

ORIGINAL

FILED
FEB 28 2011
CLERK OF COURT
SUPREME COURT OF OHIO

IN THE SUPREME COURT OF OHIO

SANDRA HAVEL)

Plaintiff-Appellee,)

vs.)

VILLA ST. JOSEPH, et al)

Defendants-Appellants.)

Supreme Court Case No. 2010-2148

On Appeal from the Cuyahoga County
Court of Appeals, Eighth Appellate
District Case No. CA 94677

RECEIVED
FEB 28 2011
CLERK OF COURT
SUPREME COURT OF OHIO

MOTION FOR EXTENSION OF
TIME TO FILE BRIED ON BEHALF
OF DEFENDANTS-APPELLANTS
VILLA ST. JOSEPH AND VILLAGE
OF MARYMOUNT

Defendants-Appellants, Villa St. Joseph and Village of Marymount, by and through counsel, and hereby move this Honorable Court for a twenty (20) day extension of time, until April 25, 2011, in which to file their Brief for which to file their Brief in the instant matter.

S. Ct. Prac. 14.3(B)(2)(a) provides that an extension of time, not to exceed twenty (20) days, are granted as a matter of course with an agreed stipulation of all parties. In accordance, counsel for Defendants-Appellants contacted counsel for Plaintiff-Appellee requesting an agreed stipulation for an extension of time. (See Exhibit A, email dated February 24, 2011). In response, counsel for Plaintiff-Appellee refused to consent to an agreed stipulation for an extension of time stating as follows:

“I am not willing to agree to an extension of time. If you want one you will have to file a motion.”

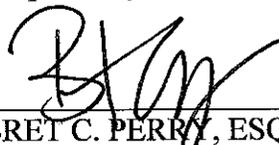
(Emphasis added.)(Exhibit B, email dated February 24, 2011.)

Due to the refusal to extend opposing counsel this customary professional courtesy and stipulate to an agreed extension of time to submit Briefs, Defendants-Appellants are now

reluctantly before this Court and seek an extension of time, not to exceed twenty (20) days, in which to file their Brief. Defendants-Appellants request that this Court grant this requested extension due to the unique nature of the issue before this Court, the fact that this appeal calls into question the constitutionality of recently enacted legislation, and the undeniable fact that the outcome of this appeal will impact civil-litigants before all Ohio courts in matters alleging a claim for punitive damages. The requested extension of time will permit Defendants-Appellants to properly, and appropriately, address these concerns and will not prejudice any other party to this appeal.

For the reasons set forth above, and for good cause shown, defendants-appellants Villa St. Joseph and Village of Marymount request an Order from the Court extending the period of time for which to file Appellants' Brief pursuant to S. Ct. Prac. R. 14.3(B)(2)(b) for a period of twenty (20) days, and until April 25, 2011.

Respectfully submitted,



BRET C. PERRY, ESQ. (0073488)
STEVEN J. HUPP, ESQ. (0040639)
DONALD J. RICHARDSON, ESQ. (0068786)
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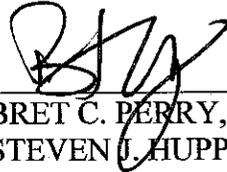
Attorneys for Defendants-Appellants
Villa St. Joseph and Village of Marymount

CERTIFICATE OF SERVICE

A true copy of the foregoing was served by Regular US Mail, postage prepaid, this 25th day of February, 2011 upon the following:

Blake A. Dickson, Esq.
The Dickson Firm
3401 Enterprise Parkway
Suite 420
Cleveland, OH 44122

Attorney for Plaintiff-Appellee



BRET C. PERRY, ESQ. (0073488)
STEVEN J. HUPP, ESQ. (0040639)
DONALD J. RICHARDSON, ESQ. (0068786)

Attorneys for Defendants-Appellants
Villa St. Joseph and Village of Marymount

Melissa M. Jersan

From: Bret C. Perry
Sent: Thursday, February 24, 2011 7:37 AM
To: Blake A. Dickson
Cc: Melissa M. Jersan; Jennifer R. Becker
Subject: Havel

Blake

The Supreme Court rev'd the record on 2/23/2011 in the above. I would like to move for an extension of time to file our Brief. S. Ct. R. 14.3(B)(1) provides that the parties may stipulate to an extension, not to exceed twenty days. Likewise, S. Ct. R. 14.3(B)(2) provides that each party may obtain only one agreed upon extension.

Would you be agreeable to an extension of time? I would of course extend the same courtesy. If you are agreeable, I will file the necessary agreed extension of time.

If my calculations are correct, our Brief is due on April 4, 2011 as currently situated. With an extension of time, the Brief would be due on April 25, 2011.

Thanks and look forward to hearing from you.

Bret

Bonezzi Switzer Murphy Polito & Hupp Co. L.P.A.
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Melissa M. Jersan

From: Bret C. Perry
Sent: Thursday, February 24, 2011 8:42 AM
To: Melissa M. Jersan
Subject: FW: Havel

pp

From: Blake A. Dickson [<mailto:BlakeDickson@TheDicksonFirm.com>]
Sent: Thursday, February 24, 2011 8:37 AM
To: Bret C. Perry
Subject: RE: Havel

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If you want one you will have to file a motion.

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The Dickson Firm Stop Elder Abuse

Representing Victims of Abuse and Neglect.

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