

ORIGINAL

IN THE SUPREME COURT OF OHIO

Case No. 2009-1705

On Appeal from the Cuyahoga County Court of Appeals,
Eighth Appellate District,
Case Nos. 08-091882 and 08-091914

SANDRA L. JANOSEK,
Plaintiff-Appellee,

v.

JAMES C. JANOSEK,
Defendant-Appellant.

**Motion of Appellant James C. Janosek for Leave *Instante* to Correct His
Statement at Oral Argument**

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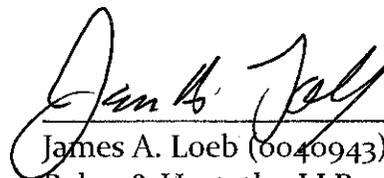
Oral argument was held October 13, 2010 (the date of this filing). On rebuttal, counsel for Appellant James C. Janosek indicated that the spousal support order in this case was not modifiable. However, upon review of the relevant order in question, that indication was inaccurate. The order in question (at page 53 of Appellant's appendix) states in relevant part:

Spousal support shall not be subject to further order of court as to duration but only as to amount within that term. Spousal support shall be subject to earlier termination upon the death of either party or upon Plaintiff's remarriage or cohabitation.

Counsel was unable to find a rule governing such a correction, so he consulted an assistant clerk of courts promptly after the argument, who advised that this issue be raised in this manner and would be accepted for filing, but that it would be up to the Court itself to determine whether to grant this motion.

The undersigned counsel apologizes for this error.

Respectfully Submitted,



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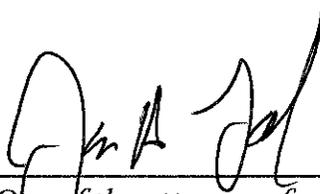
Counsel for Appellant James Janosek

CERTIFICATE OF SERVICE

A copy of the foregoing Motion of Appellant James C. Janosek to Correct His Statement at Oral Argument was sent by first class United States mail, postage prepaid, this 13th day of October, 2010 to attorneys for Appellee, at the following addresses:

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