

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. :

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MOTION FOR A PROTECTIVE ORDER ON BEHALF OF  
OHIO SECRETARY OF STATE JENNIFER BRUNNER

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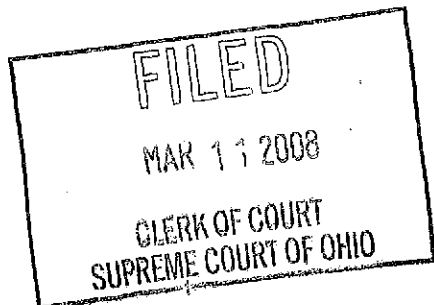
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Secretary of State Jennifer Brunner



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Now comes Respondent Ohio Secretary of State Jennifer Brunner and, pursuant to S. Ct. Prac. R. X Sec. 2 and Ohio R. Civ. P. 26(C), asks this Court to issue a protective order allowing the Relator to record Respondent's deposition by stenographic means only.

Relator's first notice of deposition was issued on March 7, 2008 and contained no mention whatsoever that the Relators desired to videotape the Secretary's deposition. After this Court denied the Secretary's motion for a protective order concerning her deposition, the Relator issued a second notice for deposition. Similarly, that notice contained no mention whatsoever of videotaping the deposition. Now, on March 11, 2008, just one business day before the deposition is scheduled to take place, the Relators issued a third notice of deposition. The Relators now state in that notice that they plan to videotape the deposition.

There is simply no basis for videotaping the deposition of the Secretary of State. A jury will not hear this original action in mandamus, which presents primarily legal issues rather than factual ones. The determinative issue in this case is whether the Secretary of State had reason to

believe that Mr. Brian Daley would not be competent to serve on the Summit County Board of Elections. To the extent necessary, the Justices of this Court will act as the trier of fact, based upon the evidence presented. In a mandamus case such as this, it is not critical for the court to witness the demeanor of Secretary while being deposed. A transcript is all that is needed, and is far more convenient to review and annotate.

There is no legal rationale justifying the videotaping of the Secretary's deposition. The Relator's sudden change of course in this third notice, along with the other facts discussed above, suggest instead that the true underpinnings of the Relator's desire to video tape this deposition is to archive it for future political use. That is not the purpose of Civil Rule 30, and Relator should be prohibited from using this Court's proceedings in that manner.

Respectfully submitted,

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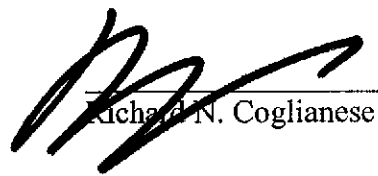
Jennifer Brunner

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing *Motion for Protective Order* was sent on March 11, 2008, via email and via U.S. mail, postage prepaid, to the following:

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