

IN THE SUPREME COURT OF OHIO

TRANS RAIL AMERICA, INC.,

Appellee,

-vs-

JAMES J. ENYEART, M.D.,
HEALTH COMMISSIONER
TRUMBULL COUNTY HEALTH
DEPARTMENT

Appellant.

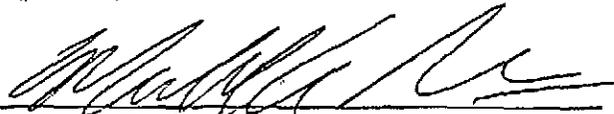
CASE NO. 08-0359

On Appeal from the Franklin County
Court of Appeals, Tenth Appellate
District

**REQUEST FOR EXTENSION
OF TIME TO FILE MERIT
BRIEF OF APPELLEE,
TRANS RAIL AMERICA, INC.**

Pursuant to S. Ct. Prac. R. XIV(3)(B)(2)(b), Appellee requests a ten (10) day extension of time in which to file its merit brief, required by S. Ct. Prac. R. VI. Appellee's merit brief is currently due on or before September 4, 2008. Counsel for Appellee has repeatedly tried to contact Counsel for Appellant to obtain a stipulation for a twenty (20) day extension under S. Ct. Prac. R. XIV(3)(B)(2)(a), however Counsel for Appellant has not responded to any phone calls or faxes. Further, Counsel for Appellee submits that he was not counsel of record at the appellate level and due to the fact that this case is quite complex and presents novel issues of law additional time is required to prepare Appellee's merit brief. Appellee has received no prior extension of time. The Appellee's Merit Brief will be due on September 15, 2008.

Respectfully Submitted,



Michael A. Partlow
Morganstern, MacAdamS, & DeVito Co.
623 West Saint Clair Ave.
Cleveland, Ohio 44113
Phone: (216) 621-4244
Fax: (216) 621-2951
Counsel for Appellee

FILED
SEP 03 2008
CLERK OF COURT
SUPREME COURT OF OHIO

CERTIFICATE OF SERVICE

A copy of the foregoing, Notice of Substitution of Counsel, has been served via regular U.S. Mail, postage pre-paid this 3rd day of September, 2008, upon:

Robert C. Kokor
48 West Liberty Street
Hubbard, Ohio 44425
Phone: (330) 534-1901
Fax: (330) 534-3933

Counsel for Appellant



Michael A. Partlow

Counsel for Appellee