

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,

v.

ORDER

J. Kenneth Blackwell, Secretary of State of Ohio,
and Bob Taft, Governor of Ohio,

Defendants.

Plaintiffs League of Women Voters, *et al.* (LWV) brought this action against defendants J. Kenneth Blackwell, Secretary of State of Ohio, and Bob Taft, Governor of Ohio, under 42 U.S.C. § 1983 and the Fourteenth Amendment of the Constitution of the United States. LWV alleges Secretary Blackwell and Governor Taft administer a voting process which systematically impairs Ohio citizens' voting rights. Jurisdiction exists under 28 U.S.C. § 1331.

Because she claimed injury to her voting rights stemming from the same conduct at issue in this litigation, Jeanne White requested leave to intervene, which I granted over defendants' objection November 7, 2005. Pending now is defendants' motion to dismiss White's complaint. For the following reasons, that motion will be denied.

Discussion

Defendants contend I must dismiss White's claims because: 1) with the intervening November, 2005, election, her claims are moot; 2) sovereign immunity bars her claim; and 3) she has failed to plead any actionable violation. These arguments are without merit.

Put simply, defendants raise nothing more than arguments they have already made, and which I have already overruled, in prior motions directed against LWV in general. See Order of Nov. 21, 2005, (Doc. 197); Order of Dec. 2, 2005, (Doc. 202); and Order of Feb. 10, 2006, (Doc. 237). They have identified no circumstances unique to White which would dislodge those earlier rulings. Consequently, those decisions remain the law of the case, *U.S. v. Todd*, 920 F.2d 399, 403 (6th Cir. 1990) (citing *Christianson v. Colt Indus. Operating Corp.*, 486 U.S. 800, 816 (1988)), and defendants' motion will likewise be overruled.

Conclusion

It is, therefore,

ORDERED THAT defendants' motion to dismiss Jeanne White's complaint be, and the same hereby is, denied.

So ordered.

/s/James G. Carr
James G. Carr
Chief Judge