

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

J.L.B.  
JAMES BOCKM,  
CLERK

2008 NOV 15 A 8: 34

U.S. DIST. COURT  
SOUTHERN DIST. OHIO  
EAST DIV. COLUMBUS

**PATRICIA RAY,**

**Plaintiff,**

**-vs.**

**Civil Action Number C 2 08 1086**

**THE FRANKLIN COUNTY BOARD  
OF ELECTIONS**

**JUDGE SMITH**

**and**

**MAGISTRATE JUDGE KING**

**OHIO SECRETARY OF STATE JENNIFER BRUNNER,**

**Defendants.**

**PLAINTIFF'S MOTION TO CONSOLIDATE**

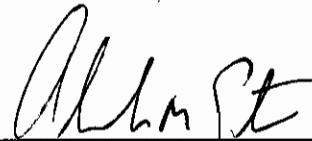
Plaintiff moves, pursuant to F.R.Civ. P. 42(a), to consolidate this case with the cases of *State of Ohio ex rel. Dana Skaags v. Brunner*, Case No. 2:08-1077; *northeast Ohio Colation for the Homeless v. Brunner*, Case No. C2-06-896 and *Ohio Republican Party v. Brunner*, Case No. 2:08-931 for the reasons stated in the attached memorandum.

**MEMORANDUM IN SUPPORT OF THE MOTION**

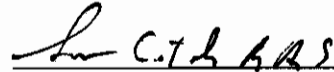
This case involves the allegation that defendants Franklin County Board of Elections and Secretary of State Brunner discriminated against persons with disabilities by not accommodating them to permit their absentee votes to be counted. This case involves similar legal issues concerning interpretations of Secretary of State Brunner's directives and would be necessary to avoid the risk of inconsistent legal rulings in the few days before the counting in the 2008 general election.

For the foregoing reasons, the Motion to Consolidate must be granted.

Respectfully Submitted,



Alexander M. Spater (0031417)  
SPATER LAW OFFICE  
360 South Grant Ave.  
Columbus Ohio 43215  
(614) 222-4734  
Fax-(614) 222-4738  
[e-mail-sspater@spaterlaw.com](mailto:e-mail-sspater@spaterlaw.com)  
Trial Attorney for Plaintiff



Susan G. Tobin (0021725)  
Jason c. Boylan (0082409)  
Ohio Legal Rights Service  
50 West Broad Street, Ste. 1400  
Columbus, Ohio 43215  
614-466-7264  
Of counsel

#### **CERTIFICATE OF SERVICE**

I have hereby served the foregoing Motion to Consolidate with the Complaint upon counsel for defendants by hand on November 15, 2008.



Alexander M. Spater