

Motion denied

IN THE UNITED STATES DISTRICT COURT

/s/ John R. Adams, /s/ Solomon Oliver

NORTHERN DISTRICT OF OHIO

U.S. District Judges

EASTERN DISTRICT

/s/ Joan L. Larsen

U.S. Circuit Judge

9/20/2024

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.	:	

**MOTION OF THE SIMON PARTIES TO ALTER OR AMEND AUGUST 2, 2024 ORDER, ECF #59**

In accordance with the provisions of Fed. R. Civ. P. 59(e), the Honorable Reverend Kenneth L. Simon, the Honorable Reverend Lewis W. Macklin, II and Helen Youngblood, (“the Simon Parties”), respectfully move to alter or amend this Court’s August 2, 2024, Order, ECF Docket #. 59, denying Plaintiffs’ July 5, 2024 Motion to Alter or Amend the July 1, 2024 Order in this action, ECF Docket #54.

Plaintiffs move again to alter or amend for the reason the August 2, 2024 Opinion contains a clear error of law:

1. The August 2, 2024 Order, rather than contradict Plaintiffs’ argument that the comment within this Honorable Court’s July 1, 2024 Order concerning the significance of the term “nomination” within §2 of the Voting Rights Act, actually reinforces Plaintiffs’ position because the August 2, 2024 Order fails to cite any U.S. Supreme Court authority or 6<sup>th</sup> Circuit authority that states the term “nomination” has no §2 significance. Instead, the August 2, 2024 Order relies on France v. Pataki, 71 F. Supp. 2d 317 (S.D. NY 1999), an opinion of a single district court judge, not a three judge panel as required when challenging the appointment of a statewide legislative body, as Plaintiff have here, from