

ORIGINAL

IN THE SUPREME COURT OF OHIO

09-2031

**International Association of Heat
and Frost Insulators and Asbestos
Workers, Local Union No. 45**

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Supreme Court Case No. 2008-2139

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Relator,

*

v.

*

**Lucas County Court of Appeals
Sixth Appellate District**

ORIGINAL ACTION IN PROHIBITION
AND MANDAMUS

Respondent.

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FILED
DEC 11 2009
CLERK OF COURT
SUPREME COURT OF OHIO

**RELATOR'S MOTION FOR EXPEDITED RULING ON RELATOR'S MOTION
FOR LEAVE TO FILE AMENDED VERIFIED COMPLAINT FOR WRITS OF
PROHIBITION AND MANDAMUS**

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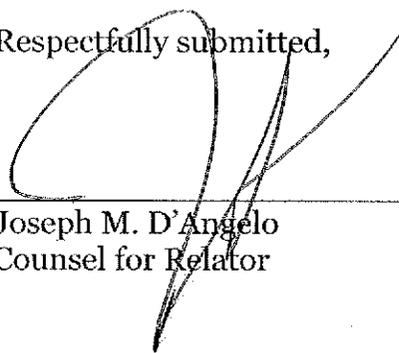
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SUPREME COURT OF OHIO

Relator requests this Court expedite its ruling on Relator's Motion for Leave to File Amended Verified Complaint for Writs of Prohibition and Mandamus filed on December 8, 2009. The sole change in Relator's Amended Verified Complaint for Writs of Prohibition and Mandamus is to specify that this action is being brought in the name of the State on its relation.

Relator is attempting to correct an oversight and minor clerical mistake in its Verified Complaint for Writs of Prohibition and Mandamus. In its Motion for Judgment on the Pleadings, Respondent contends that this mistake warrants dismissal of this entire matter.¹ Respondent is incorrect.² Relator moved for leave to amend to correct its mistake. Relator now asks this Court to expedite its ruling on Relator's Motion to Amend so that this matter may be continue and be resolved on its merits rather than on a pleading deficiency.

Respectfully submitted,



Joseph M. D'Angelo
Counsel for Relator

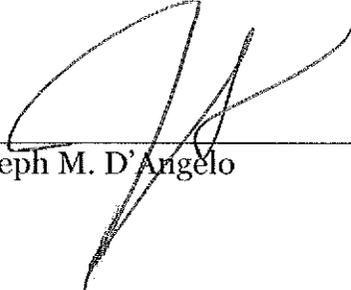
¹ See Respondent's Motion for Judgment on the Pleadings.

² Blankenship v. Blackwell (2004), 103 Ohio St. 3d 567, 574 (holding "when a failure to comply with R.C. 2731.04 is raised and the relator files a motion for leave to amend the caption of the complaint to specify that the mandamus action is brought in the name of the state on their relation, we have granted leave to amend so as to resolve cases on the merits rather than on a pleading deficiency).

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Motion for Expedited Ruling on its Motion for Leave to File Amended Verified Complaint for Writs of Prohibition and Mandamus was served by regular U.S. mail on the 10th day of December 2009 to:

John A. Borell, Esq.
700 Adams Street, Ste 250
Toledo, Ohio 43623
Counsel for Respondent



Joseph M. D'Angelo