

In the
Supreme Court of Ohio

P N P, INC., dba CALCUTTA HEALTH CARE CENTER, et al.,	:	Case No. 06-0768
	:	
Plaintiffs-Appellants,	:	On Appeal from the
	:	Franklin County
	:	Court of Appeals,
vs.	:	Tenth Appellate District
	:	
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES, et al.,	:	Court of Appeals Case
	:	No. 04AP-1294
	:	
Defendants-Appellees.	:	

FILED

JUL 10 2007

CLERK OF COURT
SUPREME COURT OF OHIO

**DEFENDANTS-APPELLEES’
MEMORANDUM OPPOSING MOTION FOR RECONSIDERATION**

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Counsel for Appellees
Ohio Department of Job and Family Services;
Director Helen Jones-Kelley¹; and Former
Director Thomas Hayes

¹ Former Director Thomas Hayes was sued in this action in both his official and individual capacities. When an agency Director is sued in his official capacity and is separated from that office, the new Director is automatically substituted. See Civ.R. 25(D). Therefore, ODJFS responds on behalf of both former Director Hayes (in his individual capacity) and current Director Jones-Kelley (in her official capacity).

On July 3, 2007, Appellants filed a Motion for Reconsideration in this case. As grounds, Appellants attached and incorporated the Motion for Reconsideration filed in Case No. 2006-0275, *Ohio Academy of Nursing Homes, Inc. v. Ohio Department of Job and Family Services*.

Appellees oppose reconsideration in this case for the same reasons given in the Response to Motion for Reconsideration filed in the *Ohio Academy* case on June 29, 2007, which Appellees incorporate here by reference.

Respectfully submitted,

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Director Helen Jones-Kelley, and Former Director
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Memorandum Opposing Motion for Reconsideration was served by U.S. mail this 10th day of July 2007 upon the following counsel:

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