

ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE EX REL. GERALD O.E.
NICKOLI AND ROBIN L.B. NICKOLI,
et al.,

Relators,

v.

ERIE METROPARKS, et al.,

Respondents.

Case No. 2009-0026

Original Action in Mandamus

AGREED STIPULATED EXTENSION OF BRIEFING SCHEDULE

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CLERK OF COURT
SUPREME COURT OF OHIO

MEMORANDUM IN SUPPORT

Pursuant to S.Ct. Prac.R. XIV, Section 3(B)(2)(a) and (3), the parties jointly submit this stipulated extension of briefing schedule. The parties have respectfully stipulated to modify the briefing schedule prescribed by this Court's Order of April 8, 2009 with regard to the presentation of evidence and filing of briefs pursuant to S.Ct. R. X.

The parties are currently scheduled to present evidence by April 28, 2009, and then Relators are to file their brief within 10 days of the filing of evidence, on or before May 8, 2009. Respondents are to file their response brief within 20 days after the filing of Relators' brief, on or before May 28, 2009. Relators will then have an opportunity to file a reply brief within 7 days after the filing of Respondents' brief, on or before June 4, 2009.

Since receiving the Court's Order, the parties have been working to obtain evidence in admissible form and to determine if any stipulations can be reached. There are numerous relators involved in this action. As such, the parties will need the additional time requested to prepare the evidence.

Counsel for the parties have conferred and agree that the stipulation is in the best interests of the parties. Accordingly, the parties stipulate to the new date of May 18, 2009 for presenting their evidence and to briefing to follow within the time limitations set by the Court's April 8, 2009 Order, *i.e.*, Relators' brief must be filed by May 28, 2009, Respondents' response brief must be filed by June 17, 2009, and Relators' reply brief must be filed by June 24, 2009.

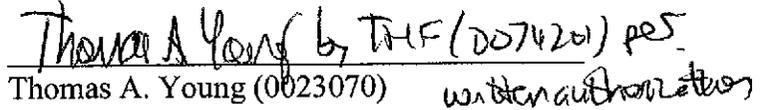
WHEREFORE, the parties jointly respectfully request that the Clerk accept this stipulation for filing.

STIPULATED AND AGREED TO:



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