

**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.	:	CIRCUIT JUDGE JOAN L. LARSEN
	:	JUDGE SOLOMON OLIVER
GOVERNOR MIKE DEWINE, ET AL.	:	JUDGE JOHN R. ADAMS
	:	
DEFENDANTS.	:	“CLASS-ACTION ALLEGATIONS”
	:	
	:	“CLAIM OF
	:	UNCONSTITUTIONALITY”

**SIMON PLAINTIFFS’ OPPOSITION TO DEFENDANTS’ RENEWED  
COMBINED MOTION TO DISMISS AND RENEWED MEMORANDUM IN  
OPPOSITION TO PLAINTIFF’S RENEWED MOTION FOR TEMPORARY  
RESTRAINING ORDER, PRELIMINARY INJUNCTION AND PARTIAL  
SUMMARY JUDGMENT**

Plaintiffs in this action oppose Defendants’ Renewed Combined Motion to Dismiss and Renewed Memorandum in Opposition to Plaintiffs’ Renewed Motion for Temporary Restraining Order, Preliminary Injunction and Partial Summary Judgment. ECF Docket No. 48. Plaintiffs’ Opposition here is based upon Plaintiffs’ previously filed Opposition to Defendants’ previous motion to dismiss . Plaintiffs’ previous Opposition is at ECF Docket No. 20, and is specifically restated and fully incorporated herein by reference.

In addition to the arguments previously set forth in Plaintiffs’ ECF Docket No. 20, Plaintiffs oppose Defendants’ argument that §2 of the Voting Rights Act does not confer a private right of action. Plaintiffs’ opposition is based on both the grounds set forth in Mixon v. Ohio, 193 F.3d 389 (6<sup>th</sup> Cir. 1999) and the absence of any authority from either the United States Supreme Court or Sixth Circuit that endorses the sophistry upon which Defendants’ no private cause of action is based.

Defendants’ no private cause of action argument further reduces Plaintiffs’ confidence in Defendants’ intention to follow the law when it comes to redistricting. Defendants have a record of serial disregard of court orders in relation to redistricting and now, with their latest “no private cause of action” attitude, signal an intention to continue their overt violation of their duty to respect Plaintiffs’ federally protected voting rights. Defendants’ no private cause of action argument, in view of the absence of relevant authority to support it, combines with Defendants’ record of noncompliance with court orders related to redistricting to warrant withdrawal of redistricting authority from Defendants and the immediate appointment of a Special Master with authority to implement the redistricting process advocated by the citizen led initiative let “Citizens not Politicians” in order to configure a lawful 6th Congressional district . Plaintiffs are particularly concerned about Defendants’ total lack of appreciation for their duties in relation to racial demographics under the Voting Rights Act and the Fourteenth Amendment. For these reasons Plaintiffs seek an order enjoining certification of the results of the June 11, 2024 special election. Plaintiffs seek appointment of a Special Master with authority to implement a lawful redistricting process.

/s/ Percy Squire

Percy Squire (0022010)  
Percy Squire Co., LLC  
341 S. Third Street, Suite 10  
Columbus, Ohio 43215  
(614) 224-6528, Telephone  
(614) 224-6529, Facsimile  
[psquire@sp-lawfirm.com](mailto:psquire@sp-lawfirm.com)  
Attorney for Plaintiffs

**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 20, 2024.

*/s/ Percy Squire* \_\_\_\_\_  
Attorney for Plaintiffs (0022010)