

ORIGINAL

IN THE SUPREME COURT OF OHIO  
COLUMBUS, OHIO

STATE EX REL. GARY D. ZEIGLER,  
STARK COUNTY TREASURER,

Relator,

CASE NO. 10-1570

-vs-

ALEXANDER A. ZUMBAR,

ORIGINAL ACTION IN  
*QUO WARRANTO*

Respondent.

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**RESPONDENT'S MOTION TO STRIKE MATTERS  
IN RELATOR'S RESPONSE TO MOTION TO  
RECONSIDERATION OUTSIDE OF RECORD**

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STARK COUNTY PROSECUTING  
ATTORNEY

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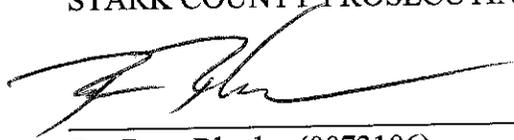
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Respondent respectfully moves this Court to strike those portions of Relator's Brief in Opposition to Respondent's Motion for Reconsideration. The brief improperly refers to matters that are not part of the record in this case and, therefore, are not properly before this Court for consideration. Specifically, Relator suggests that Respondent's argument that Zeigler cannot obtain a bond is moot by claiming that a new bond has been obtained and will be instituted. No such bond has been obtained. This statement is outside of the record and the matter is not moot..

Respectfully submitted,

JOHN D. FERRERO  
STARK COUNTY PROSECUTING ATTORNEY



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By: Ross Rhodes (0073106)  
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Counsel for Respondent

PROOF OF SERVICE

This is to certify that a copy of the foregoing Respondent's Motion to Strike Matters in Relator's Response to Motion to Reconsideration Outside of Record has been sent by ordinary mail, postage prepaid, and via e-mail (mnakon@wickenslaw.com) on this 10<sup>th</sup> day of August, 2011 to: Matthew W. Nakon, Wickens, Herzer, Panza, Cook & Batista Co., 35765 Chester Road, Avon, Ohio 44011, counsel of record for Relator.

A handwritten signature in black ink, appearing to read 'Ross Rhodes', written over a horizontal line.

Ross Rhodes (0073106)  
Counsel for Respondent