

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO, WESTERN DIVISION

_____)	
ANITA RIOS, et al.)	
)	
Plaintiffs,)	
)	
v.)	Case No. 3:04CV7724(JGC)
)	
KENNETH BLACKWELL,)	
)	
Defendant.)	
_____)	
DELAWARE COUNTY)	
PROSECUTING ATTORNEY, et al.,)	
)	
v.)	Case No. 3:05CV7286 (JGC)
)	
NATIONAL VOTING RIGHTS)	
INSTITUTE, et al.)	
_____)	

PLAINTIFFS' INITIAL DISCLOSURES

Plaintiffs Presidential candidates David Cobb and Michael Badnarik and fellow Ohio voter plaintiffs in the above captioned cases make the following Initial Discloses pursuant to Federal Rule of Civil Procedures 26(a)(1), the Court's scheduling order filed September 6, 2005, and the agreement between the parties for service today of these initial disclosures.

I. Individuals Likely to Have Information (Rule 26(a)(1)(A))

A. Secretary of State

The Secretary of State and other witnesses from his office are expected to have full information and knowledge of, and to be able to address, any and all aspects of Plaintiffs' complaint and any defense raised in this case. All of the following witnesses are located at or locatable through 180 E. Broad Street, 16th floor, Columbus, OH 43215, tel. (614) 466-2655:

1. J. Kenneth Blackwell, Secretary of State
2. Monte Lobb, Assistant Secretary of State
3. Keith A. Scott, Acting General Counsel
4. Patricia Wolff, Office of the Secretary of State
5. Dana Walch, Office of the Secretary of State
6. Secretary of State's Field Representatives for Recount, including
 - a. Madhu Singh (Ashland County)
 - b. Michael Herson (Belmont and Perry Counties)
 - c. Sarah Spense (Hocking and Meigs Counties)
 - d. Jake Fashner (Miami County)
 - e. Christian Lobb (Warren County)
 - f. Michael [last name unknown] (Muskingum County)
 - g. [First name unknown] Scott (Scioto County)
 - h. [Name unknown] (Adams County)
 - i. [Name unknown] (Auglaize County)
 - j. [Name unknown] (Mercer County)
 - k. Others as yet unidentified
7. Other persons as yet unidentified within the Secretary of State's office with knowledge or information relevant to Plaintiffs' claims

B. County Boards of Election During the 2004 Presidential Election

Plaintiffs incorporate by reference the Board Members, Directors and Deputy Directors identified by Defendant in his Rule 26 disclosures. Among other subjects, those individuals have information regarding the preparation for and conduct of the 2004 Presidential recount in their respective counties, and any directives from, control exerted by, or failure to enforce recount procedures by Secretary of State Blackwell in administration of the recount.

Plaintiffs also identify the following individuals who were affiliated with county boards of elections during the recount but no longer serve in that capacity (current addresses and telephone numbers unknown): Jean A. Burklo (Auglaize); Robert A. Moschetti (Butler); Lynne King (Clinton County); Patricia Warner (Erie County); Carole Garman (Greene County); Joyce

R. Harvey (Highland); Sherole Eaton (Hocking); Karen Anderson, (Jefferson County); Pamela S. Hinkens (Knox); Mary Jo Long (Licking); Naomi Gauder (Logan); Paula Hicks Hudson (Lucas); Gloria Herrel (Madison); Ann E. Waldman (Paulding); and Norma J. Williams (Trumbull).

C. Voting Machine Companies, Officers and Agents

Each of the following voting machine companies is likely to have information regarding its role, and those of its products and services, in the recount of votes cast in Ohio in the 2004 Presidential election, among other subjects. Where Plaintiffs know of particular individuals with information, Plaintiffs identify them by name. Each designation also includes as yet unidentified current or former officers, employees, representatives and agents of that company.

1. TRIAD Governmental Systems, Inc.; Brett A. Rapp, President; Dwayne Rapp, Vice President; Michael Barbarian; Rodney Bowman Brandon; Jose G. Trejo; Bev Moore; Brad Sandlin; Wayne Olsson; 358 S. Monroe Street, Xenia, OH 45385, (937) 376-5446
2. Election Systems & Software, Inc. (ES&S); Joe McGinnis; Sam Hogsett; 1208 John Galt Boulevard, Omaha, NE 68317, (402) 593-0101
3. Diebold Election Systems, Inc., 1611 Wilmeth Road, McKinney, TX 75069 (972) 542-6000; Diebold, Inc., 5995 Mayfair Road, P.O. Box 3077, North Canton, OH 44720, (330) 490-4000
4. Other voting machine companies, officials, employees, representatives and agents to be determined.

