

**IN THE SUPREME COURT OF OHIO**

STATE ex rel.  
LARRY KLAYMAN  
2020 Pennsylvania Ave, NW  
Suite 800  
Washington, D.C. 20006

**Relator,**

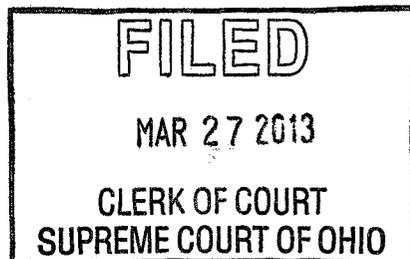
v.

Cuyahoga County Court  
of Common Pleas, Domestic  
Relations Court, et. al.

**Respondents.**

Case No.: 2013-0296

Original Action in Mandamus



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**RELATOR'S MOTION TO STRIKE RESPONDENT'S MOTION TO DISMISS**

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Pursuant to the Supreme Court Rules of Practice ("S.Ct.Prac.R.") Rule 3.11 (D)(2)

Relator Larry Klayman hereby moves to strike Respondent Eighth District Court of Appeals' Motion to Dismiss and as grounds therefor would show:

1. On March 13, 2013, Respondent Eight District Court of Appeal filed its Motion to Dismiss.
2. On March 22, 2013 Relator received the Motion to Dismiss leaving only one business day for Relator to research and respond to Respondent's Motion.
3. Relator immediately drafted a Consent Motion for Enlargement of Time.
4. On March 25, 2013 Relator attempted to file the Motion for Enlargement of Time and it was received by the Court but not accepted as impermissible under S.Ct.Prac.R. 3.03 (B)(2).
5. Kim Hamiter, Clerk of the Ohio Supreme Court, informed Relator that relief would instead be available pursuant to S.Ct.Prac.R. 3.11 (D)(2).

6. S.Ct.Prac.R. 3.11 (D)(2) states in its entirety: "If the Supreme Court determines that service was not made as required by this rule, it may strike the document or, if the interests of justice warrant, order that the document be served and impose a new deadline for filing any responsive document."
7. It is apparent that there was a problem with the mail which caused it to not be served properly. It is therefore in the interest of justice that this motion respectfully either be stricken and refiled, or to impose on Relator a new deadline for filing a responsive document.
8. **Respondent was agreeable to giving Relator at least an additional ten days to respond.**
9. Neither party will be prejudiced by a new deadline.

WHEREFORE, Relator Klayman respectfully requests that Respondent's Motion to Dismiss be stricken, or to have a new deadline imposed pursuant to S.Ct.Prac.R. 3.11 (D)(2) so that Relator may have the time needed to respond to Respondent's motion.

Respectfully submitted,



Larry Klayman  
2020 Pennsylvania Ave. NW Suite 800  
Washington, D.C. 20006  
Email: leklayman@gmail.com  
Tel: (310) 595-0800

Relator in pro se

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Relator's Motion To Strike Respondent's Motion To Dismiss was served by regular U.S. mail, postage prepaid, on March 27, 2013 upon the following:

Darlene Fawkes Pettit  
Sarah Pierce  
Assistant Attorneys General  
30 East Board Street, 16th Floor  
Columbus, Ohio 43215  
(614) 466-2872  
darlene.peeit@ohioattorneygeneral.gov  
sarah.pierce@ohioattorneygeneral.gov

Timothy McGinty  
Prosecuting Attorney  
Cuyahoga County Prosecutor's Office  
1200 Ontario St., 8th Fl.  
Cleveland, Ohio 44113

  
Larry Klayman

Relator in pro se