

**U.S. District Court**  
**Southern District of Ohio (Columbus)**  
**CIVIL DOCKET FOR CASE #: 2:04-cv-01139-EAS-TPK**

Delaware County Prosecuting Attorney et al v. National Voting  
Rights Institute et al  
Assigned to: Edmund A Sargus  
Referred to: Terence P Kemp  
Cause: 28:1441 Petition for Removal

Date Filed: 11/30/2004  
Jury Demand: None  
Nature of Suit: 441 Civil Rights: Voting  
Jurisdiction: Federal Question

**Plaintiff**

**Delaware County Prosecuting Attorney**

*David A. Yost, Delaware County  
Prosecuting Attorney*

represented by **David A Yost**

Peterson & Yost  
140 North Sandusky Street  
Delaware, OH 43015  
614-369-6008  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Christopher D Betts**

Delaware County Prosecuting Attorney's  
Office  
Assistant Prosecuting Attorney  
140 North Sandusky Street  
3rd Floor  
Delaware, OH 43015  
740-833-2690  
Fax: 740-833-2689  
*ATTORNEY TO BE NOTICED*

**Mark David Landes**

Isaac Brant Ledman & Teetor - 2  
250 E Broad Street  
Suite 900  
Columbus, OH 43215-3742  
614-221-2121  
Email: marklandes@isaacbrant.com  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Delaware County Board of Elections**

represented by **David A Yost**

(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Christopher D Betts**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Mark David Landes**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**National Voting Rights Institute**  
*aka NVRI*

represented by **Richard M Kerger**  
Kerger & Kerger  
33 S Michigan Street  
Suite 201  
Toledo, OH 43602  
419-255-5990  
Email: rickkerger@kergerkerger.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**David Cobb**  
*Green Party Candidate through National  
Voting Rights Institute, aka NVRI*

represented by **Richard M Kerger**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Michael Badnarik**  
*Libertarian Party Candidate through  
National Voting Rights Institute aka NVRI*

represented by **Richard M Kerger**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Intervenor Defendant**

**KERRY-EDWARDS 2004 INC**

represented by **Donald Joseph McTigue**  
3886 N High Street  
Columbus, OH 43214  
614-263-7000  
Email: mctiguelaw@rrohio.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Counter Defendant**

**J Kenneth Blackwell**

represented by **Richard Nicholas Coglianese**  
Ohio Attorney General - 2

30 East Broad Street  
 17th Floor  
 Columbus, OH 43215  
 614-466-2872  
 Fax: 614-728-7592  
 Email: rcoglianese@ag.state.oh.us  
**ATTORNEY TO BE NOTICED**

**Amicus****County Commissioners' Association of Ohio**

*County Commissioners' Association of Ohio*

**Amicus****Ohio Association of Election Officials**

*Ohio Association of Election Officials*

**Counter Claimant****National Voting Rights Institute**

*aka NVRI*

represented by **Richard M Kerger**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

**Counter Claimant****David Cobb**

*Green Party Candidate through National Voting Rights Institute, aka NVRI*

represented by **Richard M Kerger**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

**Counter Claimant****Michael Badnarik**

*Libertarian Party Candidate through National Voting Rights Institute aka NVRI*

represented by **Richard M Kerger**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

V.

**Counter Defendant****Delaware County Board of Elections**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
11/30/2004	<a href="#">1</a>	NOTICE OF REMOVAL filed by Defendants National Voting Rights Institute, David Cobb, and Michael Badnarik against Plaintiffs Delaware County Prosecuting Attorney and Delaware County Board of Elections from Delaware County Court of Common Pleas, case number 04-CVH-11-827. ( Filing fee \$ 150.00 ). (Attachments: # <a href="#">1</a> State Court File)(dms) (Entered: 12/01/2004)

