

IN THE SUPREME COURT OF OHIO

STATE ex rel. WAYNE T. DONER, et al.,	:	Case No. 2009-1292
	:	
Relators,	:	Original Action in Mandamus
	:	
v.	:	Master Commissioner Campbell
	:	
SEAN D. LOGAN, Director,	:	
Ohio Department of Natural Resources, et al.,	:	
	:	
Respondents.	:	

**MEMORANDUM OF RESPONDENTS IN OPPOSITION TO
RELATORS' SUPPLEMENTAL MOTION FOR LEAVE TO FILE
SUPPLEMENT TO PRESENTATION OF EVIDENCE**

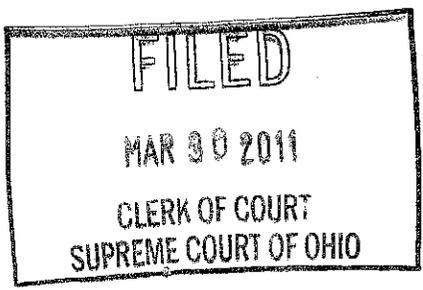
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For the second time this month, Relators seek leave to add to the voluminous evidentiary record more attestations, photographs, and videos of recent flooding in Mercer County. As is the case with their March 10, 2011 motion and proposed submissions, Relators' request comes more than nine months after the expiration of this Court's evidence-submission deadline. Their supplemental proposed submissions likewise lack any expert technical or scientific analysis or opinion to support their repeated conclusion that the Grand Lake St. Marys western spillway and current lake-level management practices have caused more severe flooding on their and others' lands. And, again, Relators' photographs are frequently accompanied by prejudicial, self-serving written statements that are not verified, cannot be cross-examined, and therefore are not reliable as evidence.

Relators' latest filing further illustrates the need for the Court to enforce its deadlines. For the reasons set forth in Respondents' March 21, 2011 opposition memorandum, which Respondents incorporate herein by reference, Respondents urge this Court to deny Relators' March 21, 2011 supplemental motion.

Respectfully submitted:

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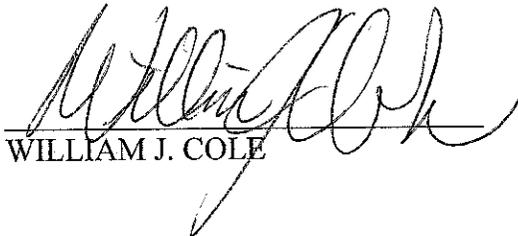
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was sent by electronic and regular mail on March 30, 2011, to Bruce L. Ingram, Joseph R. Miller, Thomas H. Fusonie, Kristi Kress Wilhelmy, and Martha C. Brewer, Vorys, Sater, Seymour & Pease, P.O. Box 1008, Columbus, OH 43216.



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