

IN THE SUPREME COURT OF OHIO

State ex rel. Summit County Republican :
Party Executive Committee, :
 : Case No. 08-0478
Relator, :
 : Original Action in Mandamus
vs. :
 :
Secretary of State Jennifer Brunner :
 :
Respondent. :

MOTION TO REQUIRE RELATOR TO FILE VIDEOTAPED DEPOSITION
UNDER SEAL ON BEHALF OF OHIO SECRETARY OF STATE
JENNIFER BRUNNER

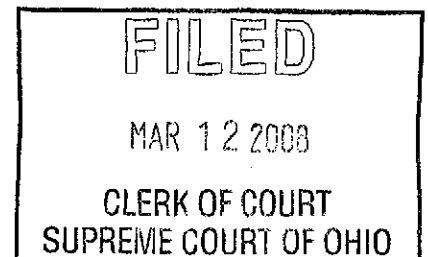
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JENNIFER BRUNNER**

Now comes Respondent Ohio Secretary of State Jennifer Brunner and, pursuant to this Court's inherent power, asks this Court to require Relator Summit County Republican Party Executive Committee to require the original video recording of its deposition be filed under seal, and prohibit any copies of that video from being made. If the Relator stands by its representation to this Court that this video will not be used for political purposes, it has no grounds on which to oppose this motion.

The Court's most recent rulings on Secretary Brunner's motions raise the specter of depositions against elected officials from their political opponents, who can rely on today's ruling allowing the deposition to be video taped to obtain campaign advertising fodder. As recently as 2006, this Court itself removed footage of judicial inauguration proceedings after clips from those proceedings were used in a political advertisement.

Though the Court denied Secretary Brunner's second motion for a protective order on a 4-3 vote, there should be no disagreement over requiring the original video to be filed under seal with no copies made if Relator is correct in his claims of convenience to this Court and lack of a political motive. Granting this motion would be consistent with the arguments and representations made by Relator in his Memorandum in Opposition, and would mitigate to some degree the risks to public officials created by the Court's denial of Secretary Brunner's requests for protective orders. Sealing the video and prohibiting its reproduction would also achieve the important result of preventing Relator and future parties from using this Court's proceedings in a manner inconsistent with the purpose of Civil Rule 30.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing *Motion for Protective Order* was sent on March 12, 2008, via email and via U.S. mail, postage prepaid, to the following:

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