




action in Union County was transferred to the Common Pleas Court of Franklin County, Ohio, based on Ohio Revised Code 3501.05. See Order (Feb. 6, 2008), at 2, filed with this Notice. R.C. 3501.05 mandates transfer to an adjoining county of election matters where the Ohio Secretary of State is named as a party. Therefore, because both Franklin County and Union County are located within this district and division, removal to this Court is proper.

Finally, removal is timely under 28 U.S.C. § 1446(b), as Defendant Secretary of State Brunner was served with Plaintiff's complaint on February 5, 2008. See Summons, filed with this Notice.

Copies of the Plaintiff's State Court Complaint, the appendices thereto, and the State Court docket are being filed today with this notice. See Affidavit of Richard N. Coglianese, attached to this Notice as Exhibit A. Additionally, a time stamped copy of this notice will be filed with the Clerk of the Franklin County Court of Common Pleas once the Union County Clerk of Courts has completed the transfer of all pleadings, orders and files for this case to the Franklin County Clerk of Courts.

Respectfully submitted,


MARC DANN  
Attorney General of Ohio

  
/s/ Richard N. Coglianese  
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*Attorneys for Defendant  
Secretary of State Jennifer Brunner*

**CERTIFICATE OF SERVICE**

I hereby certify that a time stamped copy of the foregoing *Notice of Removal* will be filed with the Clerk of the Franklin County Court of Common Pleas. I further certify that the foregoing *Notice of Removal* was sent on February 6, 2008, via U.S. mail, postage prepaid, to the following:

David W. Phillips  
Assistant Prosecutor  
221 West Fifth Street  
Marysville, OH 43040  
*Attorney for Plaintiffs*

  
/s/ Richard N. Coglianese  
Richard N. Coglianese