

IN THE COURT OF COMMON PLEAS, UNION COUNTY, OHIO

BOARD OF COMMISSIONERS.
UNION COUNTY OHIO, et al,

PLAINTIFFS,

vs.

CASE NO.: 2008 CV 0068

JENNIFER BRUNNER
SECRETARY OF STATE
STATE OF OHIO

JUDGE RICHARD E. PARROTT

DEFENDANT.

TEMPORARY RESTRAINING ORDER

This cause came on to be heard upon Plaintiff's Motion for Temporary Restraining Order with Supporting Memorandum and Verified Complaint, and it appears to the satisfaction of the Court that this is a proper case for a temporary restraining order in that Plaintiffs have no plain, speedy, and adequate remedy at law to give them relief from those matters complained of in the Complaint; that unless a temporary restraining order is issued as prayed for in the Verified Complaint, the Plaintiffs will suffer substantial and irreparable injury before the matter can be heard upon Plaintiff's Motion for a Preliminary Injunction, specifically, that the Plaintiffs will expend a substantial amount of funds to purchase equipment and supplies to comply with the Defendant's Directive and also be required to run two separate and distinct voting systems in contravention of law; that the harm to the Plaintiffs if injunctive relief is denied would exceed the harm to the Defendant if such relief is granted; and that Plaintiffs have shown a likelihood of eventual success on the merits.

Based upon the foregoing findings, the Court hereby enters a Temporary Restraining Order enjoining:

Defendant, Jennifer Brunner, Secretary of State, and each of her agents, employees, attorneys, and any person in active concert or participation with her from:

1. Implementing Directive entitled "Directive 2008-01";
2. Interfering, through the issuance of Directives, with the authority of Union County to select voting machines and equipment and requiring the County to use voting systems other than those chosen by the County in accordance with law; and
3. Taking any action, including the removal or threatening the removal of any election official for non-compliance with her Directive.

IT IS FURTHER ORDERED that this Order shall expire within fourteen (14) days after Entry unless within such time the order for good cause shown is extended; and

IT IS FURTHER ORDERED that because the Defendant has filed a Motion requesting a change of venue, Plaintiffs' Motion for a Preliminary Injunction shall be heard as scheduled by the Franklin County Court of Common Pleas.

IT IS FURTHER ORDERED that, pursuant to Rule 65(C) of the Ohio Rules of Civil Procedure, no bond is required because the Plaintiff is a political subdivision.

Issued at _____ A./P.M. on this _____ day of _____, 2008.

JUDGE RICHARD E. PARROTT
Judge, Common Pleas Court, Union
County, Ohio



ASSISTANT PROSECUTING ATTORNEYS

TERRY L. HORD, CHIEF ASSISTANT
RICK RODGER
MELISSA A. CHASE

VICTIMS OF CRIME ASSISTANCE

NANCY BENEDETTI, DIRECTOR
MIKE PALUMBO, ADVOCATE
BARB HOLBROOK, ADVOCATE

**DAVID W. PHILLIPS
PROSECUTING ATTORNEY
UNION COUNTY, OHIO**

FACSIMILE COVER PAGE

The following is confidential and privileged communication intended only for the addressee. If you receive this facsimile communication and attachments, if any, in error, please notify this office immediately and return the same by regular U.S. Mail, postage guaranteed, unless otherwise directed.

**TO: Richard N. Coglianesi
Damian W. Sikora
Pearl M. Chin**

DATE: February 6, 2008

FAX NO: 614-728-7592

PAGES: 26

FROM: David W. Phillips

RE: Board of Commissioners vs. Jennifer Brunner

Message:

Response Requested: Yes _____ No _____ ASAP _____