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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

PETER BENAVIDEZ; PAMELA HILL;
MITCH POMERANTZ; DEBORAH
MILES; JAMES TROESH; AUDREY
HARTHORN; JESSIE LORENZ;
BYRON YAN; PAUL LONGMORE;
RHONDA KING; SCOTT TAYLOR;
JEREMY JOHANSEN; AMERICAN
ASSOCIATION OF PEOPLE WITH
DISABILITIES; CALIFORNIA
COUNCIL OF THE BLIND, INC.;
CALIFORNIA FOUNDATION FOR
INDEPENDENT LIVING CENTERS;
RIVERSIDE COUNTY; and
MISCHELLE TOWNSEND as Registrar
of Riverside County in her official
capacity,

Plaintiffs,

vs.

KEVIN SHELLEY, as Secretary of State
for the State of California

Defendant.

Case No. CV-043318 FMC (PJWx)

Hon. Florence-Marie Cooper

**REVISED [PROPOSED] ORDER
GRANTING PLAINTIFFS' MOTION
FOR PRELIMINARY INJUNCTION**

Hearing Date: June 3, 2004

Time: 2:30 pm

Place: Courtroom 750

Roybal Federal Courthouse

1 TO DEFENDANT KEVIN SHELLEY, AS SECRETARY OF STATE FOR THE
2 STATE OF CALIFORNIA:

3 This matter came to be heard on Plaintiffs' Motion for Preliminary Injunction.
4 This Court, having considered Plaintiffs' Motion, the accompanying Memorandum of
5 Points and Authorities, the declarations and other documents filed in support of the
6 Motion, and all other evidence and argument presented regarding this Motion, hereby
7 finds that:

8 BASED ON GOOD CAUSE APPEARING TO THIS COURT, IT IS ORDERED
9 THAT Plaintiffs' Motion for Preliminary Injunction is GRANTED.

10 IT IS FURTHER ORDERED THAT:

11 1. Counties that use direct recording electronic ("DRE") voting systems can use
12 their DRE voting systems in November, 2004, and in future elections, based on their
13 federal qualification, until defendant Kevin Shelley, as Secretary of State of California
14 ("Secretary"), adopts valid regulations for their use;

15 2. Counties may utilize new DRE voting systems in November, 2004, and in
16 future elections. The voter verified paper audit trail ("VVPAT") condition is enjoined
17 because it is not available or federally approved;

18 3. The Secretary's VVPAT condition to recertification of Diebold TSx counties
19 is enjoined;

20 4. The Secretary's April 30, 2004 decertification orders and May 14th
21 clarifications are enjoined; and

22 5. The Secretary is ordered to issue valid regulations for the certification of
23 voting equipment, regulations that apply common standards equally applicable to all
24 counties.

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1 IT IS FURTHER ORDERED THAT plaintiffs need not post any bond in connection
2 with this Preliminary Injunction.

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IT IS SO ORDERED.

Dated: May __, 2004

The Honorable Florence-Marie Cooper
United States District Court Judge

Presented by:



John E. McDermott
Howrey Simon Arnold & White, LLP

Attorneys for Plaintiffs