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**IN THE SUPREME COURT OF OHIO**

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APPEAL FROM THE COURT OF APPEALS  
EIGHTH APPELLATE DISTRICT  
CUYAHOGA COUNTY, OHIO

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JNT PROPERTIES, LLC  
*Plaintiff-Appellee*

v.

KEYBANK NATIONAL ASSOCIATION  
*Defendant-Appellant*

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**APPELLEE'S UNOPPOSED MOTION FOR CONTINUANCE OF  
ORAL ARGUMENT DATE**

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**FILED**  
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SUPREME COURT OF OHIO

Appellee JNT Properties, LLC hereby respectfully moves this Honorable Court for a continuance of the May 9, 2012 oral argument date due to exigent circumstances that are beyond the control of Appellee's counsel. Specifically, the wife of Appellee's lead counsel and counsel of record, Mark R. Koberna, is scheduled for reconstructive breast surgery on May 9, 2012 at The Cleveland Clinic in Cleveland, Ohio. Mr. Koberna's wife has been battling breast cancer and Mr. Koberna's presence with her for her surgery is of paramount importance to both Mr. Koberna and his wife.

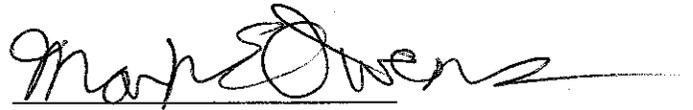
There have been no prior requests for continuance of the oral argument date in this case. But for the exigent circumstances created by the aforementioned surgery, Mr. Koberna would have no difficulty in presenting oral argument on behalf of Appellee on May 9, 2012. As lead counsel, counsel of record for Appellee in this appeal, the attorney having the most familiarity with the facts and legal arguments in this matter and the attorney having the most experience for Appellee in appellate argument and appellate practice, it is very important that Mr. Koberna be able to argue on the merits of this appeal on behalf of Appellee.

This Motion is not made for purposes of delay, but solely to allow Mr. Koberna to be present with his wife on the date of her surgery. Furthermore, the relief requested in this Motion would not result in any prejudice to Appellant or need for extension of any other deadlines or case management dates set in this appeal. The undersigned counsel has conferred with opposing counsel, Hugh Stanley, who has indicated that he has no objection to the requested continuance of the oral argument date. Appellee, on the other hand, would be prejudiced if this Motion is denied and Mr. Koberna is unable to present oral argument on behalf of Appellee.

For the foregoing reasons, Appellee respectfully requests that the Court continue the currently-scheduled oral argument to permit Mr. Koberna to be present for his wife's surgery.

A proposed Order is attached hereto as Exhibit A.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark R. Koberna", written over a horizontal line.

Mark R. Koberna (0038985)

(COUNSEL OF RECORD)

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Mark E. Owens (0068335)

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*Attorneys for Appellee JNT Properties, LLC*

**CERTIFICATE OF SERVICE**

A true and correct copy of the foregoing document has been served by United States Mail, postage prepaid, and by electronic mail this <sup>3<sup>rd</sup></sup> day of April, 2012 upon the following:

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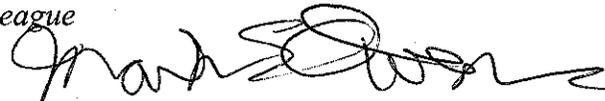
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**ORDER CONTINUING ORAL ARGUMENT DATE**

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Upon due consideration of Appellee's Unopposed Motion for Continuance of Oral Argument Date, the oral argument date in this matter, previously scheduled for May 9, 2012, is continued. Oral argument shall be heard on the above-styled case on \_\_\_\_\_ at \_\_\_\_\_.

**IT IS SO ORDERED.**

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**EXHIBIT A**