IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

TRACIE HUNTER, *et al.*,	:	
Plaintiffs,	:	Case No. 1:10-cv-820
vs.	:	JUDGE DLOTT
HAMILTON COUNTY BOARD OF ELECTIONS, *et al.*,	:	
Defendants.	:	

Denied
Susan J. Dlott
6/15/11

INTERVENOR-DEFENDANT OHIO REPUBLICAN PARTY'S BRIEF URGING DISMISSAL OF ACTION BASED ON MOOTNESS

This Court had previously directed the parties to submit their respective proposals concerning the scope of a hearing this Court intended to conduct. Intervenor-Defendant Ohio Republican Party ("ORP") respectfully submits that the allegations of unequal treatment raised by Plaintiff Tracie Hunter ("Plaintiff" or "Hunter") have now been addressed and remedied by the Defendant Hamilton County Board of Elections ("Board"), and thus there is no need for a hearing in this matter because there is nothing left for this Court to resolve. This case ought to instead be dismissed as moot.

BACKGROUND DISCUSSION

In her Complaint, Hunter alleged that the Board had "created a practice of investigating [whether] there is poll worker error and if poll worker error is found, of accepting provisional ballots." (Complaint, ¶ 22.) She alleged that the Board had counted 26 provisional ballots cast in the wrong precinct at the Board's main office (Complaint, ¶ 26), but rejected 849 other