

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DISTRICT**

THE HONORABLE REVEREND	:	CASE NO. 4:22-cv-612
KENNETH L. SIMON, ET AL	:	
	:	RELATED CASE NOS. 2:21-CV-2267
PLAINTIFFS	:	AND 4:88-CV-1104
	:	
VS.	:	JUDGE JOHN ADAMS
	:	
GOVERNOR MIKE DEWINE, ET AL.	:	“THREE-JUDGE PANEL
	:	REQUESTED”
DEFENDANTS.	:	
	:	“CLASS-ACTION ALLEGATIONS”
	:	
	:	“CLAIM OF
	:	UNCONSTITUTIONALITY”

**RESPONSE OF PLAINTIFFS TO DEFENDANT THE OHIO REDISTRICTING  
COMMISSION'S MOTION TO DISMISS PLAINTIFFS' COMPLAINT AND  
MEMORANDUM IN OPPOSITION TO PLAINTIFFS' MOTIONS FOR THREE-  
JUDGE COURT, TEMPORARY RESTRAINING ORDER, PRELIMINARY  
INJUNCTION, PARTIAL SUMMARY JUDGMENT, AND IMMEDIATE  
APPOINTMENT OF A SPECIAL MASTER, DOCKET #18**

The Simon Parties, Plaintiffs in this action, have no objection to dismissing all claims against the Ohio Redistricting Commission (hereinafter “ORC”) except Plaintiffs’ claim under §2 of the Voting Rights Act, 52 U.S.C. §10301, et seq. Plaintiffs do not concede that their Constitutional claims are not cognizable, however, the focus of Plaintiffs’ action here is Defendants’ violation of the Voting Rights Act because of the express policy to not consider racial demographics in connection with the configuration of Ohio’s proposed United States Congressional districts.

Plaintiffs incorporate herein all arguments asserted in its Opposition to the individual Defendant’s Motion to dismiss, ECF Docket #20, in response to the remainder of ORC’s arguments.

/s/ Percy Squire  
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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, Northern District of Ohio electronic filing system, on May 24, 2022.

/s/ Percy Squire  
Attorney for Plaintiff (0022010)

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