

ORIGINAL

IN THE SUPREME COURT OF OHIO

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

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**MOTION OF RESPONDENTS FOR AN EXPEDITED RULING ON  
THEIR MOTION FOR LEAVE TO  
SUPPLEMENT PRESENTATION OF EVIDENCE**

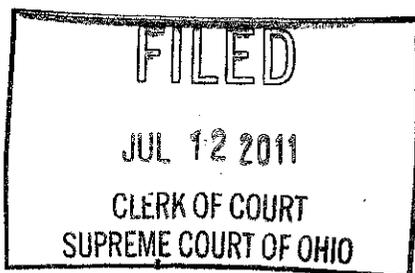
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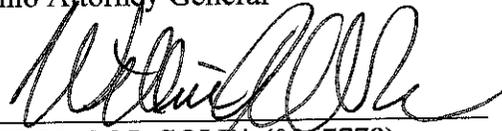
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Due to time constraints, Respondents move for an expedited ruling on their motion for leave to supplement their evidence in response to Relators' supplemental evidence, which has been filed simultaneously with this motion. A memorandum in support follows.

Respectfully submitted:

MICHAEL DeWINE  
Ohio Attorney General



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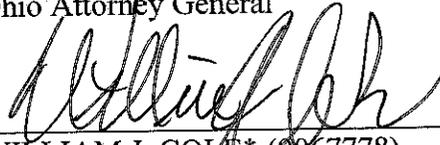
**MEMORANDUM IN SUPPORT OF RESPONDENTS' MOTION FOR AN  
EXPEDITED RULING ON THEIR MOTION FOR LEAVE  
TO SUPPLEMENT PRESENTATION OF EVIDENCE**

Simultaneously with this motion, Respondents are moving this Court for leave to supplement their presentation of evidence in response to Relators' supplemental evidence. Although Relators attached their supplemental evidentiary submissions to their motions for leave in March 2011, this Court did not rule on Relators' motions until July 6, 2011. Two days later, the Court scheduled this case for oral argument on September ~~24~~<sup>20</sup>, 2011.

Based on these recent developments, Respondents request an expedited ruling on their motion for leave. While Respondents wish to respond to Relators' supplemental evidence, they do not wish to expend their efforts and engage their experts at taxpayers' expense unless and until this Court grants them leave to do so. Respondents also wish to have the same opportunity that Relators have to refer to their supplemental evidence during oral argument. Because oral argument is scheduled for September ~~24~~<sup>20</sup>th, Respondents request an expedited ruling on their motion for leave.

Respectfully submitted:

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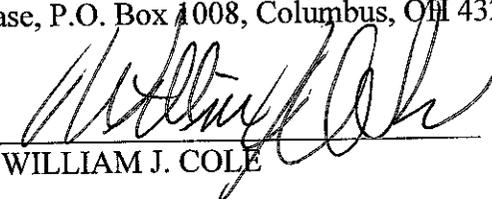
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Counsel for Respondents

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was sent by electronic and regular mail on July 12, 2011, to Bruce L. Ingram, Joseph R. Miller, Thomas H. Fusonie, and Martha C. Brewer, Vorys, Sater, Seymour & Pease, P.O. Box 1008, Columbus, Ohio 43216.



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