

No 2007-0705

In the Supreme Court of Ohio

KENNETH D. McFADDEN,

Plaintiff-Appellant,

v.

CLEVELAND STATE UNIVERSITY,

Defendant-Appellee.

CLAIMED APPEAL OF RIGHT AND DISCRETIONARY APPEAL FROM THE
COURT OF APPEALS, TENTH APPELLATE DISTRICT
FRANKLIN COUNTY, OHIO
CASE No 06AP-638

FILED
DEC 18 2007
CLERK OF COURT
SUPREME COURT OF OHIO

**STIPULATED EXTENSION OF TIME TO FILE
APPELLANT'S MERIT BRIEF AND SUPPLEMENT**

DENNIS J. NIERMANN (#0007988)
DENNIS J. NIERMANN CO., L.P.A.
4070 Mayfield Road
Cleveland, OH 44121-3031
Tel: (216) 297-1040
Fax: (216) 291-9622
E-mail: niermann@en.com

*Counsel for Plaintiff-Appellant,
Kenneth D. McFadden*

TIMOTHY J. FITZGERALD* (#0042734)
**Counsel of Record*
GALLAGHER SHARP
Bulkley Building, Sixth Floor
1501 Euclid Avenue
Cleveland, OH 44115-2108
Tel: (216) 241-5310
Fax: (216) 241-1608
E-mail: tfitzgerald@gallaghersharp.com

*Counsel for Plaintiff-Appellant,
Kenneth D. McFadden*

(Counsel continued on inside cover)

MARC DANN (#0039425)
ATTORNEY GENERAL

WILLIAM P. MARSHALL* (#0038077)
SOLICITOR GENERAL

**Counsel of Record*

30 E. Broad Street, 17th Floor
Columbus, OH 43215

Tel: (614) 466-8980

Fax: (614) 466-5087

E-mail: wmarshall@ag.state.oh.us

*Counsel for Defendant-Appellee,
Cleveland State University*

STIPULATION TO EXTENSION OF TIME

We, the attorneys of record for the respective parties in the captioned appeal, do hereby stipulate pursuant to Supreme Court Practice Rule XIV, Section 3(B)(2)(a), that we have agreed to an extension of time for the filing of Appellant's Merit Brief and Supplement to the Merit Brief.

Specifically, we hereby agree that Appellant's Merit Brief and Supplement, which are currently due on December 24, 2007, will now be due on January 14, 2007 pursuant to this agreed twenty (20) day extension of time. No previous extension of time to file Appellant's Merit Brief has been requested.

Date: December 18, 2007.

Respectfully submitted,



TIMOTHY J. FITZGERALD* (#0042734)
*Counsel of Record
GALLAGHER SHARP
Bulkley Building - Sixth Floor
1501 Euclid Avenue
Cleveland, OH 44115-2108
Tel: (216) 241-5310
Fax: (216) 241-1608
E-mail: tfitzgerald@gallaghersharp.com

*Counsel for Plaintiff Appellant,
Kenneth D. McFadden*

as/ William P. Marshall (per e-mail consent)
WILLIAM P. MARSHALL* (#0038077)
SOLICITOR GENERAL
*Counsel of Record
30 E. Broad Street, 17th Floor
Columbus, OH 43215
Tel: (614) 466-8980
Fax: (614) 466-5087
E-mail: wmarshall@ag.state.oh.us

*Counsel for Defendant-Appellee,
Cleveland State University*

PROOF OF SERVICE

A copy of the foregoing *Stipulated Extension of Time to File Appellant's Merit Brief and Supplement* was sent by regular U.S. Mail, postage pre-paid, this 18th day of December, 2007 to the following:

William P. Marshall, Esq.
SOLICITOR GENERAL
30 E. Broad Street, 17th Floor
Columbus, OH 43215

*Counsel for Defendant-Appellee,
Cleveland State University*


TIMOTHY J. FITZGERALD (#0042734)