

**IN THE SUPREME COURT OF OHIO**

**STATE OF OHIO, ex rel.  
ROBERT MERRILL, Trustee, et al.,**

**Plaintiffs-Appellees**

**and**

**HOMER S. TAFT, et al.,**

**Intervening Plaintiffs-  
Appellees-Cross-Appellants**

**v.**

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

**Defendants-Appellants-  
Cross-Appellees,**

**and**

**STATE OF OHIO,**

**Defendant-Appellant-  
Cross-Appellee**

**and**

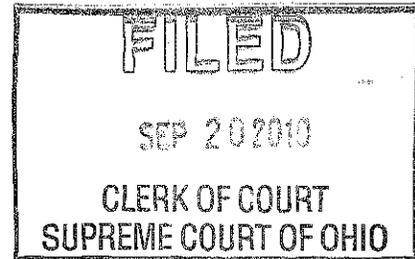
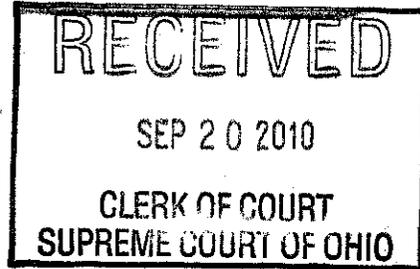
**NATIONAL WILDLIFE FEDERATION, et al.,**

**Intervening Defendants-  
Appellants-Cross-Appellees.**

**Case No. 2009-1806**

**On Appeal from the  
Lake County Court of Appeals  
Eleventh Appellate District**

**Court of Appeals Case Nos.  
2008-L-007, 2008-L-008  
Consolidated**



**MOTION TO ADMIT DAVID L. POWERS *PRO HAC VICE*  
**TO REPRESENT *AMICI CURIAE* SAVE OUR SHORELINE**  
**IN SUPPORT OF CLASS PLAINTIFFS-APPELLEES****

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Logan, Director*

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Appellants-Cross-Appellees, National  
Wildlife Federation and Ohio Environmental  
Council*

NEIL S. KAGAN\* (*pro hac vice* pending)  
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**MOTION TO ADMIT DAVID L. POWERS PRO HAC VICE**  
**TO REPRESENT AMICI CURIAE SAVE OUR SHORELINE**  
**IN SUPPORT OF CLASS PLAINTIFFS-APPELLEES**

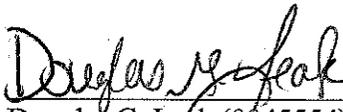
In accordance with S.Ct.Prac.R. 1.2, Douglas G. Leak (Ohio Bar No. 0045554) respectfully moves the Court to admit David L. Powers to appear on behalf of and represent *Pro Hac Vice Amicus Curiae Save Our Shoreline* in support of Class Plaintiffs-Appellees in this case, stating the following grounds:

1. Mr. Powers is a licensed attorney practicing with the law firm of Smith, Martin, Powers & Knier, P.C., located at 900 Washington Avenue, Bay City, Michigan 48708.
2. Mr. Powers graduated from the University of Detroit School of Law in 1986.
3. Mr. Powers is admitted to the bar of the State of Michigan. He is also admitted to practice in the United States District Courts of Eastern Michigan and Western Michigan; the Sixth Circuit Court of Appeals; and the United States Supreme Court. He is a member in good standing of each of these bars.

For these reasons, Douglas G. Leak respectfully requests that this Court admit David L. Powers *pro hac vice* for the purpose of representing *Amici Curiae Save Our Shoreline* in support of Class Appellees in this case.

Respectfully submitted,

Dated: September 16, 2010

By:   
Douglas G. Leak (0045554)  
ROETZEL & ANDRESS, LPA  
1375 East Ninth Street  
One Cleveland Center, 9th Floor  
Cleveland, OH 44114  
(216) 615-4835

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<b>STATE OF OHIO, ex rel.</b>	:	
<b>ROBERT MERRILL, Trustee, et al.,</b>	:	<b>Case No. 2009-1806</b>
	:	
<b>Plaintiffs-Appellees</b>	:	<b>On Appeal from the</b>
	:	<b>Lake County Court of Appeals</b>
<b>and</b>	:	<b>Eleventh Appellate District</b>
	:	
<b>HOMER S. TAFT, et al.,</b>	:	
	:	
<b>Intervening Plaintiffs-</b>	:	
<b>Appellees-Cross-Appellants</b>	:	<b>Court of Appeals Case Nos.</b>
	:	<b>2008-L-007, 2008-L-008</b>
<b>v.</b>	:	<b>Consolidated</b>
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<b>STATE OF OHIO, DEPARTMENT</b>	:	
<b>OF NATURAL RESOURCES, et al.,</b>	:	
	:	
<b>Defendants-Appellants-</b>	:	
<b>Cross-Appellees,</b>	:	
	:	
<b>and</b>	:	
	:	
<b>STATE OF OHIO,</b>	:	
	:	
<b>Defendant-Appellant-</b>	:	
<b>Cross-Appellee</b>	:	
	:	
<b>and</b>	:	
	:	
<b>NATIONAL WILDLIFE FEDERATION, et al.,</b>	:	
	:	
<b>Intervening Defendants-</b>	:	
<b>Appellants-Cross-Appellees.</b>	:	

PROOF OF SERVICE

STATE OF MICHIGAN)  
COUNTY OF BAY ) SS.

THE UNDERSIGNED, being first duly sworn, deposes and says that she is employed in the law offices of SMITH, MARTIN, POWERS & KNIER, P.C., and on the 17th day of September, 2010, upon the following counsel:

RICHARD CORDRAY  
Attorney General of Ohio  
BENJAMIN C. MIZER, Solicitor General  
STEPHEN P. CARNEY, Deputy Solicitor  
CYNTHIA K. FRAZZINI  
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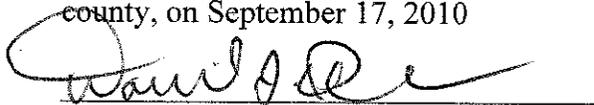
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Columbus, OH 43215-3413

a copy of the MOTION TO ADMIT DAVID L. POWERS PRO HAC VICE of Attorney Douglas G. Leak, and the BRIEF OF AMICUS CURIAE SAVE OUR SHORELINE IN SUPPORT OF CLASS PLAINTIFFS-APPELLEES by placing same in an envelope addressed to the said addressee(s) and by depositing said envelope(s) in the United States mails in a mail receptacle in Bay City, Michigan, with first-class postage fully paid thereon.

  
Dorothy L. Swartzendruber

Subscribed and sworn to before me  
a Notary Public in and for said  
county, on September 17, 2010



David L. Powers  
Notary Public, Bay Co., Michigan  
My comm. expires: 03/18/12