

In the  
**Supreme Court of Ohio**

UNITED TELEPHONE CREDIT UNION,  
INC.,

Plaintiff-Appellant,

v.

KENNETH A. ROBERTS, Acting Deputy  
Superintendent of Credit Unions,

and

AMERICAN MUTUAL SHARE  
INSURANCE CORPORATION,

Defendants-Appellees.

Case No. 2006-1174

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

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

**FILED**

AUG 06 2007

CLERK OF COURT  
SUPREME COURT OF OHIO

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**NOTICE TO CORRECT MISSTATEMENT AT ARGUMENT**

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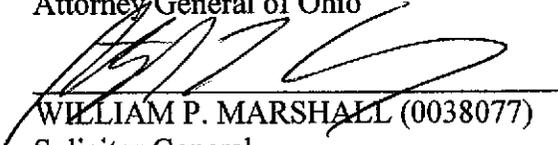
## NOTICE TO CORRECT MISSTATEMENT AT ARGUMENT

In accordance with the Court's order of July 25, 2007, Counsel for Defendant-Appellee Kenneth A. Roberts corrects the record before the court as follows. Roberts's counsel made an unintentional misstatement during oral argument held on May 24, 2007. In response to a question from Justice O'Connor (at timepoint 24:24 on online argument video), asking "who would finance a challenge in your scenario?," Roberts's counsel mistakenly said that "the State *did pay* to fund the first challenge. We refused to pay for the second one. We did pay for the first one." Roberts's counsel's recollection was wrong, as the Ohio Department of Commerce, Division of Financial Institutions (DFI) did *not*, in fact, pay any bills for attorney fees, nor did DFI pay any other bills to cover the costs that plaintiff incurred in this litigation. Roberts's Counsel's statement was inadvertent and was based upon his incorrect recollection.

Counsel for Defendant-Appellee Roberts apologizes to the Court, to opposing counsel, to the opposing party, and to all other counsel and parties in the case for the unintentional misstatement.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Notice to Correct Misstatement at Argument was served by U.S. mail this 6<sup>th</sup> day of August, 2007, upon the following counsel:

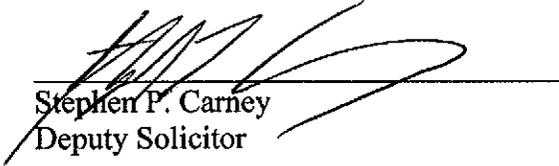
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