In the

Supreme Court of Ohio

PHILIP J. CHARVAT,	:	Case Nos. 2006-1647
	:	2006-1855
Plaintiff-Appellant,	:	
	:	On Appeal from the
v.	:	Franklin County
	:	Court of Appeals,
THOMAS N. RYAN, D.D.S., *et al.*,	:	Tenth Appellate District
	:	
Defendants-Appellees.	:	Court of Appeals Case
	:	No. 05AP-1331

JOINT MOTION OF APPELLANT PHILIP J. CHARVAT AND *AMICUS CURIAE* OHIO ATTORNEY GENERAL MARC DANN FOR DIVIDED ARGUMENT TIME

JOHN W. FERRON* (0024532)
**Counsel of Record*
LISA A. WAFER (0074034)
Ferron & Associates, LPA
580 North Fourth Street, Suite 450
Columbus, Ohio 43215
614-228-5225
614-228-3255 fax
jferron@ferronlaw.com

Counsel for Plaintiff-Appellant
Philip J. Charvat

MATTHEW T. GREEN* (0075408)
**Counsel of Record*
JOHN C. MCDONALD (0012190)
STEPHEN J. SMITH (0001344)
Schottenstein Zox & Dunn Co., LPA
250 West Street
Columbus, Ohio 43216
614-462-2700
614-462-5135 fax
mgreen@szd.com

Counsel for Defendants-Appellees
Thomas N. Ryan, D.D.S., *et al.*

MARC DANN (0039425)
Attorney General of Ohio

WILLIAM P. MARSHALL* (0038077)
**Counsel of Record*
Solicitor General
STEPHEN P. CARNEY (0063460)
ROBERT J. KRUMMEN (0076996)
ELISE W. PORTER (0055548)
Deputy Solicitors
30 East Broad Street, 17th Floor
Columbus, Ohio 43215
614-466-8980
614-466-5087 fax
wmarshall@ag.state.oh.us

Counsel for *Amicus Curiae*
Ohio Attorney General Marc Dann

BRIAN M. ZETS (0066544)
Wagenfeld Levine
8000 Walton Parkway, Suite 200
Columbus, Ohio 43054
614-741-8900
614-741-8950 fax
bzets@wagenfeldlevine.com

Counsel for Defendants-Appellees
Thomas N. Ryan, D.D.S., *et al.*

FILED
AUG 16 2007
CLERK OF COURT
SUPREME COURT OF OHIO

JOINT MOTION OF APPELLANT PHILIP J. CHARVAT AND *AMICUS CURIAE* OHIO ATTORNEY GENERAL MARC DANN FOR DIVIDED ARGUMENT TIME

Oral argument in this case is scheduled for September 11, 2007, with each side allowed 15 minutes. John W. Ferron will present oral argument for Appellant Philip J. Charvat.

As provided by Rule IX, Section 6 of the Court's Rules, counsel for Appellant Philip J. Charvat and counsel for Attorney General of Ohio, as *amicus curiae*, request the Court's permission to divide the Appellant's oral argument time between Appellant and the Attorney General of Ohio. If the Court grants this Motion, John W. Ferron will argue for 10 minutes, and Robert J. Krummen, counsel for the Attorney General of Ohio, as *amicus curiae*, will argue for 5 minutes of Appellant's oral argument time.

Respectfully submitted,

MARC DANN (0039425)
Attorney General of Ohio

WILLIAM P. MARSHALL* (0038077)
**Counsel of Record*
Solicitor General
STEPHEN P. CARNEY (0063460)
ROBERT J. KRUMMEN (0076996)
ELISE W. PORTER (0055548)
Deputy Solicitors
30 East Broad Street, 17th Floor
Columbus, Ohio 43215
614-466-8980
614-466-5087 fax
wmarshall@ag.state.oh.us

Counsel for *Amicus Curiae*
Ohio Attorney General Marc Dann

/s/ John W. Ferron (per authorization 8/16/07)
JOHN W. FERRON* (0024532)
**Counsel of Record*
LISA A. WAFER (0074034)
Ferron & Associates, LPA
580 North Fourth Street, Suite 450
Columbus, Ohio 43215
614-228-5225
614-228-3255 fax
jferron@ferronlaw.com

Counsel for Plaintiff-Appellant
Philip J. Charvat

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Joint Motion of Appellant Philip J. Charvat and *Amicus Curiae* Ohio Attorney General Marc Dann for Divided Argument Time was served by U.S. mail this 16th day of August 2007, upon the following counsel:

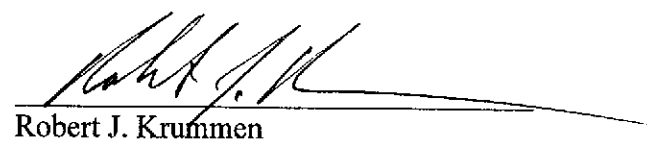
Matthew T. Green
John C. McDonald
Stephen J. Smith
Schottenstein Zox & Dunn Co., LPA
250 West Street
Columbus, Ohio 43216

Brian M. Zets
Wagenfeld Levine
8000 Walton Parkway, Suite 200
Columbus, Ohio 43054

Counsel for Defendants-Appellees
Thomas N. Ryan, D.D.S., *et al.*

John W. Ferron
Lisa A. Wafer
Ferron & Associates, LPA
580 North Fourth Street, Suite 450
Columbus, Ohio 43215

Counsel for Plaintiff-Appellant
Philip J. Charvat



Robert J. Krummen
Deputy Solicitor