

**ORIGINAL**

**IN THE SUPREME COURT OF OHIO**

DeWAYNE SUTTON, :

PLAINTIFF/APPELLEE, : Case No. 10-0670

v. :

TOMCO MACHINING, INC., : On Appeal from the

DEFENDANT/APPELLANT. : Montgomery County Court of Appeals

: Second Appellate District

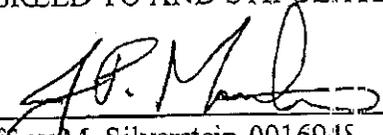
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**STIPULATED AGREEMENT TO GRANT APPELLEE AN EXTENSION OF TIME TO FILE HIS MERIT BRIEF**

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Pursuant to S.Ct.Prac.R. XIV Section 3(B)(2)(a), the parties hereby stipulate to an extension of time of 20-days for Appellee to file his Merit Brief. The new date for filing Appellee's Merit Brief, as agreed to by the parties, shall be October 27, 2010.

AGREED TO AND STIPULATED BY:

  
 Jeffrey M. Silverstein-0016948  
 Jason P. Matthews-0073144  
 (COUNSEL OF RECORD)  
 Jeffrey M. Silverstein and Associates  
 627 South Edwin C. Moses Boulevard  
 Suite 2-C  
 Dayton, OH 45408  
 (937) 228-3731  
 Fax (937) 228-2252  
[Jason@silversteinlaw.com](mailto:Jason@silversteinlaw.com)  
 COUNSEL FOR APPELLEE  
 DeWAYNE SUTTON

*per legal consent Jonathan Hollingsworth with by JPM*  
 Jonathan Hollingsworth-0022976  
 (COUNSEL OF RECORD)  
 J. Hollingsworth & Associates, LLC  
 137 North Main Street, Suite 1002  
 Dayton, OH 45402  
 (937) 424-8556  
 Fax (937) 424-8557  
[jhollingsworth@jhallc.com](mailto:jhollingsworth@jhallc.com)  
 COUNSEL FOR APPELLANT  
 TOMCO MACHINING, INC.

**FILED**

OCT 01 2010

CLERK OF COURT  
 SUPREME COURT OF OHIO

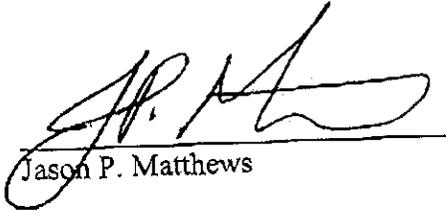
**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was served upon:

Jonathan Hollingsworth, Esq.  
137 North Main Street, Suite 1002  
Dayton, OH 45402-1772

Barton A. Bixenstine, Esq. and Josephine Noble, Esq.  
Ogletree Deakins Nash Smoak & Stewart P.C.  
Key Tower, 127 Public Square, Suite 4130  
Cleveland, OH 44114

by regular U.S. mail this 1st day of October 2010.

  
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Jason P. Matthews