

MOTION FOR CONTINUANCE OF ORAL ARGUMENT

Now comes Appellee, The Clark County, Ohio Board of Commissioners, by and through counsel, and respectfully moves the Court for a continuance of Oral Argument presently scheduled in the above matter for Tuesday, for March 13, 2007.

Appellee requests a continuance for the reason that counsel for both parties were not informed of the scheduling of Oral Arguments until March 7, 2007. Affidavit of Timothy S. Rankin attached hereto as Exhibit A. Based on counsel for Appellees prior trial engagements, and the complexity of the issues involved in this matter, counsel will not have adequate time to prepare for Oral Argument. Counsel for Appellant has been contacted and has no objection to the within Motion.

Wherefore, Appellee, The Clark County, Ohio Board of Commissioners, respectfully requests that the Court continue Oral Argument in this matter to a date at least 20 days from the date of this Motion.

Respectfully submitted,

**ONDA, LaBUHN, RANKIN &
BOGGS CO., LPA**



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*Counsel for Appellee, The Clark County,
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing document has been served via facsimile and regular U.S. Mail, postage prepaid on this 8th day of March, 2007 upon:

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Timothy S. Rankin, Esq.

FURTHER AFFIANT SAYETH NAUGHT.



Timothy S. Rankin

Sworn before me this 04 day of March, 2007



Notary Public

JACQUELINE ANNE FERRIS
ATTORNEY AT LAW
Notary Public-State of Ohio
My Commission has no Expiration Date
Section 147.03 ORC

The Supreme Court of Ohio

December 7, 2006

State ex rel. Shelly Materials, Inc.

v.

Case No. 06-0165

The Clark County Ohio Board of Commissioners

NOTICE OF ORAL ARGUMENT

TO: Carla J. Morman

Timothy S. Rankin

The Supreme Court of Ohio will hold a hearing on the merits in this case on Tuesday, March 13, 2007. Time allowed for oral argument will be 15 minutes per side.

Attorneys who argue before the Court must comply with the provisions of Rule IX of the Rules of Practice of the Supreme Court of Ohio and the instructions that follow. Pursuant to Rule IX, Section 3, counsel for either or both parties may waive oral argument and submit the case upon briefs. The Clerk must be notified in writing of the waiver at least ten days before the date scheduled for the oral argument.

Court convenes promptly at 9 a.m. Counsel in all cases are expected to be present when court convenes. Counsel must register with the deputy clerk prior to 8:45 a.m. at the information desk outside the Courtroom on the first floor of the Ohio Judicial Center.

For more information on protocol for presenting oral argument before the Supreme Court of Ohio, counsel may refer to the "Guide for Counsel Presenting Oral Argument" located at www.sconet.state.oh.us/Clerk_of_Court.

Note: Assignments in the Supreme Court take precedence over other assignments.

MARCIA J. MENGEL CLERK

Amy Hainstock DEPUTY CLERK

