

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

Michael Gonidakis, <i>et al.</i> ,	:	
	:	Case No. 2:22-cv-773
Plaintiffs,	:	
	:	
v.	:	Chief Judge Algenon L. Marbley
	:	
Frank LaRose,	:	Circuit Judge Amul R. Thapar
	:	
Defendant.	:	Judge Benjamin J. Beaton
	:	

**NOTICE OF PLAINTIFFS' POSITION
CONCERNING THE SIMON PARTIES' SECOND TRO MOTION**

The Simon Parties filed two motions for a temporary restraining order, preliminary injunction, partial summary judgment and immediate appointment of a special master. (*See* ECF Nos. 141, 147).

The first motion concerns the General Assembly districts. (ECF No. 141). Plaintiffs responded to the Simon Parties' arguments in its post-hearing brief. (*See* ECF No. 160).

The second motion concerns congressional districts. (ECF No. 147). This Court set a briefing schedule and Local Rule 65.1 conference to consider this congressional districts-related motion. (ECF No. 152).

Because Plaintiffs' requested relief is a plan for General Assembly districts, Plaintiffs have no position on the congressional districts challenged by the Simon Parties. (*See* ECF No. 160). That said, to the extent a decision by this Court on the congressional districts motion (ECF No. 147) would impact the requested General Assembly district relief, Plaintiffs incorporate their previous arguments: first, the Simon Parties have not put forward any evidence of a discriminatory

result, *see Bonilla v. City Council of Chi.*, 809 F. Supp. 590, 596 (N.D. Ill. 1992); and second, there is no time to consider the Simon Parties' claims, including the request for special master. *See Flores v. Town of Islip*, 382 F. Supp. 3d 197, 250 (E.D.N.Y. 2019) (requested injunction to cure alleged VRA violation denied because of delay); *Voters Organized for the Integrity of Elections v. Balt. City Elections Bd.*, 214 F. Supp. 3d 448, 455 (D. Md. 2016) (laches barred requested election relief).

For these reasons, Plaintiffs have no position on the Simon Parties' second motion (ECF No. 147) so long as it has no impact on Plaintiffs' request for the Fourth Plan for General Assembly districts. (*See* ECF No. 160).

Respectfully submitted,

Isaac Wiles & Burkholder LLC

/s/ Donald C. Brey

Donald C. Brey (0021965)

Brian M. Zets (0066544)

Matthew R. Aumann (0093612)

Ryan C. Spitzer (0093515)

Trista M. Turley (0093939)

Two Miranova Place, Suite 700

Columbus, Ohio 43215

Tel: 614-221-2121; Fax: 614-365-9516

dbrey@isaacwiles.com

bzets@isaacwiles.com

maumann@isaacwiles.com

rspitzer@isaacwiles.com

tturley@isaacwiles.com

Attorneys for Plaintiffs Michael Gonidakis, Mary Parker, Margaret Conditt, Beth Ann Vanderkooi, Linda Smith, Delbert Dudit, Thomas W. Kidd, Jr., and Ducia Hamm

CERTIFICATE OF SERVICE

I hereby certify that on April 7, 2022, a copy of the foregoing was filed electronically. 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/Donald C. Brey
Donald C. Brey (0021965)

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