

**IN THE SUPREME COURT OF OHIO**

STATE OF OHIO ex rel.  
CHANCE CATUDAL,

Relator,

v.

JUDGE KIM A. BROWNE

And

FRANKLIN COUNTY COMMON  
PLEAS COURT, DOMESTIC  
RELATIONS DIVISION,

Respondents.

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Case No. 2012-1795

Original Action for Issuance of Writ  
of Mandamus

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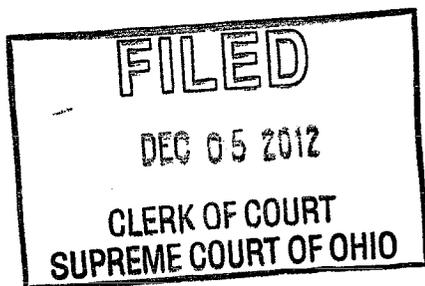
**RESPONDENTS' RESPONSE TO RELATOR'S MOTION  
TO STRIKE RESPONDENTS' MOTION TO DISMISS**

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*Counsel for Respondents*



**RESPONDENTS' RESPONSE TO RELATOR'S MOTION TO STRIKE  
RESPONDENTS' MOTION TO DISMISS**

**I. Background**

On November 19, 2012, Respondents' filed a Motion to Dismiss the underlying Writ Petition. The Motion to Dismiss contained a clerical error which incorrectly listed Relator's address as 2783 Martin Road #353, *Chillicothe, Ohio 45601*, (emphasis added) instead of the correct address of 2783 Martin Road #353, *Dublin, Ohio 43017*, both on the cover page as well as within the Certificate of Service attached thereto. On or about December 3, 2012, undersigned counsel was informed via e-mail from Relator that he had not received a copy of the Motion to Dismiss and a request the same be provided to him. As a result, and despite Relator's indication he had "downloaded a copy," (see, Mot. Dis. Ex. U), undersigned sent an electronic copy of the Motion via e-mail on December 3, 2012. On December 3, 2012, Relator filed the instant Motion to Strike. Now come Respondents in response.

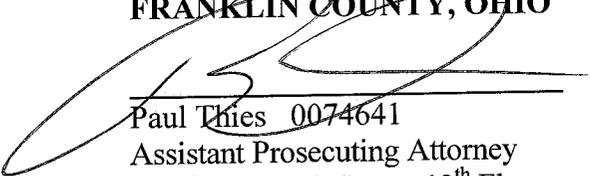
**II. Response**

As a result of the mistaken address, Relator is correct that he was not served with a copy of the Motion to Dismiss on or about November 19, 2012. Respondents note that Relator has attached as exhibit V to his Motion to Strike a document which purports to be a Response to the Motion to Dismiss. Due to the clerical error, Respondents have no objection to the document being considered timely filed and the matter consider ripe for decision. In the alternative, Respondents do not object to an extension of time in which to respond to the Motion.

### III. Conclusion

Due to the clerical mistake, Relator was not served a copy of the underlying Motion to Dismiss prior to December 3, 2012. The mistake was not owing to any malfeasance of Relator's. Consequently, Respondents enter no objection to exhibit V being accepted as filed timely in response to the Motion to Dismiss, or in the alternative do not object to an extension of time in which to file a response as justice may so require.

Respectfully submitted,  
**RON O'BRIEN**  
**PROSECUTING ATTORNEY**  
**FRANKLIN COUNTY, OHIO**



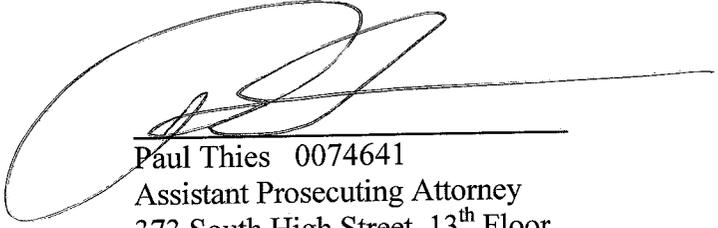
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*Counsel for Respondent*

### CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been forwarded by regular U.S. mail, postage prepaid, this 5 day of December, 2012, to:

Chance Catudal, *Pro Se*  
2783 Martin Road #353  
Dublin, Ohio 43017



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