

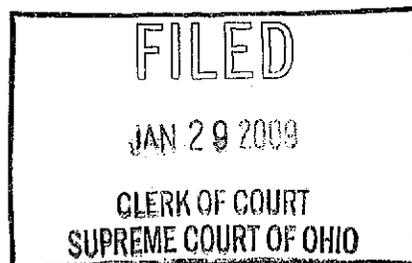
IN THE SUPREME COURT OF OHIO

STATE OF OHIO, et al. : Supreme Court Case No. 08-0418
Appellants, : On Appeal from the Summit
County Court of Appeals,
v. : Ninth Appellate District
CITY OF AKRON, et al., :
Appellees. : **MOTION FOR LEAVE TO FILE**
AFFIDAVIT CORRECTING
STATEMENT IN ORAL ARGUMENT

NOW COME Appellants, Fraternal Order of Police, Akron Lodge No. 7 and Akron Firefighters Association, IAFF Local 330, et al., through their counsel, pursuant to Rule IX, Section 9 of the Ohio Supreme Court Practice Rules, and hereby respectfully request leave of the Court to file an affidavit correcting a statement made by undersigned counsel during oral argument before the Court.

In answering a question of the Court during oral argument, the undersigned counsel made a statement of fact (not contained in the record) that requires correction. The statement of fact, and correction of this statement, does not in any way affect the parties' arguments currently before the Court, nor does it in any way affect the Court's determination on the issues before the Court. However, pursuant to ethical canons, the undersigned counsel is compelled to correct the statement.

The affidavit correcting the statement has been filed concurrently with the Court, should the Court grant the instant Motion.



Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing MOTION FOR LEAVE TO FILE AFFIDAVIT CORRECTING STATEMENT IN ORAL ARGUMENT was served via regular U.S. mail this 27 day of January, 2009, upon Deborah M. Forfia, Assistant Director of Law, City of Akron, 161 South High Street, Suite 202, Akron, Ohio 44308, and Benjamin C. Mizer, Solicitor General, Constitutional Offices Section, 30 East Broad Street, 17th Floor, Columbus, Ohio 43215.



Ryan J. Lemmerbrock (0076915)