

Case No. 20-4063
IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

A. PHILIP RANDOLPH INSTITUTE OF
OHIO, ET AL.

Plaintiffs-Appellees

v.

FRANK LAROSE, IN HIS OFFICIAL CAPACITY
AS OHIO SECRETARY OF STATE

Defendant-Appellant

On Appeal from the United States District Court for the
Northern District of Ohio, No. 1:20-cv-01908

OHIO SECRETARY OF STATE FRANK LAROSE'S
UNOPPOSED MOTION TO DISMISS FOR MOOTNESS

DAVE YOST
Ohio Attorney General
CHARLES MILLER
Office Counsel
BRIDGET C. COONTZ
Assistant Attorney General
30 East Broad Street, 17th Floor
Columbus, Ohio 43215

BENJAMIN M. FLOWERS*
Ohio Solicitor General
**Counsel of Record*
MICHAEL J. HENDERSHOT
Chief Deputy Solicitor General
ZACHERY P. KELLER
Deputy Solicitor General
30 East Broad Street, 17th Floor
Columbus, Ohio 43215
614-466-8980
bflowers@ohioattorneygeneral.gov

Counsel for Ohio Secretary of State Frank LaRose

On October 22, 2020, all parties in this case stipulated to dismissal of the case with prejudice in the District Court. *See* Stipulated Dismissal, R.95, PageID#2944. The District Court approved the stipulated dismissal the next day. *See* Order, R.96, PageID#2948. Because a “preliminary injunction cannot survive the dismissal of a complaint,” dismissal of the case had the effect of automatically dissolving the earlier-issued injunction. *Venezia v. Robinson*, 16 F.3d 209, 211 (7th Cir. 1994); *accord Rodriguez v. 32nd Legislature of Virgin Islands*, 859 F.3d 199, 207 (3d Cir. 2017). With the case over and the injunction dissolved, there is no longer a live dispute between the parties. For this reason, the Secretary moves to dismiss this appeal as moot.

The Secretary contacted counsel for the plaintiffs and the intervenors, who confirmed that the plaintiffs and intervenors do not object to dismissal of this appeal.

Respectfully submitted,

DAVE YOST
Ohio Attorney General

/s/ Benjamin M. Flowers

BENJAMIN M. FLOWERS*
Ohio Solicitor General

**Counsel of Record*

MICHAEL J. HENDERSHOT
Chief Deputy Solicitor General

ZACHERY P. KELLER
Deputy Solicitor General

CHARLES MILLER
Office Counsel

BRIDGET C. COONTZ
Assistant Attorney General

30 East Broad Street, 17th Floor

Columbus, Ohio 43215

614-466-8980

bflowers@ohioattorneygeneral.gov

*Counsel for Ohio Secretary of State Frank
LaRose*

CERTIFICATE OF COMPLIANCE

I hereby certify, in accordance with Rule 32(g) of the Federal Rules of Appellate Procedure, that this Motion complies with the type-volume requirements and contains 144 words. *See* Fed. R. App. P. 27(d)(2)(A).

/s/ Benjamin M. Flowers

Benjamin M. Flowers

CERTIFICATE OF SERVICE

I hereby certify that on October 26, 2020, the foregoing was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Benjamin M. Flowers

Benjamin M. Flowers