

ORIGINAL

IN THE SUPREME COURT OF OHIO

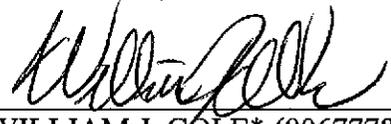
STATE ex rel. WAYNE T. DONER, et al.,	:	Case No. 2009-1292
	:	
Relators,	:	Original Action in Mandamus
	:	
v.	:	
	:	
SEAN D. LOGAN, Director,	:	
Ohio Department of Natural Resources, et al.,	:	
	:	
Respondents.	:	

MOTION OF RESPONDENTS FOR AN EXPEDITED RULING ON THEIR PENDING MOTION FOR EXPEDITED DISCOVERY OR, ALTERNATIVELY, TO REFER THE ACTION TO MEDIATION

Respondents Ohio Department of Natural Resources and Sean D. Logan, Director of the Ohio Department of Natural Resources (collectively, "ODNR"), move this Court for an expedited ruling on ODNR's pending *Motion for Expedited Discovery or, Alternatively, to Refer the Action to Mediation*. A memorandum supporting this motion follows.

Respectfully submitted:

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FILED

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CLERK OF COURT
 SUPREME COURT OF OHIO

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**MEMORANDUM IN SUPPORT OF RESPONDENTS' MOTION
FOR AN EXPEDITED RULING ON THEIR PENDING MOTION**

Pending before this Court is ODNR's *Motion for Expedited Discovery or, Alternatively, to Refer the Action to Mediation*. Under the present writ schedule, ODNR has until Friday, October 30, 2009, to file its evidence.

ODNR is proceeding diligently within the time allotted. In exercising its due diligence, it has requested that Relators' counsel provide the names, addresses, and phone numbers of its expert witnesses, along with any expert affidavits, reports, or other evidence that they intend to file in this case. Relators' counsel has improperly refused these requests. Therefore, simultaneously with this motion, ODNR has moved this Court to expedite discovery and require Relators to immediately make their experts available for deposition. (Alternatively, ODNR asks this Court to refer this action to mediation.)

Because the October 30th deadline is near, ODNR requests an expedited ruling on its pending motion. An expedited ruling will help both sides plan and use their remaining time and resources accordingly.

Accordingly, an expedited ruling on ODNR's pending motion should be granted.

Respectfully submitted:

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing *Motion of Respondents for an Expedited Ruling on Their Pending Motion for Expedited Discovery or, Alternatively, to Refer The Action to Mediation* has been sent by electronic mail and hand-delivery on October 15, 2009 to Bruce L. Ingram, Joseph R. Miller, Thomas H. Fusonie, and Kristi Kress Wilhelmy, VORYS, SATER, SEYMOUR AND PEASE LLP, 52 E. Gay St., Columbus, OH 43216-1008.


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