

IN THE SUPREME COURT OF OHIO

DONALD KRIEGER, et al.,	)	Case No.: 2008-1463
	)	
	)	On Appeal from the Cuyahoga
Appellees,	)	County Court of Appeals,
vs.	)	Eighth Appellate District
	)	
	)	Court of Appeals
CLEVELAND INDIANS BASEBALL	)	Case Nos. 89314, 89428, and 89463
Co., et al.,	)	
Appellant.	)	

---

APPELLANT CITY OF CLEVELAND'S NOTICE OF INTENTION NOT TO  
FILE A SUPPLEMENT

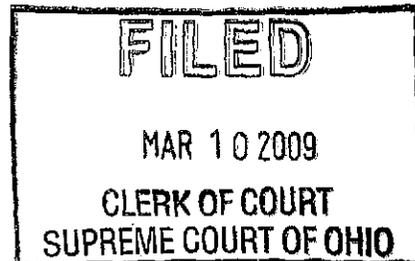
---

Joseph F. Scott (0029780)  
Chief Assistant Director of Law of Litigation  
Jerome A. Payne Jr., (0068586)(COUNSEL OF RECORD)  
Assistant Director of Law  
City of Cleveland Law Department  
601 Lakeside Avenue, Suite 106  
Cleveland, Ohio 44114-1077  
Phone (216) 664-4332  
Fax No. (216) 664-2663  
[jpayne@city.cleveland.oh.us](mailto:jpayne@city.cleveland.oh.us)

COUNSEL FOR APPELLANT, CITY OF CLEVELAND

John J. Spellacy (0065700)(COUNSEL OF RECORD)  
1540 Leader Building  
526 Superior Ave.  
Phone: (216)241-0520  
Fax No. (216) 241-6961  
[jspellacy@spellacylaw.com](mailto:jspellacy@spellacylaw.com)

COUNSEL FOR APPELLEE, DONALD KRIEGER



James W. Burke, Jr. (0010306)(COUNSEL OF RECORD)  
22649 Lorain Road  
Fairview Park, Ohio 44126  
Cleveland, Ohio 44114  
Phone: (440) 777-6500  
Fax No. (440) 777-0507  
[bvglaw@hotmail.com](mailto:bvglaw@hotmail.com)

COUNSEL FOR APPELLEE, CLIFTON OLIVER

Sean P. Allan (0043522)(CO-COUNSEL OF RECORD)  
1300 The Rockefeller Building  
614 W. Superior Avenue  
Cleveland, Ohio 44113  
Phone: (216) 377-0598  
Fax No. (216) 664-6999  
[sallan@agllp.com](mailto:sallan@agllp.com)

CO-COUNSEL FOR APPELLEES, DONALD KRIEGER AND CLIFTON OLIVER

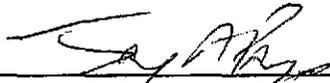
**NOTICE OF INTENT NOT TO FILE SUPPLEMENT**

Pursuant to the Rule VII, Section 1(b) of the Rules of Practice of the Supreme Court of Ohio, Appellant City of Cleveland hereby gives notice of its intention not to file a supplement.

Respectfully submitted,

ROBERT J. TRIOZZI (0016532)  
DIRECTOR OF LAW

By:

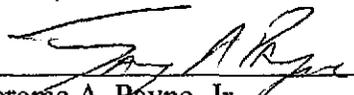
  
\_\_\_\_\_

Joseph F. Scott (0029780)  
Chief Assistant Director of Law of Litigation  
Jerome A. "Jay" Payne, Jr. (0068586)(COUNSEL OF RECORD)  
City of Cleveland Department of Law  
601 Lakeside Avenue, Suite 106  
Cleveland, Ohio 44114-1077  
Telephone (216) 664-4332  
Facsimile (216) 664-2663  
E-mail: [jpayne@city.cleveland.oh.us](mailto:jpayne@city.cleveland.oh.us)

Attorneys for Appellant  
City of Cleveland

### Certificate of Service

I certify that a copy of the Merit Brief of Appellant City of Cleveland was sent by ordinary U.S. mail to counsel for Appellees, James W. Burke, Jr., 22649 Lorain Road, Fairview Park, Ohio 44126; John J. Spellacy, 526 Superior Ave., N.E., 1540 Leader Building, Cleveland, Ohio 44144; and Sean P. Allan, 1300 The Rockefeller Building, 614 W. Superior Avenue, Cleveland, Ohio 44113 on March 11, 2009.

  
\_\_\_\_\_

Jerome A. Payne, Jr.

COUNSEL FOR APPELLANT