

**RESPONSE OF SIMON PARTIES TO PLAINTIFFS' EMERGENCY MOTION
TO VACATE STAY AND IMMEDIATE APPOINTMENT OF A THREE-JUDGE
PANEL**

Intervenor Plaintiffs, the Honorable Kenneth L. Simon, the Honorable Lewis Macklin and Helen Youngblood, class representatives and Plaintiffs in N.D. Ohio Case No. 21-cv-2267, (hereinafter “the Simon Parties”), have no objection to the Gonidakis Plaintiffs’ request, ECF Docket #73, to vacate the stay entered in this action and notification of the Chief Judge of the Sixth Circuit in accordance with the provisions of 28 U.S.C. §2284 of the filing of this action.

The Simon Parties object to the request of the Gonidakis Plaintiffs that the prospective three-judge panel appointed in this action approve the use to the Third Ohio redistricting plan in the scheduled May 2022 primary election for the reason the Third Plan suffers from the same fatal defect as the earlier proposed plans, failure to comply with the Voting Rights Act of 1965, as amended, mandate that racial demographics, racially polarized voting, the history of racial discrimination in redistricting in Ohio, and the Senate Report factors totality of circumstances test be considered in connection with district configuration .The failure of Defendants to comply with the VRA causes the Third Plan to result in the political process not being equally open to the Simon Parties and the Simon Parties being deprived of an equal opportunity to elect representatives of choice. For this reason, the Simon Parties intend to move forthwith for the appointment of a special master to craft Constitutional Ohio State and Congressional redistricting plans since Ohio officials have repeatedly intentionally violated the VRA and the Fourteenth and Fifteenth Amendments to the United States Constitution.

s/Percy Squire, Esq.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served by operation of the United States District Court, Southern District of Ohio electronic filing system, on March 18, 2022.

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