

ORIGINAL

IN THE SUPREME COURT OF OHIO

JEFF ROHR

Relator

vs.

THE INDUSTRIAL COMMISSION OF OHIO,
et al.

Respondents

CASE NO. 09-0659

MOTION TO STRIKE

Relator, Jeff Rohr, moves this Court for a motion to strike the motion for judgment on the pleadings filed by Respondent, Industrial Commission of Ohio, pursuant to SCt. R XIV, Section 2(D).

It is requested that the Supreme Court impose a new deadline for the filing of the motion in opposition to the motion for judgment on the pleadings filed by the Respondent-Industrial Commission and the motion to dismiss filed by the Respondent-Employer.

IT IS REQUESTED that the deadline be set as of May 25, 2009.

Respectively submitted,

RECEIVED
MAY 22 2009
CLERK OF COURT
SUPREME COURT OF OHIO

M. Blake Stone
M. Blake Stone, #0007397
Attorney for Relator, Jeff Rohr
231 North Buckeye Street
Wooster, OH 44691
(330)262-5246

FILED
MAY 22 2009
CLERK OF COURT
SUPREME COURT OF OHIO

M. BLAKE STONE, L.P.A.
231 NORTH BUCKEYE STREET
WOOSTER, OHIO 44691
(330) 262-5246 FAX (330) 263-4271

CERTIFICATE OF SERVICE

Copies of the foregoing Motion to Strike were mailed this 20th day of May, 2009, to Susan E. Baker, Attorney for Respondent-Employer, 4996 Foote Road, Medina, OH 44256; and to Susan C. ~~Erdman~~, Attorney for Respondent-The Industrial Commission of Ohio, 160 East Gay Street, 22nd Floor, Columbus, OH 43215.


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AFFIDAVIT

STATE OF OHIO)
) ss:
COUNTY OF WAYNE)

I, M. Blake Stone, being duly sworn, state that I am duly sworn according to law and state the following facts:

1. I did not receive a copy of the Motion on Judgment on the Pleadings filed by on May 5, 2009 as set forth in the Certificate of Service on that document.
2. The Industrial Commission did not attach a copy of *State ex rel Molden v. Callander Cleaners Co. (1983), 6 Ohio St. 3d 292, 294.* Nor did they attach a copy of *State ex rel Gatlin v. Yellow Freight Systems, Inc. (1985), 18 Ohio St. 3d 246.*

FURTHER AFFIANT SAYETH NAUGHT.


M. Blake Stone

STATE OF OHIO)
) ss:
COUNTY OF WAYNE)

Subscribed and sworn to before me this 20th day of May, 2009.


Notary Public



Karen Carlton
Notary Public, State of Ohio
My Commission Expires Feb. 26, 2014