

ORIGINAL

In the
Supreme Court of Ohio

STATE ex rel. LETOHIOVOTE.ORG., et al.,	:	Case No. 2009-1310
	:	
Relators,	:	Original Action in Mandamus
	:	
v.	:	
	:	
OHIO SECRETARY OF STATE	:	
JENNIFER BRUNNER,	:	
	:	
Respondent.	:	

**INTERVENOR-RESPONDENTS'
NOTICE OF SUBSTITUTION OF PARTY UNDER CIV. R. 25(D)(1)**

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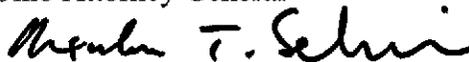
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**INTERVENOR-RESPONDENTS'
NOTICE OF SUBSTITUTION OF PARTY UNDER CIV. R. 25(D)(1)**

Intervenor-Respondents respectfully submit this notice that Michael A. Dolan's term as Director of the Ohio Lottery Commission ended after the merits briefing for this case was completed. Effective today—August 24, 2009—Kathleen Burke became the Executive Director of the Ohio Lottery Commission. Accordingly, and pursuant to Ohio Civ. R. 25(D)(1), Kathleen Burke, in her official capacity as Executive Director of the Ohio Lottery Commission, is automatically substituted as an Intervenor-Respondent in place of Michael A. Dolan and, with respect to the Intervenor-Respondents, proceedings following this substitution shall be in the name of J. Pari Sabety and Kathleen Burke. See Ohio Civ. R. 25(D)(1) (“When a public officer is a party to an action in his official capacity and during its pendency dies, resigns, or otherwise ceases to hold office, the action does not abate and his successor is automatically substituted as a party. Proceedings following the substitution shall be in the name of the substituted party. . . .”).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the above Intervenor-Respondents' Notice of Substitution of Party

Under Civ. R. 25(D)(1), was served by electronic mail on this 24th day of August 2009 upon the following counsel:

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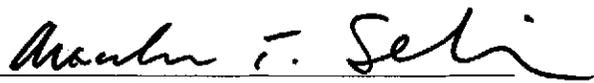
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