

**In The United States District Court
For The Northern District Of Ohio
Western Division**

League of Women Voters of Ohio, *et al.*,

Plaintiffs,

vs.

Case No. 3:05-CV-7309

J. Kenneth Blackwell, *et al.*,

Judge Carr

Defendants.

**Defendants' Motion For Leave To File Supplemental Motion
To Dismiss *Instante***

Defendants J. Kenneth Blackwell and Bob Taft ask for leave to file the attached supplemental motion to dismiss *instante*. The reason that this motion is filed as a supplement is that the State of Ohio conducted a statewide election on November 8, 2005. Thus, the Plaintiffs' claims are now moot, they are no longer seeking prospective injunctive relief, and the State of Ohio has Eleventh Amendment immunity from the Plaintiffs' claims. These defenses could not have been raised prior to the date of the November 2005 general election. A copy of the supplemental motion is attached.

Respectfully submitted,

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Attorney General

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Certificate of Service

This is to certify a copy of the foregoing was served upon all counsel of record by means of the Court's electronic filing system on the 14th day of November, 2005.

/s Richard N. Coglianes
Richard N. Coglianes
Deputy Attorney General