

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

League of Women Voters of Ohio, et. al.,	)	Case No. 3:05CV7309
	)	
Plaintiffs,	)	Hon. James G. Carr
	)	
and	)	Richard M. Kerger (0015864)
	)	Kimberly A. Donovan (0074726)
Jeanne White,	)	KERGER & ASSOCIATES
	)	33 S. Michigan St., Suite 100
Intervenor-Plaintiff,	)	Toledo, Ohio 43602
v.	)	Telephone: (419) 255-5990
	)	Fax: (419) 255-5997
	)	
J. Kenneth Blackwell, Secretary of State of Ohio, et. al.,	)	Cindy A. Cohn, Esq.
	)	Matthew S. Zimmerman, Esq.
Defendants.	)	ELECTRONIC FRONTIER FOUNDATION
	)	454 Shotwell Street
	)	San Francisco, CA 941114
	)	
	)	<i>Counsel for Intervenor</i>

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**INTERVENOR- PLAINTIFF WHITE'S  
MOTION TO LIFT THE DISCOVERY STAY AND  
FOR A PRESERVATION ORDER**

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Pursuant to Federal Rule of Civil Procedure 26, Intervenor-Plaintiff White hereby moves the Court for an order lifting the discovery stay entered on December 8, 2005 (Docket No. 215) and for an order preserving materials from the 2004 presidential election. The resumption of discovery is sought to further develop evidence necessary to support Intervenor-Plaintiff's claims. The preservation order is sought to preserve said evidence for trial.

Intervenor-Plaintiff submits in support of this motion an accompanying memorandum of law and a proposed order.

Dated: February 3, 2006

Respectfully submitted,

/s/ Richard M. Kerger  
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Kimberly A. Donovan (0074726)  
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**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing was electronically filed this 3rd day of February 2006. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Richard M. Kerger