice.

CONCLUSION

For the foregoing reasons, Plaintiffs' motion to dismiss without prejudice should be granted.

Respectfully submitted,

/s/ Meredith Bell-Platts
MEREDITH BELL-PLATTS (0072917)
Laughlin McDonald
Neil Bradley
ACLU Voting Rights Project
2600 Marquis One Tower
245 Peachtree Center Avenue
Atlanta, GA 30303
(404) 523-2721
(404) 653-0331 (facsimile)
mbell@aclu.org
lmcdonald@aclu.org
nbradley@aclu.org

/s/ Carrie L. Davis

CARRIE L. DAVIS (0077041)
JEFFREY M. GAMSO (0043869)

ACLU of Ohio
4506 Chester Ave
Cleveland, OH 44103
(216) 472-2220
(216) 472-2210 (facsimile)
cdavis@acluohio.org
jmgams@acluohio.org

PAUL MOKE (0014099)
Professor of Social and Political Science
1252 Pyle Center
Wilmington College
Wilmington, Ohio 45177
937-382-6661 ext 415
937-382-7077 (facsimile)
paul_moke@wilmington.edu

RICHARD SAPHIRE (0017813)
Professor of Law
University of Dayton
300 College Park
Dayton, Ohio 45469-2772
937-229-2820
937-229-2469 (facsimile)
saphire@udayton.edu

Certificate of Service

This is to certify that a copy of the foregoing was served upon all counsel of record via electronic filing on this 2nd day of April, 2008.

/s/ Meredith Bell-Platts
MEREDITH BELL-PLATTS (0072917)
ACLU Voting Rights Project
2600 Marquis One Tower
245 Peachtree Center Avenue
Atlanta, GA 30303
(404) 523-2721
(404) 653-0331 (facsimile)
mbell@aclu.org

Counsel for the Plaintiffs