

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

**THE NORTHEAST OHIO COALITION
FOR THE HOMELESS and**

**SERVICE EMPLOYEES INTERNATIONAL
UNION, LOCAL 1199,**

Plaintiffs,

v.

**Case No. C2-06-896
JUDGE MARBLEY**

**JENNIFER BRUNNER,
OHIO SECRETARY OF STATE,**

Defendant.

**THE NORTHEAST OHIO COALITION
FOR THE HOMELESS and**

**SERVICES EMPLOYEES INTERNATIONAL
UNION, LOCAL 1199,**

Plaintiffs,

v.

THE STATE OF OHIO,

Intervenor-Defendant.

OHIO REPUBLICAN PARTY, et al.,

Plaintiffs,

Case No. 2:08CV913

v.

JUDGE SMITH

**JENNIFER BRUNNER,
SECRETARY OF STATE OF OHIO,**

MAGISTRATE JUDGE KING

Defendant.

**MOTION IN SUPPORT OF SECRETARY OF STATE JENNIFER BRUNNER'S
MOTION TO CONSOLIDATE**

Now come the Northeast Ohio Coalition for the Homeless and Service Employees International Union, Local 1199, plaintiffs in Case No. C2-06-896 and file this Motion in support of Secretary of State Jennifer Brunner's Motion to Consolidate Case No. 2:08CV913 with Case No. C2-06-896 filed with this Court on Tuesday, November 4, 2008. A Memorandum in Support is attached.

Respectfully submitted,

Caroline H. Gentry, Trial Attorney (0066138)
Lindsay Sestile (0075618)
Porter Wright Morris & Arthur, LLP
One South Main Street, Suite 1600
Dayton, Ohio 45402
Tele: (937) 449-6748
Fax: (937) 449-6820
cgentry@porterwright.com

and

Subodh Chandra (0069233)
The Chandra Law Firm, LLC
1265 West 6th Street
Cleveland, Ohio 44113-1326
Tele: (216) 578-1700
Fax: (216) 578-1800
Subodh.Chandra@StanfordAlumni.org

and

/s/ H. Ritchey Hollenbaugh
H. Ritchey Hollenbaugh (0001072)
Carlile Patchen & Murphy LLP
366 East Broad Street
Columbus, Ohio 43215
Tele: (614) 228-6135
Fax: (614) 221-0216
hrh@cpmlaw.com

Attorneys for Plaintiffs

MEMORANDUM IN SUPPORT

Plaintiffs Northeast Ohio Coalition for the Homeless and Service Employees International Union, Local 1199 have reviewed Secretary of State Jennifer Brunner's Memorandum in Support of her Motion to Consolidate and concur with all of the arguments made.

Further, The Secretary of State's motion should be granted and the cases consolidated before this Court. The plaintiffs in *Ohio Republican Party et al. v. Brunner*, No. 08-CV-913 ("*ORP*"), have engaged in an obvious forum-shopping effort that demonstrates disrespect for the processes of this Court, by asking another judge of this Court to invalidate an order issued by this Court in the instant case.

Specifically, on October 24, 2008, this Court issued an order "adopt[ing] and annex[ing] hereafter Directive 2008-101 as an Order of this Court." Yet despite that court order, the amended complaint in *ORP* seeks, in its prayer for relief, a court order requiring the Secretary of State to rescind or retract Directive 2008-101. The *ORP* plaintiffs seem to believe that if they are unhappy with an order issued by one judge in the Southern District of Ohio they can ask another judge in the Southern District to undo it.

This obvious forum-shopping must be rejected. The instant case is the first-filed case, having been filed two years ago. *ORP* was filed just over one month ago. As such, the cases should be consolidated in this Court.

CONCLUSION

For those reasons, the Northeast Ohio Coalition for the Homeless and Service Employees International Union, Local 1199 move the Court for an Order granting the Motion to Consolidate.

Respectfully submitted,

Caroline H. Gentry, Trial Attorney (0066138)
Lindsay Sestile (0075618)
Porter Wright Morris & Arthur, LLP
One South Main Street, Suite 1600
Dayton, Ohio 45402
Tele: (937) 449-6748
Fax: (937) 449-6820
cgentry@porterwright.com

and

Subodh Chandra (0069233)
The Chandra Law Firm, LLC
1265 West 6th Street
Cleveland, Ohio 44113-1326
Tele: (216) 578-1700
Fax: (216) 578-1800
Subodh.Chandra@StanfordAlumni.org

and

/s/ H. Ritchey Hollenbaugh
H. Ritchey Hollenbaugh (0001072)
Carlile Patchen & Murphy LLP
366 East Broad Street
Columbus, Ohio 43215
Tele: (614) 228-6135
Fax: (614) 221-0216
hrh@cpmlaw.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on November 4, 2008, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the counsel of record in this case.

/s/ H. Ritchey Hollenbaugh
H. Ritchey Hollenbaugh