

ORIGINAL

IN THE SUPREME COURT OF OHIO

Case No. 2010-1203

CITY OF CLEVELAND HEIGHTS

Plaintiff/Appellant,

-vs-

WARREN LEWIS

Defendant/Appellee.

**STIPULATION FOR
EXTENSION OF BRIEF DEADLINE**

KENNETH D. MYERS [0053655]
6100 Oak Tree Blvd., Suite 200
Cleveland, OH 44131
(216) 241-3900 (t)
(440) 498-8239 (f)
kdmy@aol.com

Attorney for Appellee
Warren Lewis

KIM T. SEGEBARTH [0018872]
Prosecuting Attorney
BRENDAN D. HEALY [0081225]
Asst. Law Director
City of Cleveland Heights
40 Severance Circle
Cleveland Hts., OH 44118
(216) 291-5775 (t)
(216) 291-3731 (f)
Ksegebarth@clvhts.com
Bhealy@clvhts.com

Attorneys for Appellant
City of Cleveland Heights

FILED
DEC 29 2010
CLERK OF COURT
SUPREME COURT OF OHIO

DEC 23 2010 02:23 FRONTIER 48733253 18:1813313333 177

STIPULATION FOR
EXTENSION OF BRIEF DEADLINE

Now come all parties, by and through undersigned counsel, and hereby stipulate to a twenty-day (20-day) extension of the briefing schedule applicable to the Appellee in this case. This stipulation is agreed-to pursuant to S.Ct.R. Prac. 14.3(B)(2)(a).

Appellee's brief is currently due on December 29, 2010; the parties stipulate that the Appellee's brief will be due on January 18, 2011.

As cause for the stipulated extension, the undersigned cites two reasons: 1) undersigned counsel has taken some vacation time during the pending holiday period and has been unable to complete the brief in the required time due to vacation time; and 2) undersigned counsel has become aware that at least one **amicus curiae** would like the opportunity to submit a brief in support of the Appellee. The potential **amicus** has indicated that it requires additional time to get approval from its board of trustees to participate in this case and additional time to write a brief. Granting additional time would allow both Appellee and **amicus** to provide this Court with a more complete exposition of the issues and viewpoints of interested parties.

The Cuyahoga County Public Defender's office has expressed an interest in writing an **amicus** brief. In addition, the Ohio Public Defender's office has also expressed interest. A representative of the Cuyahoga County Public Defender's office has asked undersigned

counsel to request additional time for the purpose of obtaining approval of its board and, assuming approval, to write the brief.

Wherefore, Appellee asks this Court to approve the stipulated extension of time for Appellee to file his brief so that Appellee and any interested amici can file a brief on or before January 18, 2011.

Respectfully submitted,



KENNETH D. MYERS [0053655]
6100 Oak Tree Blvd., Suite 200
Cleveland, OH 44131
(216) 241-3900
(440) 498-8239 (f)

Counsel for Appellee
Warren Lewis

CERTIFICATE OF SERVICE

The foregoing has been served, via regular U.S. mail, postage prepaid, on Kim T. Segebarth, Esq., Cleveland Heights Prosecutor, 40 Severance Circle, Cleveland Heights, OH 44118, this 29th day of December, 2010.



KENNETH D. MYERS

Counsel for Appellee
Warren Lewis