

IN THE SUPREME COURT OF OHIO

United Telephone Credit Union, Inc.,

Appellant,

v.

Kenneth A. Roberts, in his official Capacity
as Acting Deputy Superintendent for Credit
Unions, Ohio Department of Commerce,
Division of Financial Institutions, and
American Mutual Share Insurance Corp.,

Appellees.

Ohio Supreme Court
Case No. 06-1174

On Appeal from the
Franklin County Court of Appeals
Tenth Appellate District

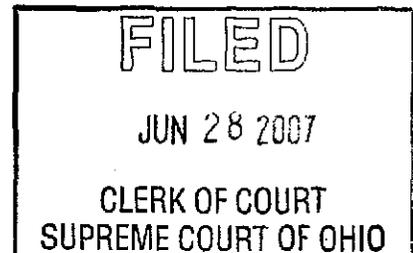
Court of Appeals
Case Nos. 05AP-827 and 05AP-870

RESPONSE OF APPELLANT UNITED TELEPHONE CREDIT UNION, INC. TO
APPELLEE KENNETH A. ROBERTS' MOTION FOR LEAVE TO FILE POST-
ARGUMENT NOTICE TO CORRECT MISSTATEMENT AT ARGUMENT

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**RESPONSE OF APPELLANT UNITED TELEPHONE CREDIT UNION, INC. TO
APPELLEE KENNETH A. ROBERTS' MOTION FOR LEAVE TO FILE POST-
ARGUMENT NOTICE TO CORRECT MISSTATEMENT AT ARGUMENT**

Appellant United Telephone Credit Union ("UTCU") agrees with Appellee Roberts on the need to correct any misstatement of fact made by Roberts' counsel at the oral argument in this matter. The parties agree that at least one misstatement was made in response to a specific question from the Court during the argument and may be regarded as material to the Court's decision-making. Thus, it clearly must be corrected.

UTCU does not, however, concur that merely identifying the discrete words that constituted a misstatement and correcting those words is necessarily a sufficient remedy here. As indicated above, one misstatement relates to an area of specific interest to the Court, and the adequacy of the correction and the significance of the true facts in the context of this case should be addressed.

Appellant is uncertain of Roberts' intent in asking the Court to "disallow any other filings until the Court reviews the corrective statement." However, UTCU believes that each party must be afforded an opportunity to be heard on these issues, and UTCU therefore requests that any order granting leave for a Roberts filing permits UTCU to respond.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Response Of Appellant United Telephone Credit Union, Inc. To Appellee Kenneth A. Roberts' Motion For Leave To File Post-Argument Notice To Correct Misstatement At Argument. was served via ordinary U.S. mail, postage prepaid, upon the following on this 28th day of June, 2007:

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