

In the  
**Supreme Court of Ohio**

KENNETH D. McFADDEN,	:	Case No. 2007-0705
	:	
Plaintiff-Appellant,	:	
	:	
v.	:	On Appeal from the
	:	Franklin County
	:	Court of Appeals,
CLEVELAND STATE UNIVERSITY,	:	Tenth Appellate District
	:	
Defendant-Appellee.	:	Court of Appeals Case
	:	No. 06AP-638
	:	

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**MOTION TO ADMIT BENJAMIN C. MIZER *PRO HAC VICE*  
TO REPRESENT APPELLEE CLEVELAND STATE UNIVERSITY**

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*\*Counsel of Record*

BENJAMIN C. MIZER (*pro hac vice*  
pending)

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**FILED**

FEB 13 2008

CLERK OF COURT  
SUPREME COURT OF OHIO

**MOTION TO ADMIT BENJAMIN C. MIZER *PRO HAC VICE*  
TO REPRESENT APPELLEE CLEVELAND STATE UNIVERSITY**

In accordance with Supreme Court Practice Rule I, Section 2, William P. Marshall (Ohio Bar No. 0038077) moves the Court to admit Benjamin C. Mizer to appear on behalf of and represent *pro hac vice* Appellee Cleveland State University in this case, stating the following grounds:

1. Mr. Mizer is a Deputy Solicitor in Ohio Attorney General Marc Dann's Office, located at 30 East Broad Street, 17th Floor, Columbus, Ohio 43215.
2. Mr. Mizer graduated from the University of Michigan Law School in 2002.
3. Mr. Mizer is admitted to the bars of the State of New York and the District of Columbia. He is also admitted to practice in the United States Supreme Court and the United States Courts of Appeals for the First, Sixth, Ninth, and District of Columbia Circuits. He is a member in good standing of each of these bars.
4. Mr. Mizer has participated in cases on behalf of clients in both state and federal courts.
5. Mr. Mizer has applied for admission to the bar of the State of Ohio and will sit for the bar examination in February 2008.
6. This Court recently admitted Mr. Mizer *pro hac vice* in *Greer-Burger v. Temesi*, No. 2006-1616; *State v. D.H.*, Nos. 2007-0291, 2007-0472; *State v. Bartholomew*, No. 2007-1462; and *Cristino v. Administrator, Ohio BWC*, No. 2007-1052.

William P. Marshall therefore respectfully requests that the Court admit Benjamin C. Mizer *pro hac vice* for the purpose of representing Cleveland State University in this case.

Respectfully submitted,

MARC DANN (0039425)  
Attorney General of Ohio



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WILLIAM P. MARSHALL\* (0038077)  
Solicitor General

*\*Counsel of Record*

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Counsel for Defendant–Appellee  
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**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Motion to Admit Benjamin C. Mizer *Pro Hac Vice* to Represent Appellee Cleveland State University was served by U.S. mail this 13<sup>th</sup> day of February, 2008 upon the following counsel:

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