

IN THE SUPREME COURT OF OHIO

MARK ALBRECHT, etc., et al.,

CASE NO. 07-0507

Plaintiffs-Respondents,

vs.

BRIAN TREON, M.D., et al.

Defendants-Petitioners.

MOTION OF PLAINTIFFS-RESPONDENTS FOR
LEAVE TO FILE A RESPONSE

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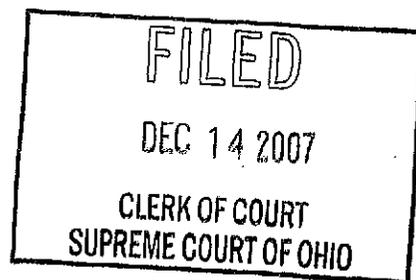
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Dated: December 12, 2007

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This is a certified question action originating in federal court. It deals with the important issue of coroner removal and non-return of body parts without notice to the next of kin. Because this matter came from the federal court early in the litigation, no evidence was taken and there is no record.

This court recently granted the Defendant leave to have the entire oral argument handled by the Amici. Because of the number of Amici supporting Defendant, their briefing exceeded 150 pages. Their reply briefs were three times longer than Defendant's Reply Brief. Extensive sections of the points and arguments advanced in the Reply Briefs of Amici are not within our record, and are undocumented statements by counsel for the Amicus Curiae National Association of Medical Examiners, who is both a lawyer and a pathologist. To be fair, such global assertions and undocumented submissions need to be addressed.

Aware that this court is going to allow the Amici to handle and direct the entire argument, Plaintiffs respectfully request leave to submit a response brief to the reply filings by the Amici.

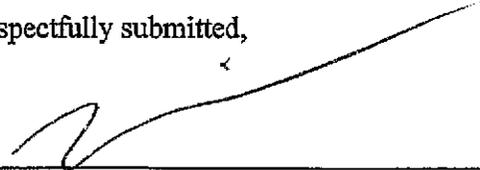
The procedural posture here is somewhat unusual. Because a plaintiff bears the burden of proof, plaintiff is ordinarily the first to submit a brief, with the opportunity to then file a short response. But here, the defense occupies the Petitioner position because it moved the federal court for certification.

However, the Albrechts still hold the position of Plaintiffs in these matters. For that reason, and aware of this court's recent order that the Amici and their lengthy submissions will be the focus of the argument, it is reasonable to allow Plaintiffs the following:

First, to file a 10-page response to the reply submissions by the Amici.

Second, to permit Plaintiffs to reserve a portion of their 15-minute oral presentation, if they choose to do so.

Respectfully submitted,



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CERTIFICATE OF SERVICE

This is to certify that a copy of Plaintiffs'-Respondents' Motion for Leave to File a Response was sent via email and by regular U.S. Mail on December 13, 2007 addressed as follows:

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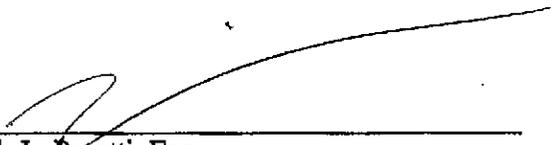
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And as a courtesy to:

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