

ORIGINAL

IN THE SUPREME COURT OF OHIO

Sandra Havel, as the Personal Representative of the Estate of John Havel (Deceased), Appellee, vs. Villa St. Joseph, et al., Appellants.

CASE NO. 2010-2148 On Appeal from the Court of Appeals for Cuyahoga County, Eighth Appellate District, Case No. CA 94677

FILED AUG 04 2011 CLERK OF COURT SUPREME COURT OF OHIO

APPELLEE'S MOTION TO RESCHEDULE ORAL ARGUMENT

Now comes Appellee Sandra Havel, as the personal representative of the Estate of John Havel (deceased), by and through her attorney, Blake A. Dickson of The Dickson Firm, L.L.C., and hereby respectfully requests that this Honorable Court Reschedule the Oral Argument, which is currently scheduled to take place on September 20, 2011, for good cause shown, pursuant S.Ct. Prac. R. 9.5(B).

On July 14, 2011, this Court issued a Notice to the parties scheduling the oral argument for this case to take place on September 20, 2011.

Appellee's counsel, Blake A. Dickson, is scheduled to be in a jury trial before the Richland County Court of Common Pleas on September 20, 2011, in the case of Velma Bowling, as the personal representative of the Estate of Bertha C. Adkins v. Woodlawn v. Woodlawn Health Care & Rehabilitation Center, et al., Case No. 09 CV 1567. The jury trial is currently scheduled to start on September 15, 2011 and is expected to last approximately two (2) weeks.

It would be an extreme hardship on the parties, their counsel, and their witnesses including their experts if this jury trial had to be postponed.

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The *Bowling* jury trial was originally scheduled to begin on March 31, 2011. It was later continued to August 4, 2011. It was again continued to September 15, 2011.

The *Bowling* jury trial will last approximately two (2) weeks. Numerous witnesses are expected to testify both lay and expert. Over two dozen lay witnesses have already been subpoenaed to testify at trial and many of them have already rearranged their work schedules in anticipation of their trial testimony. Plaintiff's expert witnesses are scheduled to testify, live at trial. The Richland County Coroner has been subpoenaed to testify live at trial. Decedent Bertha Adkins' family has made arrangements to attend the trial.

Appellee's counsel recognizes that Supreme Court assignments take precedence over all other court assignments. Appellee's counsel acknowledges that this Honorable Court rarely grants motions to vary the time and/or date of oral arguments pursuant to S.Ct. Prac. R. 9.5(B). However, due to the hardship that would be caused to the parties, counsel, witnesses, and expert witnesses involved in the *Bowling* case, Appellee respectfully requests that this Honorable Court reschedule the oral arguments in the *Havel* case.

Appellee's counsel is currently available to participate in oral arguments in the within case on any of the following dates: Wednesday, September 21, 2011 (the day after the scheduled oral argument in this case) or Wednesday, September 28, 2011. Appellee's counsel is available on either of these dates because The Honorable Judge Henson does not conduct civil jury trials on Wednesdays.

Plaintiff's counsel is also currently available on: October 24, 25, 26, 27, 28, 31, 2011.

Accordingly, Appellee Sandra Havel respectfully requests that this Honorable Court Reschedule the Oral Argument in the within case due to Appellee's counsel's unavailability on

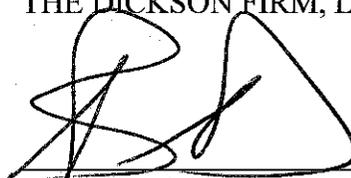
September 20, 2011, to one of the dates listed above or to another date that is convenient for this Honorable Court.

This Motion is not being made for the purpose of delay.

This Motion should be granted in the interest of justice.

Respectfully submitted,  
THE DICKSON FIRM, L.L.C.

By:



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Attorney for Plaintiff-Appellee Sandra Havel, as the personal representative of the Estate of John Havel (deceased).

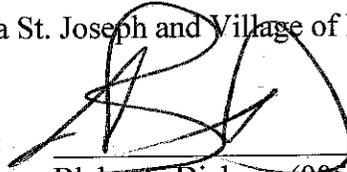
**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing, Appellee's Motion to Reschedule Oral Argument, was sent by ordinary U.S. mail this 3<sup>rd</sup> day of August, 2011, to:

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By:



Blake A. Dickson (0059329)

Attorney for Plaintiff-Appellee Sandra Havel, as the personal representative of the Estate of John E. Havel (deceased).