

IN THE SUPREME COURT OF OHIO

State of Ohio	)	Case No. 09-0886
	)	
Appellee	)	On Appeal from
	)	The Lucas County Court of Appeals
vs.	)	Sixth Appellate District
	)	
James R. Downour	)	Court of Appeals
	)	Case No. L-08-1029
Appellant	)	

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APPELLANT'S RESPONSE TO STATE'S MOTION TO STRIKE

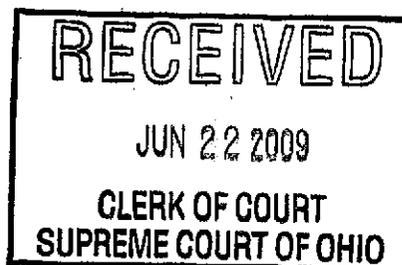
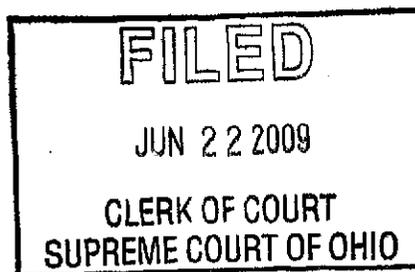
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On June 17, 2009, the State filed a Motion to Strike the Appellant's Memorandum in Support of Jurisdiction due to an alleged failure to provide service. On June 16, 2009, the State's counsel, Mr. Tim Dugan, informed Mr. Downour's counsel that Mr. Dugan had not received a copy of the Memorandum in Support of Jurisdiction. Mr. Downour's counsel mailed a copy of the document to Mr. Dugan that same day, June 16.

Since Mr. Dugan did not receive the Memorandum in Support of Jurisdiction close to the time of filing, Mr. Downour's counsel can only concur with Mr. Dugan that either the document was never sent due to mistake or that the document was sent but did not arrive at Mr. Dugan's office. Mr. Downour's counsel therefore joins in the State's request for a new deadline by which the State may respond to the Appellant's Memorandum in Support of Jurisdiction.

Respectfully submitted,

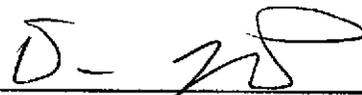


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Dan Nathan

Certificate of Service

I certify that a copy of the foregoing was sent by ordinary U.S. mail on this 19th day of June, 2009, to counsel for the State of Ohio, Tim A. Dugan, 2460 Navarre Avenue, Suite 6, Oregon, Ohio 43616.



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Dan Nathan  
Counsel of Record for  
Appellant James R. Downour