



The court carefully reviewed all filings in the case, arguments made on behalf of both parties, and the applicable law. For the reasons stated on the record, this court finds that the arguments made by Respondent in its Motion to Set Aside Magistrate's Order and the Amended Motion to Dismiss are well taken, including that the extraordinary remedy of mandamus is not appropriate in that there is a legal remedy at law through a quo warranto action. Additionally, the court finds that Relator's protest was not timely filed nor was it filed by a "qualified elector who is a member of the same political party as the candidate and who is eligible to vote at the primary election for the candidate whose declaration of candidacy the elector objects to," pursuant to R.C. 3513.05.

The court hereby orders that the Motion to Set Aside Magistrate's Order is granted.

The court further orders that the Amended Motion to Dismiss is granted.

The September 11, 2008 non-oral hearing on the merits is vacated.

This matter is hereby dismissed. Costs to Relator.

SO ORDERED.



David Deuce Wilson, Judge

Have seen:



Julie D. Steddom  
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