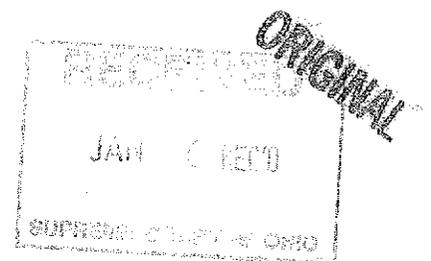


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January 4, 2010

Honorable Thomas J. Moyer
Chief Justice
The Supreme Court of Ohio
65 South Front Street
Columbus, OH 43215-3431

Re: Case No. 09-1806, State ex rel. Merrill v. Ohio Department of Natural Resources,

Dear Mr. Chief Justice:

Acknowledging receipt of your letter of December 23, I have no objection to your participation and will not seek recusal in this matter. To plainly memorialize my understanding in so waiving, the condominium property in which your wife holds an interest owns common property that abuts Lake Erie, including a portion with a bluff by her unit and a more remote portion with a beach. As I view the matter pending before the Court, its decision could affect the boundary of the public and private lands abutting, near or below the public waters of Lake Erie and the respective rights of parties in those lands, including the common elements or grounds owned by the condominium association in which she has an interest. It is conceivable that the determination of this cause might result in some remote and indirect advantage or disadvantage to her unit as it relates to the small percentage interest in the common grounds.

With that understanding, I fully accept your dedication "to fairly and impartially consider the facts, the law and the opinions of the trial court and the court of appeals ...", and waive for the record any objection which I might otherwise interpose as to your complete participation in this matter.

Respectfully submitted,

A handwritten signature in cursive script that reads "Homer S. Taft".

Homer S. Taft (0025112)
Intervening Plaintiff, Pro Se

HST:ns

cc: All counsel