D. Recount Observers

Attached as Exhibit 1 is a list of recount observers who are likely to have information regarding defects they observed in Ohio's 2004 Presidential recount and the cause and treatment of such defects by the Secretary of State.

II. Documents in Plaintiffs' Possession (Rule 26(a)(1)(B))

Copies of documents which Plaintiffs may use to support their case that are not already in the court record are, by agreement of the parties, being made available, subject to the reservations otherwise set forth herein. Plaintiff expects to receive via discovery and otherwise additional documents from Defendant and other individuals and entities that will support its claims.

III. Amount in Controversy and Attorneys' Fees (Rule 26(a)(1)(C))

As stated in the First Consolidated Amended Complaint (“the Complaint”), Plaintiffs seek to remedy the violation of the right to a Presidential recount. Documents bearing on the cost of a Presidential recount and the other items of damages pled in the Complaint are currently in the possession and control of Defendant in this action or other third party entities. Witnesses and documents in addition to those herein addressed contain or likely will contain information relevant to Plaintiffs’ claims for fees and costs.

IV. Conclusion

These initial disclosures are based on information reasonably available to Plaintiffs at this time. Plaintiffs reserves the right to identify additional persons, documents, tangible things and other information in this case, by supplementation of these disclosures, the formal discovery process, or in any other way. Plaintiffs also reserves the right to make use of any party's witnesses or documents to prosecute this action. These disclosures are not intended, and should not be construed, as a waiver of any objection to the production, use, or admission into evidence

of any document or information that Plaintiffs may be legally entitled to assert during the discovery or trial of this action.

Dated: October 4, 2005

Respectfully submitted,

/s/ Richard M. Kerger
Richard M. Kerger (0015864)
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John C. Bonifaz, admitted *pro hac vice*
National Voting Rights Institute
27 School Street, Suite 500
Boston, MA 02108
Telephone: (617) 624-3900
Fax: (617) 624-3911

Counsel for Plaintiffs

Exhibit 1: Recount Observers

Name	Address	Telephone Number
Anthony, Eli		(612) 623-4594
Beal, Larry E.	Hocking County Prosecuting Attorney 88 S. Market St Logan, OH 43138	(740) 385-5343
Blochowiak, MD, Patricia	1894 Farmington Road East Cleveland, OH 44112	(216) 229-9125
Bortz, Ed	145 Henderson Street Pittsburgh, PA 15212	(412) 231-1581
Cassel, Adrienne		
Cassel, Carol		
Christman, Kate	Stockport, OH	(740) 557-3252
Coleman, Kim		
Crick, Elsa		(412) 421-0880
Daley, Carole	2956 Yoakam Road Lima, OH 45806	(419) 225-9622
Eberhard, Genny	Columbus, OH	(614) 252-1354
Edwards, David		
Feight, Andrew		(704) 285-3247
Frigolette, Jen	1197 Cook Avenue Lakewood, OH 44107	
Fry, Phil	5370 North Elm Ave. Conover, OH 45317	
Furmage, Justin	350 East Main Street Conneaut, OH 44030	(440) 599-6910

Name	Address	Telephone Number
Furmage, Kelly	350 East Main Street Conneaut, OH 44030	(440) 599-6910
Futerer, Pam		
Garguillo, Susan		
Gatzke, Rhonda	10840 Tarlton Road Circleville, OH 43113	(614) 264-2903
Gifford, Eric		871-0434
Goldenfield, Bethe		(513) 509-9313
Gmeiner, Mary Sue		(937) 849-6109
Hall, Bruce	611 Meyer Avenue Fort Wayne, IN 46807	(260) 760-4600
Hamilton, Colby	Siegel Street Williamsburg, N.Y.	(917) 627-8000
Hanna, Judy	4387 Ranchwood Road Akron, OH 44333	(330) 668-0056
Harden, Pamela	2956 Yoakam Road Lima, OH 45806	
Hasbrouck, Phyllis	3113 View Road Madison, WI 53711	(608) 223-9571
Hasting, Judith		
Hays, Joanna	11 Barberry Road (PO Box 448) Wooster, OH 44691	(330) 264-3634
Helman, Christina		(419) 232-3331
Herald, Tina	2751 Eight Mile Road Cincinnati, OH 45244	(513) 474-3949
Hershey, Gloria	Mount Gilead, OH	(419) 946-7630

