

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

OHIO DEMOCRATIC PARTY,

Plaintiff,

v.

FRANK LAROSE, in his official capacity as
Ohio Secretary of State

Defendant.

Case No. 2:19-cv-3774
Judge James L. Graham

**PLAINTIFF’S MOTION FOR TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

PLEASE TAKE NOTICE that Plaintiff, OHIO DEMOCRATIC PARTY (“ODP”), hereby moves the Court for a temporary restraining order and preliminary injunction enjoining the Defendant, FRANK LAROSE, from removing or causing to be removed from Ohio’s voter registration database any eligible voter under the supplemental or National Change of Address (“NCOA”) processes, pending a decision on the permanent relief requested in this case, or in the alternative, ordering that all provisional ballots cast by purged voters be counted so long as the voter can be identified, regardless of whether the voter correctly filled out the five identification fields on the provisional ballot affirmation form.

As set forth in detail in ODP’s Memorandum of Law in Support of Motion for a Temporary Restraining Order and Preliminary Injunction and the complaint, ODP has established that it is likely to succeed on the merits of its claims; that ODP will suffer irreparable harm if the Court does not issue the injunction; that the harm to ODP outweighs any harm

Defendant would suffer if the Court were to order the preliminary relief sought by ODP; that the balance of hardships tips strongly in ODP's favor; and that preliminary injunctive relief in this case advances the public interest. ODP respectfully requests that the Court expedite consideration of this motion due to Defendant's plan to purge approximately 235,000 Ohio voters on September 6, 2019.

Respectfully submitted,

/s/N. Zachary West

N. Zachary West (0087805)
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CERTIFICATE OF SERVICE

I certify that on August 30, 2019, I filed the foregoing document using the Court's online-filing system, which will send a copy of the foregoing to all counsel of record, and caused courtesy copies to be served by electronic mail on Counsel for Defendant who have not yet appeared in this matter.

/s/N. Zachary West

N. Zachary West, *Attorney for Plaintiff*