

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

AMANDA MOONEYHAN

Plaintiff,

v.

JON HUSTED, et al.

Defendants.

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Case No. 3:12-cv-379

Judge Walter H. Rice

STIPULATION

Plaintiff Amanda Mooneyhan and Defendant Ohio Secretary of State Jon Husted, through their undersigned attorneys, hereby stipulate as follows:

1. In compliance with this Court's November 16, 2012 *Decision and Entry Sustaining Plaintiff's Motion for a Temporary Restraining Order; Directive to Plaintiff and to Defendant Betty J. Martin, Director, Darke County Board of Elections*, Plaintiff's absentee ballot was counted in the final tally of votes cast for all applicable contests in the November 6, 2012 election.

2. As a result, Plaintiff has received the relief requested in her Complaint and Motion for Temporary Restraining Order.

3. Plaintiff qualifies as a prevailing party under the fees shifting statute.

4. The case is now moot as to all requests for affirmative relief, and no issues remain for the Court to resolve except for the appropriate and reasonable amount of attorneys' fees due to Plaintiff's counsel under the fee shifting statute.

5. Plaintiff agrees to withdraw her pending Motion Requesting Final Relief.

6. The parties have conferred and propose the following briefing schedule concerning the amount of attorneys' fees:

Plaintiff's brief regarding attorneys' fees due **January 11, 2013**;

Responsive briefs due **February 1, 2013**;

Plaintiff's reply brief due **February 15, 2013**.

Respectfully submitted,

/s/ Kevin J. Truitt

Kevin J. Truitt (0078092)
ktruitt@disabilityrightsohio.org
Kerstin Sjoberg-Witt (0076405)
Ksjoberg-witt@disabilityrightsohio.org
Disability Rights Ohio
50 W. Broad Street, Suite 1400
Columbus, Ohio 43215
(614) 466-7264
(614) 644-1888 – fax

Counsel for Plaintiff
Amanda Mooneyhan

MIKE DEWINE
Ohio Attorney General

/s/ Richard N. Coglianese

Richard N. Coglianese (0066830)
Assistant Attorney General
Constitutional Offices Section
30 East Broad Street, 16th Floor
Columbus, Ohio 43215
Tel: (614) 466-2872; Fax: (614) 728-7592
richard.coglianese@ohioattorneygeneral.gov

Counsel for Defendant
Secretary of State Jon Husted

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Stipulation was filed electronically on December 20, 2012. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

/s/ Richard N. Coglianese

Richard N. Coglianese (0066830)

Assistant Attorney General