11/30/2004		Filing fee: \$ 150.00, receipt number 200 244305. (dms) (Entered: 12/01/2004)
11/30/2004	<a href="#">2</a>	CORPORATE DISCLOSURE STATEMENT of Defendant National Voting Rights Institute. (dms ) (Entered: 12/01/2004)
11/30/2004	<a href="#">3</a>	NOTICE of Docketing in Removal. (dms) (Entered: 12/01/2004)
12/01/2004		Notice of Docketing in Removal sent to David Yost and Christopher Betts. ECF01/Rev. 3/04 sent to David Yost and Christopher Betts. Christopher Betts is now with Delaware County Prosecuting Attorney's Office. Lisa Wright is changing information in ECF. (dms) (Entered: 12/01/2004)
12/02/2004	<a href="#">4</a>	ANSWER to Complaint , <i>Affirmative Defenses and</i> , COUNTERCLAIM against Delaware County Board of Elections by Defendants National Voting Rights Institute, David Cobb, Michael Badnarik, Plaintiff Delaware County Board of Elections. (Attachments: # <a href="#">1</a> Exhibit # <a href="#">2</a> Exhibit # <a href="#">3</a> Exhibit)(Kerger, Richard) (Entered: 12/02/2004)
12/02/2004	<a href="#">5</a>	MOTION for Preliminary Injunction by Defendants Michael Badnarik, David Cobb, National Voting Rights Institute, Counter Claimants Michael Badnarik, David Cobb, National Voting Rights Institute. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Kerger, Richard) (Entered: 12/02/2004)
12/02/2004	<a href="#">6</a>	RESPONSE in Support re <a href="#">5</a> MOTION for Preliminary Injunction filed by Defendants Michael Badnarik, David Cobb, National Voting Rights Institute, Counter Claimants Michael Badnarik, David Cobb, National Voting Rights Institute. (Attachments: # <a href="#">1</a> Exhibit)(Kerger, Richard) (Entered: 12/02/2004)
12/02/2004	<a href="#">7</a>	MOTION for Limited Admission of <i>John Bonifaz</i> by Defendants Michael Badnarik, David Cobb, National Voting Rights Institute, Counter Claimants Michael Badnarik, David Cobb, National Voting Rights Institute. (Attachments: # <a href="#">1</a> Affidavit)(Kerger, Richard) (Entered: 12/02/2004)
12/02/2004		PHV filing fee received in the amount of \$ 50, receipt number 244347 (ja, ) (Entered: 12/03/2004)
12/03/2004	<a href="#">8</a>	MOTION filed by Plaintiff Delaware County Prosecuting Attorney. for Leave to Appear PHV by David Yost (Attachments: # <a href="#">1</a> Proposed Order(ja, ) (Entered: 12/03/2004)
12/03/2004	<a href="#">9</a>	Amicus Curiae APPEARANCE entered by Mark David Landes Plaintiffs Delaware County Board of Elections, Delaware County Prosecuting Attorney. (Landes, Mark) (Entered: 12/03/2004)
12/03/2004	<a href="#">10</a>	Memorandum Contra to Mtn of Kerry-Edwards 2004, Inc to Intervene re <a href="#">5</a> MOTION for Preliminary Injunction filed by Plaintiffs Delaware County Board of Elections, Delaware County Prosecuting Attorney. (Attachments: # <a href="#">1</a> A - NVRI ltr# <a href="#">2</a> B - Breneman Affidavit# <a href="#">3</a> Jdgmnt on TRO# <a href="#">4</a> D - Del Cty Hrg on TRO# <a href="#">5</a> E - Removal Ntc# <a href="#">6</a> Proposed Order)(ja, ) (Entered: 12/03/2004)

