

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

OBAMA FOR AMERICA,	:	
	:	
Plaintiff,	:	CASE NO. 1:08CV00562
	:	
vs.	:	JUDGE GAUGHAN
	:	
CUYAHOGA COUNTY BOARD	:	
OF ELECTIONS,	:	
	:	
Defendant	:	

ANSWER
OF DEFENDANT CUYAHOGA COUNTY BOARD OF ELECTIONS

Defendant Cuyahoga County Board of Elections, through counsel, responds to Plaintiff's Complaint as follows:

1. Complaint Paragraph 1 is denied.
2. Complaint Paragraph 2 is admitted with respect to March 4, 2008 and is otherwise denied.
3. Complaint Paragraph 3 is admitted with respect to Cuyahoga County, admitted insofar as it accurately restates the law set forth in R.C. 3501.11, and is otherwise denied.
4. Complaint Paragraph 4 is admitted with respect to the identity of Jennifer Brunner, Ohio Secretary of State, admitted insofar as it accurately restates the law set forth in R.C. 3501.04, and is otherwise denied.
5. In response to Complaint Paragraph 5, it is admitted that the Defendant is located in Cuyahoga County, and the remaining factual allegations are denied.
6. In response to Complaint Paragraph 6, the factual allegations are denied.

7. Complaint Paragraph 7 is admitted insofar as it accurately restates the law set forth in R.C. 3501.32 and is otherwise denied.
8. Complaint Paragraph 8 is denied.
9. Complaint Paragraph 9 is denied for want of knowledge or information sufficient to form a belief as to its truth.
10. Complaint Paragraph 10 is denied.
11. Complaint Paragraph 11 is denied for want of knowledge or information sufficient to form a belief as to the truth of the allegations concerning other counties; insofar as the allegations may be intended to refer to the Cuyahoga County Board of Elections, the allegations too vague, subjective or untimely to be admitted or are denied with certainty and therefore are denied for want of sufficient knowledge or information to form a belief as to their truth.
12. Complaint Paragraph 12 is denied for want of knowledge or information sufficient to form a belief as to its truth.
13. Complaint Paragraph 13 is denied.
14. Complaint Paragraph 11 is denied for want of knowledge or information sufficient to form a belief as to the truth of the allegations concerning other counties or the Secretary of State; insofar as the allegations are intended to refer to the Cuyahoga County Board of Elections, they are denied.
15. Complaint Paragraph 15 is denied.
16. Complaint Paragraph 16 is admitted only insofar as it accurately sets forth portions of 42 U.S.C. § 15482(c) and is otherwise denied.
17. Complaint Paragraph 17 does not appear to be directed to this Defendant, but insofar as it is so directed, it is denied.

18. Complaint Paragraph 18 is denied, except insofar as it may accurately describe some portion of the relief sought and obtained by the Secretary of State of Maryland earlier in 2008.
19. No response is required to Complaint Paragraph 19.
20. Complaint Paragraph 20 is denied.
21. Complaint Paragraph 21 is denied.
22. No response is required to Complaint Paragraph 22.
23. Complaint Paragraph 23 is denied.
24. Complaint Paragraph 24 is denied.

AFFIRMATIVE DEFENSES

25. This action is deficient for lack of inclusion of a necessary party, in particular, the Ohio Secretary of State, Jennifer Brunner.
26. Plaintiff's demand for equitable relief is barred by laches.
27. Plaintiff's demand for equitable relief is barred by unclean hands.
28. Plaintiff's demand for relief is moot except insofar as it was affected by the Court's March 4, 2008 Order (ECF # 6).

Respectfully submitted,

DAVID G. LAMBERT (0030273)
Assistant Prosecuting Attorney
The Justice Center, Courts Tower, 8th Floor
1200 Ontario Street
Cleveland, Ohio 44113
Tel: (216) 443-5869/Fax: (216) 443-7602

By: /s/ Barbara R. Marburger
BARBARA MARBURGER (0019152)
Assistant Prosecuting Attorney
The Justice Center, Courts Tower, 8th Floor
1200 Ontario Street
Cleveland, Ohio 44113
Tel: (216) 443-7838 / Fax: (216) 443-7602

E-mail: P4brm@cuyahogacounty.us

*Attorneys For Defendant, Cuyahoga County Board
Of Elections*

CERTIFICATE OF SERVICE

The undersigned certifies that on March 17, 2008 a copy of the foregoing *Answer* was electronically filed. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Barbara R. Marburger
BARBARA MARBURGER (0019152)