

IN THE SUPREME COURT OF OHIO

THE STATE OF OHIO EX. REL.
SUMMIT COUNTY REPUBLICAN
PARTY EXECUTIVE COMMITTEE

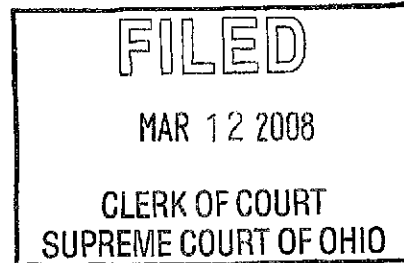
CASE NUMBER: 08-0478

RELATOR,

vs.

JENNIFER BRUNNER
OHIO SECRETARY OF STATE

RESPONDENT.



MEMORANDUM
**RELATOR'S MOTION IN OPPOSITION
TO RESPONDENT'S MOTION FOR PROTECTIVE ORDER OF
OHIO SECRETARY OF STATE JENNIFER BRUNNER**


Respondent's second Notice for Protective Order filed on March 11, 2008 is predicated on misrepresentation of the facts. Relator advised Respondent's counsel by letter on Monday March 10, 2008 that the deposition Secretary of State would be conducted both mechanically and by video tape, counsel for realtor reiterated that the deposition would be by video tape a second time on March 11, 2008 by the Amended Notice of Deposition filed with the Supreme Court. The reasons for the video taping of the deposition are as follows:

1. As an original action the credibility and demeanor of witnesses are relevant to the determination of the action; and
2. Such deposition will facilitate the Courts review of this matter.

Ad 1-12-2000 J.25nm

CERTIFICATE OF SERVICE

Counsel for Relator has served a copy of this *Relator's Motion in Opposition to Respondent's Motion for Protective Order of Ohio Secretary of State Jennifer Brunner* by facsimile to 614-728-7592 to Richard N. Coglianese and Damian W. Sikora this 11th Day of March 2008.



Timothy J. Grendell
Attorney for Relator

There has been no "sudden change of course" of the second notice as wrongly addressed by Respondent since that notice was the second notice given by Respondent in this matter.

Counsel for Relator represented to this Court that this video taped deposition is not being completed for any political purpose or to harass Respondent.

For these reason Relator respectfully asks that Respondent's Motion for Protective Order on Behalf of Ohio Secretary of State Jennifer Brunner be denied.

Respectfully submitted,

Grendell & Simon Co., L.P.A.
6640 Harris Road
Broadview Heights, Ohio 44147

By: 

TIMOTHY J. GRENDOLL (#0005827)

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* * * Transmission Result Report (MemoryTX) (Mar. 11. 2008 12:39PM) * * *

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8515	Memory TX	16147287592	P. 4	OK	

Reason for error
 E.1) Hang up or line fall
 E.2) Busy
 E.3) No answer
 E.4) No facsimile connection

GRENDALL & SIMON CO., L.P.A.
 6640 Harris Road
 Broadview Heights, Ohio 44147
 Phone: (440) 746-9600/Facsimile: (330) 659-2278

Fax

To: **Richard N. Coglianese From: Timothy J. Grendell**
Damian W. Sikora
 Fax: 614-728-7892 Pages: 4, including the cover sheet
 Plans: Date: 3/11/2008
 Sub: Amended Notice of Deposition

Urgent For Review Please Comment Please Reply Please Recycle

Please see the following amended notice. Please correct your files to properly reflect our fax number of 330-659-2278

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for the delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this message in error, it is important that you notify us immediately at 660-769-9900, and immediately return the original message to us at the above address via the U.S. Mail. Thank you.