

**IN THE SUPREME COURT  
OF OHIO**

**STATE OF OHIO, ex rel  
ANTHONY SYLVESTER  
AAA SLY BAIL BONDS**

**CASE NO. 2012-1742**

**MOTION TO STRIKE**

**Relator**

**vs.**

**TIM NEAL  
WAYNE COUNTY CLERK OF  
COURTS**

**Respondent**

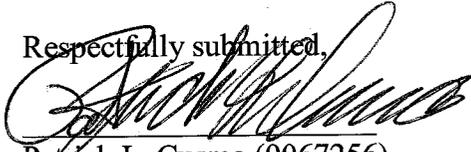
**FILED**  
DEC 05 2012  
CLERK OF COURT  
SUPREME COURT OF OHIO

Pursuant to Supreme Court Practice Rule 14.2, Patrick L. Cusma counsel for the Relator, Anthony Sylvester, d/b/a/ AAA Sly Bail Bonds, states that he never received a copy of the Respondents' Motion to Dismiss which was filed November 19, 2012. Relators' counsel only became aware of the filing by checking the docket on December 3, 2012. Relators' counsel spoke with the Respondents' counsel regarding the filing of a Stipulated Extension of Time to Respond, but the Supreme Court rules do not allow such a stipulation. Because Relators' counsel did not receive the motion, the Relator is adversely affected because counsel did not have the opportunity to respond to the Respondents' Motion to Dismiss, which if granted would adversely affect the Relator. This Motion is supported by Affidavits from the Relator's counsel, and counsel staff stating that no mail has been received from the Respondent's counsel since November 16, 2012, the service date on the Motion. Therefore the Relator is asking this Court, as

allowed by rule 14.2(D) (2), to order the document served and impose a new deadline for filing a responsive document or in the alternative to strike the Motion.

**RECEIVED**  
DEC 05 2012  
CLERK OF COURT  
SUPREME COURT OF OHIO

Respectfully submitted,



Patrick L. Cusma (0067256)  
Attorney for the Defendant  
116 Cleveland Ave Suite 702  
Canton, Ohio 44702  
330-454-9960  
330-454-9979 fax

**CERTIFICATE OF SERVICE**

On December 3, 2012, a true and accurate copy of the forgoing was served on Attorney for the Respondent, Nathan R. Shaker, Wayne County Prosecutor's Office 115 West Liberty St., Wooster, Ohio 44691 via e-mail and by regular U.S. Mail.



STATE OF OHIO :  
:SS  
COUNTY OF STARK :

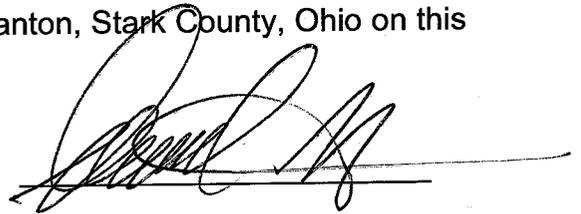
Affidavit of Makenna Taylor

Now comes Makenna Taylor and being first duly sworn according to law, hereby states from personal knowledge as follows:

1. I am over the age of 18 and competent to state the following by first hand knowledge.
2. That I am the paralegal secretary for attorney Patrick L. Cusma.
3. That part of my duties includes receiving and sorting the mail.
4. That I never received any mail for Patrick L. Cusma from Daniel R. Lutz, Nathan R. Shaker or anyone form the Wayne County Prosecutors' office.
5. Further, Affiant sayeth naught.

  
Makenna Taylor

4<sup>th</sup> Sworn to and subscribed in my presence at Canton, Stark County, Ohio on this day of December 2012.



Prepared by  
Patrick L. Cusma Attorney at Law

Notary Public



DEAN L. GRASE, Attorney At Law  
NOTARY PUBLIC - STATE OF OHIO  
My commission has no expiration date  
Sec. 147.03 R.C.