

IN THE COURT OF COMMON PLEAS, DELAWARE COUNTY, OHIO
GENERAL DIVISION

Constitution Party of Ohio et al.,
Plaintiffs,
v.
Delaware County Board of Elections et al.,
Defendants.

Case No. 08 CV H-10-1462

Judge

W. DUNCAN WITNEY

COMMON PLEAS COURT
DELAWARE COUNTY OHIO
FILED
2008 OCT 31 PM 3:16
JAN ANTONOPLOS
CLERK

MOTION FOR MANDATORY INJUNCTION/TRO

Plaintiffs move this Court for an immediate mandatory injunction and/or Temporary Restraining Order to compel Defendants to permit Plaintiffs to complete a vote observer project in compliance with Revised Code Section 3505.21.

In this case, there is irreparable injury to Plaintiffs if the matter cannot be reviewed prior to the general election on November 4, 2008. Specifically, Delaware County has a notorious reputation for vote fraud and the vote results from the 2004 election are CLEAR evidence of fraud as stated in paragraph 6 of Plaintiffs Complaint (incorporated herein by reference). A vote observer project is permitted under Ohio law and Plaintiffs request for a vote observer project was made pursuant to Ohio law.

All efforts were made to inform Defendants of this Motion as stated in Paragraph 21 of Plaintiffs complaint (incorporated herein by reference).

An affidavit in support of this Motion is attached hereto.



Respectfully submitted,

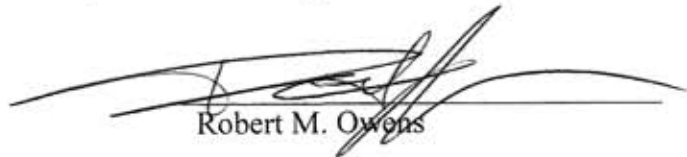
OWENS LAW OFFICE, LPA



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Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing document was mailed by regular U.S. Mail to the following on this 31 day of October 2008 : Bill Owen, Delaware County Prosecutors Office, 140 N. Sandusky Street, Delaware OH 43015



Robert M. Owens

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Constitution Party of Ohio et al., : Case No.
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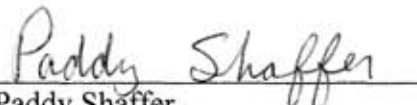
AFFIDAVIT

STATE OF OHIO)
)ss:
COUNTY OF DELAWARE)

Paddy Shaffer, being first duly sworn, deposes and states that she makes the following statement from her personal knowledge:

- (1) I was authorized to fill out and complete vote observer project forms pursuant to R.C. 3505.21 by the Constitution Party of Ohio.
- (2) I fully completed and executed the forms for the observer project for Delaware County and had a fax service fax the documents to the Delaware County Board of Elections.
- (3) Delaware County Board of Elections refuses to honor Plaintiffs request to conduct the vote observer project.
- (4) Plaintiffs have no alternative way to observe the upcoming general election or otherwise ensure the integrity of the vote count.
- (5) We have worked at length to communicate with Defendants and make them aware of our intention to seek an order from this Court if they failed to comply with our request.


Further Affiant sayeth naught.


Paddy Shaffer

Sworn to before me and subscribed in my presence this 31 day of October 2008.



ROBERT M. OWENS, ATTORNEY AT LAW
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date.
Section 147.03 R.C.


Notary Public