

Motion and Memorandum

Appellant Gerry Porter respectfully moves this Court for a 30-day extension of the oral argument in this case, currently scheduled for October 10, 2007. This request is presented as an emergency motion because the counsel of record for Appellant, David Singleton, was admitted to the hospital on Thursday, September 27, 2007 because medical tests revealed he had a blood clot in his lung. This is a potentially life-threatening condition; however, his doctors feel that his prognosis is good and, as of the writing of this motion, intend to keep him for 2-3 days. Because of the seriousness of this condition, the uncertainty of the course of treatment, and the closeness of the oral argument, Mr. Porter respectfully asks this Court to postpone oral argument to **Friday, November 9, 2007**.

Respectfully submitted,



Stephen JohnsonGrove (0078999)

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CERTIFICATE OF SERVICE

I certify that I served an accurate copy of this motion by fax to Paula Adams and Joseph Deters, fax: (513) 946, and Robert P. Mecklenborg, Hyle and Mecklenborg, L.P.A., 3050 Harrison Avenue, Cincinnati, Ohio 45211, on September 27, 2007.



Stephen JohnsonGrove (0078999)