

**IN THE SUPREME COURT OF OHIO**

**STATE OF OHIO,**

Appellee,

v.

**BRETT HARTMAN,**

Appellant.

On Appeal from the  
Summit County Court of Common Pleas

Case No. 98-1475

**THIS IS A DEATH PENALTY CASE**

**NOTICE OF PENDING LITIGATION**

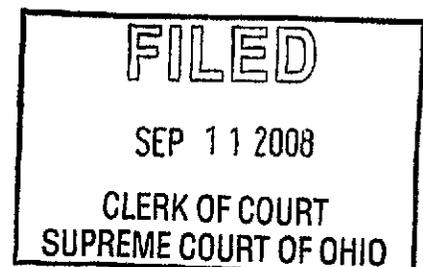
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**COUNSEL FOR APPELLEE,  
STATE OF OHIO**



## NOTICE OF PENDING LITIGATION

This Notice is to update the Court on continuing pending litigation on behalf of Brett Hartman. Brett Hartman intends to take an appeal of right from his dismissal from the lethal injection lawsuit, *Cooey v. Strickland*, Southern District of Ohio, Case No. 04-1156 to the United States Court of Appeals for the Sixth Circuit.

Undersigned counsel intends to meet with Hartman at the Ohio State Penitentiary on September 10, 2008 to have him execute the necessary documents (including an *in forma pauperis* affidavit) to timely appeal the decision of the Southern District of Ohio dismissing him from the lawsuit to the Sixth Circuit.

Undersigned counsel intends to give the Court continuing notice of the filing of the appeal and additional developments as they occur. This procedure is mandated by this Court when an execution date is pending. While no execution date is presently pending, counsel is providing Notice of the intended filing at this time in anticipation of the Court's consideration of the state's Motion to Set Execution date, as this information is relevant to the Court's consideration.

Respectfully submitted,

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By:

  
\_\_\_\_\_  
*Counsel for Appellant  
Brett Hartman*

CERTIFICATE OF SERVICE

A true copy of this Notice was served by regular U.S. Mail this 9<sup>th</sup> day of

September, 2008 on:

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