

IN THE SUPREME COURT OF OHIO

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

Case No.: 2013-0296

Relator,

Original Action in Mandamus

v.

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

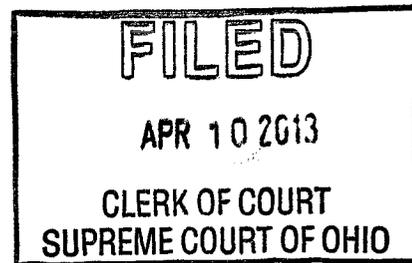
Respondents.

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

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 19, 2013, Respondent Cuyahoga County filed its Motion to Dismiss.
2. On April 8, 2013 Relator received the Motion to Dismiss, past the date for which a response would be due.
3. 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."



4. Relator, and other customers receiving mail at Relator's mailing address, are experiencing delays in receiving mail. See Exhibit 1 -- Affidavit of Harry Smith.
5. Because of these delays Relator Klayman has not been receiving his mail in time to timely respond to Respondents' motions.
6. A new deadline would allow Relator to timely respond to the motions. Relator intends to fully oppose the motions.
7. 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 April 10, 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

Exhibit 1

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AFFIDAVIT OF HARRY SMITH

My name is Harry Smith, I am a citizen over 18 years of age and conduct business within the District of Columbia, and hereby swear, to the best of my knowledge and belief, as follows:

1. I am the manager of the UPS Store located at 2020 Pennsylvania Ave., NW, Washington, D.C.
2. Several of my customers have been recently complaining that their mail has not been timely received and that there have been delays in the arrival of expected mail.
3. It is my belief that the District of Columbia Post Office, which supplies mail to this UPS Store location, is experiencing some sort of backup or other delay that is causing my customers to not receive their mail timely.

4. I am uncertain about when this problem will be resolved and the District of Columbia Post Office has not provided me with any sort of answers about what the problem is or when it will be fixed.

FURTHER AFFIANT SAYETH NAUGHT

Dated: April 9, 2013



Harry Smith
Manager
UPS Store