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

OHIO REPUBLICAN PARTY **211 South Fifth Street** **Columbus, Ohio 43215**	:	**Case No. 2:08-CV-913**
and	:	
LARRY WOLPERT **6216 Clover Place** **Hilliard, Ohio 43026**	:	
Plaintiffs,	:	
v.	:	
JENNIFER BRUNNER **Ohio Secretary of State** **100 E. Broad Street** **Columbus, Ohio 43215**	:	
Defendant.	:	

MOTION FOR LEAVE TO FILE AN AMENDED AND SUPPLEMENTAL COMPLAINT FOR PRELIMINARY AND PERMANENT INJUNCTION

Plaintiffs Ohio Republican Party and Larry Wolpert respectfully move, pursuant to Fed. R. Civ. P. 15(a)(2) and (d), for leave to file an Amended and Supplemental Complaint for Preliminary and Permanent Injunction against Defendant Jennifer Brunner. In support thereof, Plaintiffs state the following:

1. On September 26, 2008, Plaintiffs filed their Complaint, seeking a temporary restraining order and preliminary and permanent injunctive relief against Defendant.
2. On September 29, 2008, Defendant filed its Response in Opposition to Plaintiffs' motion for injunctive relief.

3. On September 29, 2008, this Court held a hearing on Plaintiffs' motion for a temporary restraining order and heard arguments from the parties. That same day, this Court entered an order granting in part and denying in part Plaintiffs' motion for a temporary restraining order.
4. On October 2, 2008, Defendant filed an Answer in response to Plaintiffs' Complaint.
5. An Amended and Supplemental Complaint is necessary to address the legal ramifications raised by various directives issued by Defendant subsequent to Plaintiffs' filing of their Original Complaint, including Directive 2008-101, issued on October 24, 2008 and Directive 2008-105, issued on October 31, 2008.
6. Plaintiffs have, in a good faith effort, attempted to obtain Defendant's consent to the filing of this motion as required by Local Rule 7.3; however, such consent, unfortunately, was not forthcoming, in a timely manner.
7. Fed. R. Civ. P. 15(a)(2) states that when a party is required to seek leave of court in order to file an amended pleading, "leave shall be freely given when justice so requires." Furthermore, Fed. R. Civ. P. 15(d) states that upon "just terms" a court should permit the filing of a supplemental pleading to set forth events that occurred after the original filing.
8. The United States Supreme Court has concluded that this rule is to be interpreted liberally, and that in the absence of undue delay, bad faith, or dilatory motive on the part of the party proposing an amendment, leave should be granted. *Foman v. Davis*, 371 U.S. 178, 182 (1962).
9. Plaintiffs' Motion for Leave to File an Amended and Supplemental Complaint is not being made with undue delay, in bad faith, or with a dilatory motive. Moreover,

many of the facts and circumstances recited in the Amended and Supplemental Complaint actually occurred after the filing of the initial Complaint.

WHEREFORE, Plaintiffs respectfully request this Court grant leave to file an Amended and Supplemental Complaint for Preliminary and Permanent Injunction.

Respectfully submitted,

/s/ William M. Todd
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing Motion for Leave to File an Amended Complaint for a Preliminary and Permanent Injunction was served via the Court's electronic filing system on this 4th day of November, 2008.

/s/ William M. Todd
William M. Todd, Trial Attorney (0023061)