

The Supreme Court of Ohio

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65 SOUTH FRONT STREET, COLUMBUS, OH 43215-3431

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ROBERT R. CUPP
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CLERK OF COURT
SUPREME COURT OF OHIO

William H. Barney, III
Dunlevey, Mahan & Furry
110 N. Main St., Ste 1000
Dayton, OH 45402

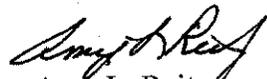
Re: *James Spencer v. FHI, LLC, Case No. 10-2138*

Dear Mr. Barney:

The above-named case is scheduled for oral argument on Tuesday, October 18, 2011. Pursuant to S.Ct. Prac. R. 9.3, a party who does not file a merit brief in compliance with S.Ct. Prac. R. 6.2 and 6.3, is deemed to have waived oral argument. Since a merit brief was not filed on behalf of the party you are representing, you are not permitted to argue the case.

If you have any questions regarding this matter, please contact me at (614) 387-9540.

Sincerely,



Amy L. Reitz
Chief Deputy Clerk

cc: Alexandra T. Schimmer
John J. Scaccia