

NOV 10 2009
CLERK OF COURT
SUPREME COURT OF OHIO

ORIGINAL

APPENDIX C. WAIVER OF MEMORANDUM IN RESPONSE

IN THE SUPREME COURT OF OHIO

STATE OF OHIO ex rel.
ROBERT MERRILL, TRUSTEE, et al.

Case No. 2009-1806

v.

STATE OF OHIO, DEPARTMENT OF
NATURAL RESOURCES, et al.

Waiver of Memorandum in Response*

I am filing this waiver pursuant to S.Ct.Prac.R. III, Section 2(F). I do not intend to file a response to the memorandum in support of jurisdiction unless one is requested by the Court.

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Please enter my appearance as follows (check one):

- Enter my appearance as counsel of record for all appellees.
- There are multiple appellees, and I do not represent all of them. Enter my appearance as counsel of record for the following appellee(s):

L. SCOT DUNCAN

DARLA J. DUNCAN

I certify that I am sending a copy of this form, on this date, to all other parties in compliance with S.Ct.Prac.R. XIV, Section 2(B).

L. Scot Duncan
Signature

Nov 6, 2009
Date

* Note: If a waiver is filed in lieu of a memorandum in response, it must be filed within 20 days after the memorandum in support of jurisdiction is filed. If there are multiple appellants and more than one memorandum in support of jurisdiction is filed, the appellee may file only one waiver, and it must be filed within 20 days after the filing of the last memorandum in support.