

IN THE SUPREME COURT OF OHIO

BERTHA LOUDEN, EXECUTRIX,) SUPREME COURT
et al.) CASE NO. 2007-1821
)
Plaintiff-Appellants,) ON APPEAL FROM THE CUYAHOGA
) COUNTY COURT OF APPEALS,
vs.) EIGHTH JUDICIAL DISTRICT
) COURT OF APPEALS
A.W. CHESTERTON CO., *et al.*) CASE NO. 90185
)
Defendant-Appellees)

PLAINTIFF-APPELLANTS' MOTION FOR EXTENSION
OF TIME TO SUBMIT RECORD

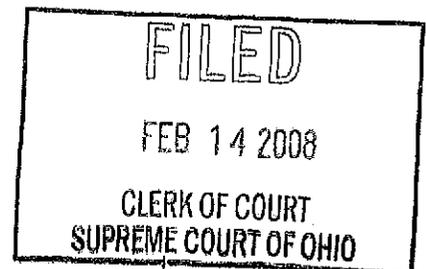
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MOTION

In accordance with Sup.Ct.Prac.R. XVI, Section 4, Plaintiff-Appellants, Bertha Louden, Executrix, and Mary J. Border, Executrix, hereby request that this Court extend the deadline for filing the record by twenty-one (21) days. This Court had accepted discretionary jurisdiction over this appeal on January 23, 2008. Shortly thereafter, the undersigned counsel was advised by the Cuyahoga County Court of Appeals' Clerk's office that the record in this asbestos litigation is voluminous. All of the filings had also been submitted electronically, and will require substantial time and effort to reduce to printed form. In an effort to simplify this process and substantially reduce the amount of paperwork which needs to be submitted to the Supreme Court, the parties are presently attempting to stipulate to the content of the record. *See Affidavit of Paul W. Flowers, Esq., appended hereto as Exhibit A.* Given that this appeal focuses upon the narrow question of whether the Notice of Appeal which had been filed at the trial court level complies with App.R. 3 & 4, it is hoped that only a small portion of the record will need to be transmitted. The undersigned counsel anticipates that the stipulations can be filed together with a suitable Motion and the record completed by March 4, 2008.

CONCLUSION

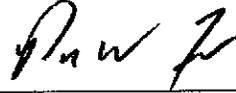
For the foregoing reasons, this Court should grant an additional twenty-one (21) days in which to submit the record under Sup.Ct.Prac.R. V, Section 2.

Respectfully submitted,

John I. Kittel (per authority)

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Motion** has been sent by regular U.S. Mail on this 13th day of February, 2008 upon:

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STATE OF OHIO)
)
COUNTY OF CUYAHOGA) SS

AFFIDAVIT

I, Paul W. Flowers, Esq., having been duly cautioned and competent to testify hereby state as follows from my own personal knowledge:

1. I am one of the attorneys representing Plaintiff-Appellants in this appeal.
2. The factual representations set forth in the foregoing are true and correct to the best of my knowledge, information, and belief. I presently anticipate that the record can be submitted by stipulation to this Court on or before March 4, 2008.

FURTHER AFFIANT SAYETH NAUGHT.



Paul W. Flowers, Esq.

SWORN BEFORE ME IN MY PRESENCE this 13th day of February, 2008.



NOTARY PUBLIC
NOELLE DAYHOFF
Notary Public, State of Ohio, Cuy. Cty.
My commission expires Oct. 28, 2008

