

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

THE NORTHEAST OHIO COALITION FOR	:	
THE HOMELESS and	:	
	:	
SERVICE EMPLOYEES	:	
INTERNATIONAL UNION, LOCAL 1199,	:	
	:	Case No. C2-06-896
Plaintiffs,	:	
	:	Judge Marbley
v.	:	
	:	Magistrate Judge Kemp
JENNIFER BRUNNER,	:	
OHIO SECRETARY OF STATE,	:	
	:	
Defendant.	:	
_____	:	
	:	
THE NORTHEAST OHIO COALITION FOR	:	
THE HOMELESS and	:	
	:	
SERVICE EMPLOYEES	:	
INTERNATIONAL UNION, LOCAL 1199,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
THE STATE OF OHIO,	:	
	:	
Intervenor-Defendant.	:	

**Secretary of State Brunner’s Memorandum Contra
Plaintiffs’ Motion To Enforce**

On November 26, 2008, the Plaintiffs filed a motion asking this Court to enforce its October 27 order. Specifically, the Plaintiffs have asked for an order directing Secretary of State Brunner to “cast her vote in favor of counting the Disputed Ballots.” The only order the

Plaintiffs seek revolves around Secretary Brunner casting a decision in the Franklin County tie-votes concerning provisional ballots.

The Plaintiffs' request for an order directing Secretary Brunner to break the tie in Franklin County in favor of counting the disputed provisional ballots is moot. On November 20, 2008, Secretary Brunner broke the Franklin County tie vote in favor of counting those ballots. A copy of the tie-vote decision is attached to this response. Thus, there is no reason for this Court to grant the Plaintiffs the relief they seek.

Respectfully submitted,

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Certificate of Service

This is to certify a copy of the foregoing was served upon all counsel of record by means of the Court's electronic filing system on this 26th day of November, 2008.

/s Richard N. Coglianesse