

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, ex rel. )  
GERALD O.E. NICKOLI, et al., )  
 )  
Relators, )  
 )  
ERIE METROPARKS, et al., )  
 )  
Respondents. )

CASE NO. 2009-0026

Original Action in Mandamus

---

RESPONDENTS' REQUEST FOR ORAL ARGUMENT ON RESPONDENTS' MOTION  
FOR JUDGMENT ON THE PLEADINGS

---

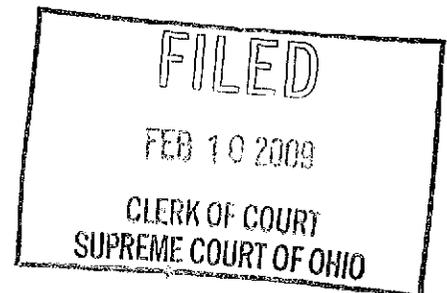
Thomas A. Young (0023070)  
Counsel of Record  
PORTER, WRIGHT, MORRIS & ARTHUR  
LLP  
41 South High Street  
Columbus, Ohio 43215  
(614) 227-2137  
(614) 227-2100 – Fax  
tyoung@porterwright.com

John D. Latchney (0046539)  
TOMINO & LATCHNEY, LLC LPA  
803 East Washington Street, Suite 200  
Medina, Ohio 44256  
(330) 723-4656  
(330) 723-5445 – Fax  
jlatchney@brightdsl.net

Attorneys for Respondents Erie MetroParks  
and Board of Park Commissioners, Erie  
MetroParks

Bruce L. Ingram (0018008)  
Counsel of Record  
Joseph R. Miller (0068463)  
Thomas H. Fusonie (0074201)  
Anne Ralph (0078277)  
VORYS, SATER, SEYMOUR AND PEASE  
LLP  
52 East Gay Street  
Columbus, Ohio 43216-1008  
(614) 464-6480  
(614) 719-4775 – Fax  
[blingram@vorys.com](mailto:blingram@vorys.com)  
[jrmiller@vorys.com](mailto:jrmiller@vorys.com)  
[thfusonie@vorys.com](mailto:thfusonie@vorys.com)  
[aralph@vorys.com](mailto:aralph@vorys.com)

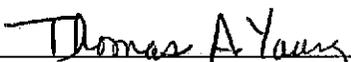
Attorneys for Relators

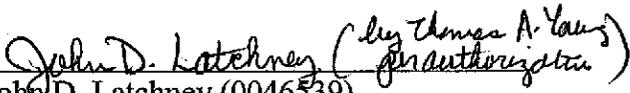


## RESPONDENTS' REQUEST FOR ORAL ARGUMENT

Pursuant to S.Ct.Prac.R.IX(2)(A), Respondents Erie MetroParks and Board of Park Commissioners, Erie MetroParks hereby request oral argument on their Motion for Judgment on Pleadings. This case arises out of a complicated set of facts and involves the application of the doctrine of collateral estoppel as well as the relationship between this case and this Court's prior decision in *State ex rel. Coles v. Granville*, 116 Ohio St.3d 231, 2007-Ohio-6057. Respondents believe it would be helpful for the Court to hear oral argument in such Motion.

Respectfully submitted,

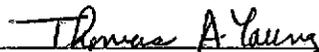
  
\_\_\_\_\_  
Thomas A. Young (0023070)  
Counsel of Record  
PORTER, WRIGHT, MORRIS & ARTHUR LLP  
41 South High Street  
Columbus, Ohio 43215  
(614) 227-2137  
(614) 227-2100 – Fax  
[tyoung@porterwright.com](mailto:tyoung@porterwright.com)

  
\_\_\_\_\_  
John D. Latchney (0046539)  
TOMINO & LATCHNEY, LLC LPA  
803 East Washington Street, Suite 200  
Medina, Ohio 44256  
(330) 723-4656  
(330) 723-5445 – Fax  
[jlatchney@brightdsl.net](mailto:jlatchney@brightdsl.net)

Attorneys for Respondents Erie MetroParks and  
Board of Park Commissioners, Erie MetroParks

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 10<sup>th</sup> day of February, 2009, he served a copy of the foregoing "Respondents' Request For Oral Argument" on Bruce L. Ingram, Esq., VORYS, SATER, SEYMOUR & PEASE, 52 East Gay Street, Columbus, Ohio 43216-1008, counsel of record for Relators, by mailing said copy to him via ordinary United States mail, postage prepaid.

  
\_\_\_\_\_  
Thomas A. Young (0023070)  
Counsel of Record for Respondents