

IN THE SUPREME COURT OF OHIO

STATE OF OHIO EX REL.
WAYNE T. DONER, ET AL.,

Relators,

v.

Case No.: 2009-1292

SEAN D. LOGAN, DIRECTOR
OHIO DEPARTMENT OF
NATURAL RESOURCES, ET AL.,

Respondents.

UNOPPOSED MOTION FOR SUBSTITUTION OF PARTIES
BY DAVID D. KARR, SUCCESSOR TRUSTEE
OF THE JEAN A. KARR REVOCABLE TRUST

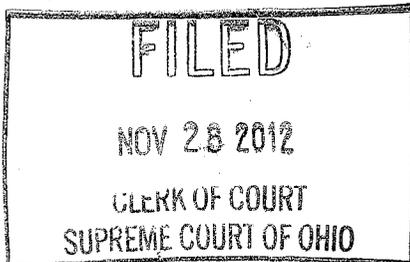
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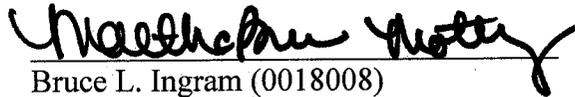


MOTION FOR SUBSTITUTION OF PARTIES

David D. Karr, Successor Trustee of the Jean A. Karr Revocable Trust, respectfully moves this Court, pursuant to Rule 25(A) of the Ohio Rules of Civil Procedure, to substitute David D. Karr, Successor Trustee of the Jean A. Karr Revocable Trust, as a party in place of Jean Karr, Trustee of the Jean A. Karr Revocable Trust ("Trust"). The takings claims of the Trust are not extinguished by Jean Karr's death. A supporting memorandum is submitted for the Court's consideration. Counsel for Respondents has consented to the substitution of parties.

Dated: November 27, 2012

Respectfully submitted,



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MEMORANDUM IN SUPPORT

This action was commenced on July 17, 2009 by relators, including Jean Karr, Trustee of the Jean A. Karr Revocable Trust (the "Trust"). Ms. Karr passed away on October 20, 2012. Ms. Karr's son, David D. Karr, is Successor Trustee of the Trust and now moves this Court to be substituted as the representative of the party relator, the Trust.

This Motion is made pursuant to Ohio R. Civ. P. 25(A), which provides for the substitution of proper parties in the event a party dies. Ohio R. Civ. P. 25(A)(1) ("If a party dies, and the claim is not thereby extinguished, the court shall, upon motion, order substitution of the proper parties."). In the present case, the claims asserted by Ms. Karr for the Trust are not extinguished by her death. Specifically, a relator's claims for injury to property – such as Ms. Karr's claims for the Trust – survive the relator's death. See, e.g., Ohio Rev. Code § 2305.21. No prejudice or delay will accrue by granting this motion, and the motion is made in good faith.

For the foregoing reasons, David D. Karr, as Successor Trustee of the Trust, respectfully submits that this substitution is in the interest of justice and requests that this Court grant his motion for leave to substitute parties as set forth herein. Counsel for Respondents has consented to the substitution.

Dated: November 28, 2012

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing was served upon the following, via U.S. Mail postage prepaid and email, this 28th day of November, 2012:

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