

IN THE SUPREME COURT OF OHIO

GORDON PROCTOR, Director
Ohio Department of Transportation

Plaintiff-Appellee

v.

KATHY KARDASSILARIS, et al.

&

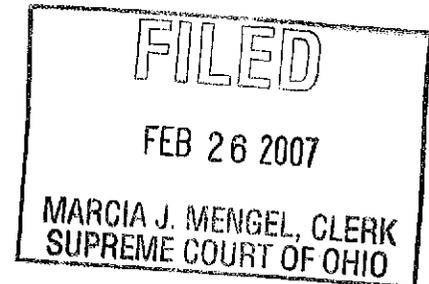
RICHARD L. BLANK, et al.

Defendant-Appellants

CASE NO: 2006-1242

CASE NO: 2006-1243

**ON APPEAL FROM THE TRUMBULL
COUNTY ELEVENTH DISTRICT
COURT OF APPEALS**



**APPELLANTS' MEMORANDUM CONTRA APPELLEE'S MOTION TO REFER
CASES TO MEDIATION AND REQUEST THAT APPEAL NOT BE STAYED**

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**MEMORANDUM CONTRA APPELLEE'S MOTION TO REFER CASE TO
MEDIATION AND REQUEST THAT APPEAL NOT BE STAYED**

The Appellants' appeal to this Supreme Court involve a legal issue that is of utmost importance not only to the parties but one of public or great general interest. The legal issue as to whether a property owner is required or may file a counterclaim in a pending appropriation case is of utmost importance not only to these Appellants but to pending and future litigants. The importance to the public of a ruling on the legal issue outweighs even the personal interests of these Appellants.

The legal issue has been briefed and is ripe for a final judgment. Therefore it is important to the public that legal precedent be set to guide future litigants on the issue now before the Court. The expense, time and energy associated with other future litigants efforts to reduplicate the efforts of the parties and the Courts in processing another appeal to resolve the very issue pending far outweighs the time and effort remaining for the Court to render a final decision.

Therefore, the Appellants request that this case not be stayed but proceed to final judgment.

In the meantime, Appellants are agreeable to mediate the money issues independently of the legal issues provided that the mediation on the money issues do not delay or affect the scheduling of the argument and decision of the Court on the legal issues before it.

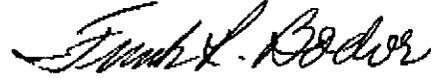
Respectfully Submitted,



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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served upon Elise Porter, Acting State Solicitor, L. Martin Cordero and Richard Makowski Assistant Attorneys General, 30 E. Broad Street—17th Floor, Columbus, Ohio 43215 via U.S. mail this 26th day of February 2007.



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