

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
FOR THE WESTERN DIVISION**

<b>TRACIE HUNTER, et al.</b>	:	<b>Case No.: 1:10-cv-820</b>
<b>Plaintiffs/Appellees,</b>	:	<b>Judge Susan J. Dlott</b>
<b>v.</b>	:	<b>NOTICE OF APPEAL</b>
<b>HAMILTON COUNTY BOARD OF ELECTIONS, et al.</b>	:	
<b>Defendants/Appellants.</b>	:	
	:	
	:	

---

Please take notice that Defendant Hamilton County Board of Elections hereby appeals to the United States Court of Appeals for the Sixth Circuit from the Order entered in this action on January 12, 2011, granting in part and denying in part Plaintiff's Motion to Enforce Preliminary Injunction regarding certain provisional ballots cast in the November 2, 2010 general election. Defendant Hamilton County Board of Elections appeals the following orders of this Court:

- 1) The Board is hereby enjoined from complying with Secretary of State Directive 2011-4;
- 2) The Board is ordered to count the 149 ballots that were investigated and found to have been cast in the wrong precinct due to poll worker's error in determining whether the street address was located inside the precinct;
- 3) The Board is ordered to count the seven ballots that were investigated, found to have been cast in the wrong precinct due to poll worker error,

and unanimously voted upon at the Board's December 28, 2010 meeting; and

- 5) The Board is ordered to investigate all ballots subject to the NEOCH Consent Decree for poll worker error and count these ballots as required by that Consent Decree.

Respectfully submitted,

JOSEPH T. DETERS  
PROSECUTING ATTORNEY  
HAMILTON COUNTY, OHIO  
BY:

*/s/ James W. Harper*

James W. Harper  
Thomas Grossmann  
David T. Stevenson  
Assistant Prosecuting Attorneys  
230 East Ninth Street, Suite 4000  
Cincinnati, Ohio 45202  
ddn: (513) 946-3159 (Harper)  
(513) 946-3120 (Stevenson)  
(513) 946-3058 (Grossmann)  
Fax: (513) 946-3018

[james.harper@hcpros.org](mailto:james.harper@hcpros.org)  
[dave.stevenson@hcpros.org](mailto:dave.stevenson@hcpros.org)  
[tom.grossmann@hcpros.org](mailto:tom.grossmann@hcpros.org)  
*Attorneys for Hamilton County  
Board of Elections*

#### **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was filed on January 16, 2011 using the Court's CM/ECF system, which will transmit notice of the filing to all counsel of record in this case.

*/s/ James W. Harper*  
James W. Harper