



November 30, 2006

Janice Yates
Office of the Clerk
U.S. Court of Appeals for the Sixth Circuit
Room 540, Potter Stewart U.S. Courthouse
100 E. Fifth Street
Cincinnati, Ohio 45202-3988

VIA FACSIMILE (original will follow): 513-564-7090

AMERICAN CIVIL LIBERTIES
UNION FOUNDATION

SOUTHERN
REGIONAL OFFICE
2600 MARQUIS ONE TOWER
245 PEACHTREE CENTER AVENUE,
ATLANTA, GA 30303-1227
T/404.523.2721
F/404.653.0331
WWW.ACLU.ORG
WWW.VOTINGRIGHTS.ORG

NATIONAL OFFICE
125 BROAD STREET, 18TH FL
NEW YORK, NY 10004-2400
T/212.549.2500
F/212.549.2654
WWW.ACLU.ORG

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Re: Stewart v. Blackwell
Case No. 05-3044 (en banc rehearing scheduled for 12/6/06)

Dear Ms. Yates:

As we informed your office by telephone earlier today, Plaintiffs-Appellants have reached the conclusion that this case is now moot. Although not clear from the evidence in the record, it appears from news reports from the just-completed election cycle that the non-notice voting equipment challenged in this case has now been replaced throughout the State of Ohio and that this equipment is not likely to be used again.

Should this Court agree that the case is moot, Plaintiffs-Appellants respectfully submit that the proper course is to vacate the district court's ruling and remand with directions to dismiss the case as moot. See En Banc Reply Brief of Appellants, at 26 (citing United States v. Munsingwear, 340 U.S. 36, 39-40 (1950) and U.S. Bancorp Mortgage Co. v. Bonner Mall Partnership, 513 U.S. 18, 22-23 (1994)). Please do not hesitate to contact us if you have further questions.

Sincerely,

Meredith Bell-Platts

Daniel Tokaji

cc: All counsel