

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

KING LINCOLN BRONZEVILLE  
NEIGHBORHOOD ASSOCIATION, ET AL.,

PLAINTIFFS,

VS.

JENNIFER BRUNNER, ET AL.,

DEFENDANTS.

CASE NO. 2:06-CV-745

JUDGE MARBLEY

MAGISTRATE JUDGE KEMP

**PLAINTIFFS' MOTION TO EXTEND FURTHER TIME TO RESPOND TO  
DEFENDANT'S OPPOSITION TO RELIEF FROM STAY**

Plaintiffs move to extend the time, to September 10, 2008, for them to respond to defendant's opposition to plaintiffs' motion for relief from the stay of this matter.

Respectfully submitted,

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Counsel for Plaintiffs

**MEMORANDUM IN SUPPORT OF MOTION**

Plaintiffs request an extension to September 10, 2008, to reply to defendant Secretary of State's opposition to lifting of the stay of this case at this time, in order to more fully and adequately address the mutual vital concerns and interests of the parties in this matter. Defendant has given its consent to this extension through counsel, by telephone on September 4, 2008.

This case was stayed by the court on joint motion of the parties based upon a settlement concept that included consideration by the office of the Ohio Attorney General to initiate a criminal investigation of the ongoing civil rights conspiracy that had been alleged by the plaintiffs. The stay was briefly lifted, again on joint motion of the parties, for the sole purpose of permitting the Ohio Secretary of State Jennifer Brunner to order all of the Ohio boards of elections to inventory and deliver to her office the 2004 presidential ballots and related materials that were the subject of this court's September 2006 protective order.

Earlier this month, at a meeting convened by Ohio Attorney General Nancy Rogers and Ohio Secretary of State Jennifer Brunner with counsel for the various political parties and presidential candidates and others likely to be engaged for the purpose of litigation in regard to the 2008 election, the Ohio Attorney General's office indicated that any criminal investigation into election fraud pursuant to new powers granted to the Attorney General in House Bill 3 would be undertaken only as requested by the Ohio Secretary of State.

In response to a question from trial counsel for plaintiffs, Secretary of State Jennifer Brunner stated that any evidence of current activity aimed at compromising the integrity of the 2008 election should be reported directly to her. Communication in that regard has now been initiated and is in progress.

Furthermore, plaintiffs' counsel are consulting with their expert witnesses for the purpose of crafting a discovery plan for the critical period preceding the 2008 election, which would be fully responsive to the concerns expressed by the offices of the Ohio Secretary of State and Ohio Attorney General in their notice of opposition to plaintiffs motion for relief from stay. Additional time is required by such experts and plaintiffs' counsel to complete these consultations and preparation of appropriate declarations in support of the plaintiffs' position in this matter.

Wherefore, plaintiffs submit that their request for an of time for their reply is in the interest of justice and should be granted.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

This is to certify a copy of the foregoing was served upon counsel of record by means of the Court's electronic filing system on this 4th day of September 2008.

/s/ Clifford O. Arnebeck, Jr.