

IN THE SUPREME COURT OF OHIO

STATE OF OHIO EX RE. DANA SKAGGS, ET AL.,

Case No.: 08-2206

RELATORSS,

VS.

JENNIFER L. BRUNER, SECRETARY OF STATE, ET AL.,

RESPONDENTS

AND

OHIO DEMOCRATIC PARTY
341 FULTON STREET
COLUMBUS, OHIO 43215

INTERVENOR-
RESPONDENT

ANSWER OF OHIO DEMOCRATIC PARTY TO RELATORS COMPLAINT

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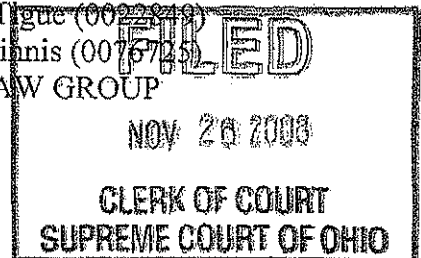
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ANSWER TO RELATORS COMPLAINT

Intervenor-Respondent, Ohio Democratic Party, hereby answers Relators's

Complaint as follows:

1. Paragraphs 6 and 7 are admitted.
2. Paragraphs 30-35 and 37-39 are denied.
3. Paragraphs 4, 5, 8, 11, 12, 14, 15, 17-24, and 26-28 are denied for lack of knowledge sufficient to form a belief as to the truth of the allegation.
4. Paragraphs 1, 2, 9, 10, 13, 16 and 25 contain argument or statements of law and therefore do not require admission or denial.
5. Any allegation of the Complaint not specifically admitted, is hereby denied

DEFENSES

6. The Complaint fails to state a claim upon which relief may be granted.
7. Respondents do not have a clear legal duty to perform the acts requested by Relators.
8. Relators do not have a clear legal right to the requested relief.
9. Relators have an adequate remedy in the ordinary course of law.
10. Relators lack standing.
11. Relators' requested relief would violate the First, Fifth and Fourteenth Amendments to the Constitution of the United States.
12. Relators' requested relief would violate the Civil Rights Act of 1964, 42 USC 1971.
13. Relators' requested relief would violate the Help America Vote Act of 2002, 42 USC 15482.

14. Relators have failed to comply with Rule X, Section 4(B) of the Supreme Court Practice Rules.
15. The Complaint is barred by laches.

Respectfully submitted,


Donald J. McFigue (0022849)

*Counsel for Proposed Intervenor
Ohio Democratic Party*

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing Answer was served upon all parties in the case via electronic mail and/or facsimile machine this 26th day of November 2008.


Donald J. McFigue