

APPEAL NO. 08-4585

IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

State of Ohio ex rel., Dana Skaggs, et al.,

Relators-Appellants

v.

Jennifer L. Brunner
Secretary of the State of Ohio, et al.,

Respondents-Appellees

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO

MOTION TO EXPEDITE CONSIDERATION

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ATTORNEYS FOR RELATORS-APPELLANTS

Pursuant to Local Rule 27(e), Appellants Dana Skaggs and Kyle Fannin seek expedited consideration of this appeal. The basis for this Motion is set forth in the attached Memorandum in Support.

Respectfully submitted,

/s/ John W. Zeiger

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MEMORANDUM IN SUPPORT

On November 20, 2008, Movants filed their merit brief and a Emergency Motion of Relators/Appellants for an Order Pursuant to Appellate Rule 8 for Injunctive Relief Pending Appeal. In doing so, Movants seek expeditious review and consideration by this Court of the District Court's decision with respect to the disposition of provisional ballots.

December 5, 2008, is the day by which this matter must be resolved in order to afford the Board of Elections and the Secretary of State an opportunity to properly count votes. The timeframe and procedure for counting and certifying votes is set forth in the affidavits of Matthew Damschroder, who is the deputy director of the Franklin County Board of Elections, and Dana Walch, who served as director of elections for the Ohio Secretary of State, both in the 2000 and 2002 general elections. Copies of those affidavits, which are also attached to the Motion for Injunction Pending Appeal, are attached here to as Exhibits A and B.

Thus, in order to allow this Court the opportunity to consider this matter within the time frame necessary for resolving the election races, expedited consideration is sought.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on November 21, 2008, the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are registered users or, if they are not, by placing a true and correct copy in the United States mail, postage prepaid, to their address of record.

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