

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

**Ohio Republican Party, *et al.*,**

**Plaintiffs,**

**-V-**

**Case No.: 2:08-cv-00913**

**Judge Smith**

**Magistrate Judge King**

**Jennifer Brunner,**

**Defendant.**

**ORDER**

This matter is before the Court on Defendant's request to hold a hearing on the Plaintiffs' renewed motion for a temporary restraining order (Doc. 42).

Defendant asserts that the hearing is necessary and that she has a right to cross-examine the individuals who have submitted affidavits in support of Plaintiffs' renewed motion for a temporary restraining order. Defendant, however, has failed to cite any authority in support of this alleged right. Rather, far from requiring a hearing, Rule 65 of the Federal Rules of Civil Procedure permits a court to issue a temporary restraining order without written or oral notice to the adverse party. Nonetheless, the Court has permitted both sides the opportunity to submit briefs in support of their positions and will further allow the parties to present oral arguments on these issues. The Court will not, however, permit live testimony from witnesses as time is of the essence and a full evidentiary hearing could be very lengthy.

Therefore, the Court **GRANTS** Defendant's motion for a hearing on Plaintiffs' renewed motion for a temporary restraining order. The hearing will be held Thursday, October 9<sup>th</sup> at 11:00 a.m. Counsel for Plaintiffs and Defendant will each have 15 minutes to present any

argument to the Court. The Court will determine if rebuttal is necessary. The hearing will consist of oral argument only and no live testimony will be permitted. The Court will rely on the evidence submitted in support of each of the parties' briefs.

The Clerk shall remove Document 42 from the Court's pending motions' list.

**IT IS SO ORDERED.**

*/s/ George C. Smith*  
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**GEORGE C. SMITH, JUDGE**  
**UNITED STATES DISTRICT COURT**