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IN THE SUPREME COURT OF OHIO

STATE OF OHIO, ex rel., MUNICIPAL)
CONSTRUCTION EQUIPMENT)
OPERATORS' LABOR COUNCIL, et al.)

CASE NO. 2006-2056

Relators)

vs.)

CITY OF CLEVELAND, et al.)

Respondents)

MOTION FOR EXTENSION OF TIME
WITHIN WHICH TO FILE REPLY BRIEF

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COUNSEL FOR RESPONDENTS

COUNSEL FOR RELATORS

FILED
APR 05 2007
MARCIA J. MENGEL, CLERK
SUPREME COURT OF OHIO

Pursuant to the Ohio Supreme Court Rules of Practice XIV(1)(B), (3)(B)(2), the Relators, Municipal Construction Equipment Operators' Labor Council and the individual Relators (hereinafter collectively "CEO Union") move this Court to grant an additional period of three days (from April 9 until April 12, 2007) within which to file their brief in reply to the merit brief of Respondents the City of Cleveland and its Mayor and City Council (hereinafter collectively "Cleveland"). Relators have not previously been granted an extension of time in this case. This request is made for several reasons. Cleveland's merit brief, as served upon counsel for the CEO Union, did not include an Appendix. Today, upon consultation of the Ohio Supreme Court online docket, counsel learned that the Respondent's Brief on the Merits included an Appendix of 65 pages. Service of Respondent's merit brief was made according to the certificate of service on April 2, 2007. A period of 7 days for the filing of a reply brief would require that the document be mailed on or before Friday, April 6, 2007 for delivery no later than Monday, April 9, 2007. April 6th is Good Friday on which day many businesses are closed and members of the legal staffs in the law firms have been promised at least a half-day off, effectively shortening the response time to three days. During this week of the celebration of Passover and preceding the celebration of Easter clerical staff has been reduced.

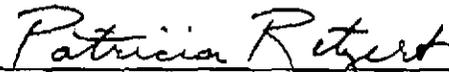
Counsel requests the modest extension of three days, or until Thursday, April 12, 2007.

In compliance with Supreme Court Rules of Practice XIV(3)(B)(2)(a) the undersigned counsel for Relators contacted William Sweeney, counsel for Respondents, by telephone at 10:30 a.m. on the morning of Thursday, April 5, 2007 and requested the agreement of Cleveland to a

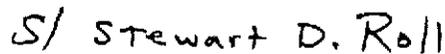
stipulation for an extension of time. Mr. Sweeney explained that he would consult with co-counsel Ms. Morgan and inform the undersigned whether Cleveland would agree. At the time of the filing of this motion, no answer has been given by Cleveland to counsel for Relators.

Consequently, this motion is respectfully submitted and the undersigned counsel hereby affirms that no previous extensions of time were granted to Relators in this case.

Respectfully submitted,



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***Representing Relator CEO Union and
Individual Relators***

CERTIFICATE OF SERVICE

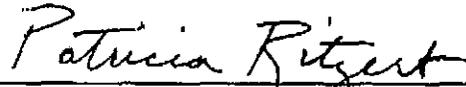
A copy of the foregoing Motion for Extension of Time has been sent to the following on this 5th day of April, 2007.

VIA REGULAR U.S. MAIL

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***Representing Individual Relators and
the Municipal Construction Equipment
Operators' Labor Council***