12/03/2004	<a href="#">11</a>	MOTION to Remand filed by Plaintiffs Delaware County Board of Elections, Delaware County Prosecuting Attorney. (Attachments: # <a href="#">1</a> NVRI ltr# <a href="#">2</a> B - Brenneman Affidavit - 1# <a href="#">3</a> C - Jgmnt on TRO# <a href="#">4</a> D - Hrg Ntc# <a href="#">5</a> E - ND/OH Order# <a href="#">6</a> F - Brenneman Affidavit - 2# <a href="#">7</a> Proposed Order)(ja, ) (Entered: 12/03/2004)
12/03/2004	<a href="#">12</a>	BRIEF by Plaintiffs Delaware County Board of Elections, Delaware County Prosecuting Attorney. (Attachments: # <a href="#">1</a> Exhibit Affidavit of Keith Cunningham# <a href="#">2</a> Exhibit Case of Rios v. Blackwell# <a href="#">3</a> Exhibit Affidavit of Michael Sciortino)(Landes, Mark) (Entered: 12/03/2004)
12/03/2004	<a href="#">13</a>	NOTICE of Appearance (Coglianese, Richard) (Entered: 12/03/2004)
12/03/2004	<a href="#">14</a>	MOTION to Remand by Counter Defendant J Kenneth Blackwell. (Attachments: # <a href="#">1</a> Exhibit Unpublished case)(Coglianese, Richard) (Entered: 12/03/2004)
12/03/2004	<a href="#">15</a>	MOTION to Quash <i>Subpoenas</i> by Counter Defendant J Kenneth Blackwell. (Attachments: # <a href="#">1</a> Exhibit Copy of Subpoenas)(Coglianese, Richard) (Entered: 12/03/2004)
12/03/2004	<a href="#">16</a>	MOTION OF Kerry-Edwards 2004, Inc to Intervene in Deft's Counterclaims and to Join Deft's Motion for Preliminary Injunction. (ja, ) (Entered: 12/03/2004)
12/03/2004	<a href="#">17</a>	STIPULATION OF FACTS: filed by Plaintiffs Delaware County Board of Elections, Delaware County Prosecuting Attorney. (Attachments: # <a href="#">1</a> Exh A - Certification)(ja, ) (Entered: 12/03/2004)
12/03/2004	<a href="#">18</a>	AFFIDAVIT of <i>Gwendolyn Dillingham</i> by Plaintiffs Delaware County Board of Elections, Delaware County Prosecuting Attorney. (Landes, Mark) (Entered: 12/03/2004)
12/03/2004	<a href="#">19</a>	Minute Entry for proceedings held before Judge Edmund A Sargus : Motion Hearing held on 12/3/2004 re <a href="#">5</a> Both MOTIONS for Preliminary Injunction DENIED(Court Reporter Laura Samuels.) (aq) (Entered: 12/03/2004)
12/03/2004	<a href="#">21</a>	ORDER denying Plaintiffs' Motion for Preliminary Injunction and Defendants' <a href="#">5</a> Motion for Preliminary Injunction . Signed by Judge Edmund A Sargus on 12/3/04. (aq) (Entered: 12/06/2004)
12/06/2004	<a href="#">20</a>	ORDER: Holding In Abeyance <a href="#">7</a> Motion for Limited Admission pending submission of Cert of Good Standing for John Bonifaz per Local Civil Rules. Signed by Judge Terence P Kemp on 12/06/04. (ja, ) (Entered: 12/06/2004)
12/06/2004	<a href="#">22</a>	Supplemental Memorandum Supporting re <a href="#">20</a> Order on Motion for Limited Admission of <i>John Bonifaz</i> by Defendants Michael Badnarik, David Cobb, National Voting Rights Institute, Counter Claimants Michael Badnarik, David Cobb, National Voting Rights Institute. (Attachments: # <a href="#">1</a> Supplement) (Kerger, Richard) (Entered: 12/06/2004)

