

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**NORTHEAST OHIO COALITION
FOR THE HOMELESS, *et al.*,**

Plaintiff

And

OHIO DEMOCRATIC PARTY,

Case No. 2:06-cv-896

Plaintiff-Intervenor,

vs.

Judge Marbley

JENNIFER BRUNNER

Defendant.

**ANSWER OF DEFENDANT
OHIO SECRETARY OF STATE BRUNNER**

Now comes Defendant, Ohio Secretary of State Jennifer Brunner, and for her answer to the Plaintiff-Intervenor's Complaint states the following:

1. Denies each and every allegation not specifically admitted to herein.
2. Admits the allegations contained in Paragraph 1 of the Complaint.
3. Admits the allegations contained in Paragraph 2 of the Complaint.
4. Admits the allegations contained in Paragraph 3 of the Complaint and further states that most of the Secretary's legal duties are outlined by Title 35 of the Ohio Revised Code.
5. Admits the allegations contained in Paragraph 4 of the Complaint.
6. Admits the allegations contained in Paragraph 5 of the Complaint.

7. Admits the allegations contained in Paragraph 6 of the Complaint.
8. Admits the allegations contained in Paragraph 7 of the Complaint.
9. Admits the allegations contained in Paragraph 8 of the Complaint.
10. Admits the allegations contained in Paragraph 9 of the Complaint.
11. Admits the allegations contained in Paragraph 10 of the Complaint.
12. With respect to the allegations contained in Paragraph 11 of the Complaint, admits that the Ohio Republican Party filed an amended complaint in their litigation but further states that case has been consolidated with this case so there is no risk of contradictory orders.
13. Admits the allegations contained in Paragraph 12.
14. With respect to the allegations contained in the WHEREFORE paragraph, states that at this point, the Court does not need to act to preserve its jurisdiction.
15. WHEREFORE, having answered the Plaintiff-Intervenor's complaint, the Secretary raises the following defenses, including affirmative defenses:

FIRST DEFENSE

16. The Plaintiff-Intervenor has failed to state a claim upon which relief can be granted.

SECOND DEFENSE

17. The Plaintiff-Intervenor's claim is not ripe for decision.

THIRD DEFENSE

18. The Secretary reserves the right to add additional defenses, including affirmative defenses as litigation proceeds.

19. WHEREFORE, having answered the Plaintiff-Intervenor's Complaint, the Secretary asks that this Court dismiss the complaint.

Respectfully submitted,

NANCY H. ROGERS
Attorney General

/s Richard N. Coglianes
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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 this 24th day of November, 2008.

/s Richard N. Coglianes