Name	Address	Telephone Number
Houseknecht, Sharon		(614) 799-9068
Hupp, Christa		
Husky, Kristi	320 W. Jefferson Baltimore, OH 43105	(740) 862-9221
Joiner, Brian	3330 Tally Ho Lane Madison, WI 53705	(608) 238-6358
Jones, Peter	4098 Wagner Road Dayton, OH 45440	(937) 320-9680
Kaplan, Amy F.		
Kettler, Roberta	29674 Twp. Rd. 30 Warsaw, OH 43844	(740) 502-6456 or (800) 459-5555
Kettler, Tim	29674 Twp. Rd. 30 Warsaw, OH 43844	(740) 502-6456 or (800) 459-5555
Kilroy, Karen	273 Vaughn Trail Akron, OH 44319	
Kramer, John Steven	6702 Alabama Avenue, SW Navarre, OH 44662	(330) 704-8911
Kuhn, Jennifer		(614) 889-7925
Kuznik, MaryBeth	6093 Pleasant Valley Road Irwin, PA 15642	(412) 558-0252
Laure-Gatta, Maureen		
Leek, Glorianne		
Lewin, Mary		(740) 344-8443
Linnabary, Steven R.	2728 Christie Blvd. Columbus, OH 43231	(614) 891-8841

Name	Address	Telephone Number
Lonsway, Christine M.	19 South Second Street Waterville, OH 43566	(419) 878-6242
Lore, David	2271 Dutch Lane Road Newark, OH 43055	
Lund, Kirk R.	4904 Sunnyside Road Edina, MN 55424	(612) 418-2442
Mitchell, Fiona	110 West Union Street Apt. 1 Athens, OH 45701	
Moore, Bob	114 Neff Drive Canfield, OH 44406	(330) 519-9288
Morrison, Sam		(612) 423-2183
Newman, Ted	Mill Valley, CA 94941	
Noterman, Mike	2700 Hogback Road Sunbury, OH 43074	(704) 272-2118
Orsi, Jacqueline		(513) 899-4550
Pacer, Bob	417 Fernwood Street Delta, OH 43515	(419) 822-5568
Pankhurst, Jerry		(440) 357-0991
Parkinson, Mark	49590 Cherry Valley Road Cadiz, OH 43976	(740) 937-2394
Parr, Tim	7409 Kingston Court Mentor, OH 44060	(440) 951-4188
Parry, Jason		(614) 561-7527
Pessec, Vanessa	11705 Cali Court Concord, OH 44700	
Peterson, Beverly	825 Lincoln Drive Defiance, OH 43512	(419) 782-6996

Name	Address	Telephone Number
Pfaff-Suesse, Teresa		(937) 395-0937
Pierce, Jan		
Potter, Cliff		
Pushon, Kate R.	301 Gnau Avenue, S.W. Massillon, OH 44646	(330) 834-0687 or (330) 327-9351
Reynolds, Carol	751 East Front Street Logan, OH 43138	(740) 591-4426
Rios, Anita	2626 Robinwood Avenue Toledo, OH 43610	902-6618
Rizkallah, Christine	2612 Reeves Road NE Warren, OH 44483	(330) 372-9735
Rodefer, Richard		412-977-9857
Roppel, John		(304) 633-0875
Roush, Joanne		
Ruble, Deidre		(740) 423-4388
Ruchti, Mike		(740) 707-6887
Schuler, Andrew		(419) 738-7551
Serpe, Lynne	18 Maple Avenue Bellport, NY 11713	
Shaffer, Paddy	2408 Sonnington Drive Dublin, OH 43016	(614) 761-0621
Sleight-Brennan, Sandra		
Starr, Denise	109 Warner Drive Union, OH 45322	(937) 545-2517
Stone, Michael		(740) 493-8057

Name	Address	Telephone Number
George Taylor Professor of Law	University of Pittsburgh Law School 3900 Forbes Avenue Pittsburgh, PA 15260	(412) 648-1400
Tendler, Jesse R.	P.O. Box 355 New York, NY 10009	(267) 979-5759
Teti, Nick		(740) 327-6161
Timassey, Noca	105 Mohawk Path Sandusky, OH 44870	(419) 684-9943
Vegosan, Ariel		(516) 732-0579
Walter, Stephen		(419) 738-9564
Weinberg, Jeanne N.	2442 Brentwood Road Bexley, OH 43209	(614) 252-5770
Welty, Fred		
Whiddon, Orren P.	190 Walker Lane Artemas, PA 17211	(814) 784-3075
Whiteside, Pamela	Dublin, OH	(614) 529-4218 or (614) 648-9284
Wilson, Jeanne	Marietta, OH	(740) 374-3443

CERTIFICATE OF SERVICE

This is to certify that on this 4th day of October 2005 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/ Richard M. Kerger
Richard M. Kerger