12/07/2004	<a href="#">23</a>	AFFIDAVIT of <i>Matthew M. Damschroder</i> by Plaintiffs Delaware County Board of Elections, Delaware County Prosecuting Attorney. (Landes, Mark) (Entered: 12/07/2004)
12/10/2004	<a href="#">24</a>	MOTION for Temporary Restraining Order <i>and Preliminary Injunction</i> by Defendants Michael Badnarik, David Cobb, National Voting Rights Institute, Counter Claimants Michael Badnarik, David Cobb, National Voting Rights Institute. (Kerger, Richard) (Entered: 12/10/2004)
12/10/2004	<a href="#">25</a>	Supplemental Memorandum Supporting re <a href="#">24</a> MOTION for Temporary Restraining Order <i>and Preliminary Injunction</i> filed by Defendants Michael Badnarik, David Cobb, National Voting Rights Institute, Michael Badnarik, David Cobb, National Voting Rights Institute, Counter Claimants Michael Badnarik, David Cobb, National Voting Rights Institute, Michael Badnarik, David Cobb, National Voting Rights Institute. (Attachments: # <a href="#">1</a> Exhibit # <a href="#">2</a> Exhibit # <a href="#">3</a> Affidavit # <a href="#">4</a> Exhibit # <a href="#">5</a> Exhibit # <a href="#">6</a> Exhibit # <a href="#">7</a> Affidavit # <a href="#">8</a> Exhibit # <a href="#">9</a> Exhibit # <a href="#">10</a> Exhibit)(Kerger, Richard) (Entered: 12/10/2004)
12/10/2004	<a href="#">26</a>	MOTION for Preliminary Injunction by Intervenor Defendant KERRY-EDWARDS 2004 INC. (Kerger, Richard) (Entered: 12/10/2004)
12/15/2004	<a href="#">27</a>	NOTICE by Defendants David Cobb, Michael Badnarik, National Voting Rights Institute, Counter Claimants National Voting Rights Institute, David Cobb, Michael Badnarik <i>of filing of newly discovered evidence in support of their Motion for Preliminary Injunction</i> (Attachments: # <a href="#">1</a> Supplement # <a href="#">2</a> ) (Kerger, Richard) (Entered: 12/15/2004)
12/15/2004	<a href="#">28</a>	TRANSCRIPT of Proceedings: Motion for Prelim Injunction held on 12/03/04 before Judge Edmund A. Sargus Jr. Court Reporter: Laura Samuels. (ja, ) (Entered: 12/16/2004)
12/16/2004	<a href="#">29</a>	BRIEF re <a href="#">24</a> MOTION for Temporary Restraining Order <i>and Preliminary Injunction</i> , <a href="#">25</a> Supplemental - Supporting,,. (Landes, Mark) (Entered: 12/16/2004)
12/16/2004	<a href="#">30</a>	RESPONSE in Opposition re <a href="#">24</a> MOTION for Temporary Restraining Order <i>and Preliminary Injunction</i> , <a href="#">26</a> MOTION for Preliminary Injunction filed by Counter Defendant J Kenneth Blackwell. (Attachments: # <a href="#">1</a> Exhibit A Complaint in Rios v. Blackwell# <a href="#">2</a> Exhibit B Order Denying TRO# <a href="#">3</a> Exhibit C Order in Stewart v Blackwell)(Coglianese, Richard) (Entered: 12/16/2004)
12/16/2004	<a href="#">31</a>	REPORT to the Court filed by Plaintiff David Yost, Delaware County Prosecuting Attorney. (Attachments: # <a href="#">1</a> Ex A - Affidavit & Procedures)(ja, ) (Entered: 12/20/2004)
12/22/2004	<a href="#">32</a>	MOTION to Dismiss for Lack of Jurisdiction by Counter Defendant J Kenneth Blackwell. Responses due by 1/17/2005 (Attachments: # <a href="#">1</a> Exhibit A Complaint in Rios v Blackwell)(Coglianese, Richard) (Entered: 12/22/2004)
12/23/2004	<a href="#">33</a>	MOTION for Order to <i>Preserve and for Leave to Take Limited Expedited Discovery</i> by Defendants David Cobb, Michael Badnarik, National Voting

		Rights Institute, Counter Claimants National Voting Rights Institute, David Cobb, Michael Badnarik. (Kerger, Richard) (Entered: 12/23/2004)
12/23/2004	<a href="#">34</a>	Supplemental Memorandum Supporting re <a href="#">33</a> MOTION for Order to <i>Preserve and for Leave to Take Limited Expedited Discovery</i> filed by Defendants David Cobb, Michael Badnarik, National Voting Rights Institute, David Cobb, Michael Badnarik, National Voting Rights Institute, Counter Claimants National Voting Rights Institute, David Cobb, Michael Badnarik, National Voting Rights Institute, David Cobb, Michael Badnarik. (Attachments: # <a href="#">1</a> Affidavit # <a href="#">2</a> Affidavit # <a href="#">3</a> Affidavit # <a href="#">4</a> Affidavit # <a href="#">5</a> Affidavit # <a href="#">6</a> Affidavit # <a href="#">7</a> Affidavit # <a href="#">8</a> Affidavit # <a href="#">9</a> Affidavit # <a href="#">10</a> Affidavit)(Kerger, Richard) (Entered: 12/23/2004)
12/23/2004	<a href="#">35</a>	Proposed Pretrial Order by Defendants David Cobb, Michael Badnarik, National Voting Rights Institute, Counter Claimants National Voting Rights Institute, David Cobb, Michael Badnarik. (Kerger, Richard) (Entered: 12/23/2004)
12/27/2004	<a href="#">36</a>	First MOTION for Discovery ( <i>Preservation Order and Leave to Take Limited Expedited Discovery</i> ) by Intervenor Defendant KERRY-EDWARDS 2004 INC. (McTigue, Donald) (Entered: 12/27/2004)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
12/29/2004 11:11:06			
<b>PACER Login:</b>	ag0186	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:04-cv-01139-EAS-TPK
<b>Billable Pages:</b>	4	<b>Cost:</b>	0.28