

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

<b>BRIAN MOORE, STEWART</b>	)	
<b>ALEXANDER, SOCIALIST PARTY</b>	)	
<b>USA,</b>	)	
<b>DERON MIKAL, and</b>	)	
<b>SHERRY SUTER,</b>	)	
	)	
	)	
<b>Plaintiffs,</b>	)	<b>Case No. 2:08cv224</b>
	)	
<b>v.</b>	)	<b>Judge Frost</b>
	)	
<b>JENNIFER BRUNNER,</b>	)	
<b>Ohio Secretary of State,</b>	)	<b>Magistrate Judge Kemp</b>
<b>in her official capacity,</b>	)	
	)	
<b>Defendant.</b>	)	<b>PRELIMINARY INJUNCTION</b>
<hr style="width:45%; margin-left:0;"/>	)	<b>REQUESTED</b>

**MOTION TO AMEND COMPLAINT**

Plaintiffs hereby move the Court to allow an amendment to the Complaint, which was originally filed on March 7, 2008. A copy of the Amended Complaint is attached. Because Defendant has filed a responsive pleading (an Answer), amendment is proper only with leave of the Court. *See* Fed. R. Civ. P. 15(a).<sup>1</sup>

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<sup>1</sup> Plaintiffs have unsuccessfully sought the written consent of the Defendant to allow this amendment pursuant to Rule 15(a) and Local Rule 7.3(b). Defense counsel responded to Plaintiffs' request and indicated that he needed more time to decide. He asked if he could have until July 28, 2008, when he would return to the office. Ordinarily, of course, Plaintiffs would accede to this reasonable request. However, the press of time in this ballot access case—with the August 18, 2008 deadline for minor party qualification quickly approaching and the Local Rules providing 21 days for a Response and 11 days for a Reply—has forced Plaintiffs to immediately seek the Court's leave without waiting for a response from Defendant.

Respectfully submitted,

*/s/ Mark R. Brown*

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### **CERTIFICATE OF SERVICE**

I certify that I electronically filed the foregoing Motion with the Clerk of Court using the Electronic Filing System which will send notification of such filing to all counsel.

*/s/ Mark R. Brown*\_\_\_\_\_