

IN THE SUPREME COURT OF OHIO

Thomas Branham, Sr.,)	Case No.: 13-0675
)	
Relator,)	
)	
v.)	
)	
Steve Butcher, Mayor, City of)	
Pataskala, et al.)	
)	
Respondents.)	

RESPONDENT STEVE BUTCHER, MAYOR, CITY OF PATASKALA'S RESPONSE TO RELATOR'S MOTION TO STRIKE DISMISSAL

On or about May 29, 2013, Relator Thomas Branham, Sr. filed a document titled "Motion to Strike Dismissal." As it relates to Respondent Steve Butcher, Mayor, City of Pataskala, Relator asserts the "Court has jurisdiction and must accept case [sic.] involving The United States Constitution." (Respondent's Motion on un-numbered pg. 1). Relator offers no other basis as to why Respondent's Motion to Dismiss must be stricken from the record. Instead, Relator goes on to state that he is seeking judgment against Respondent Butcher and an award of monetary damages in the amount of \$250,000.00 for alleged damages.

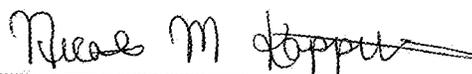
Respondent's Motion to Dismiss was filed on May 14, 2013. It is undisputed that it was filed in accordance with S. Ct. R. Prac. 4.01(A). Moreover, Respondent's Motion to Dismiss is unopposed. Relator failed to timely file a response pursuant to S. Ct. R. Prac. 4.01(B). Even if Relator's Motion to Strike were treated as a response to Respondent's Motion to Dismiss, it was filed more than ten days after Respondent's Motion to Dismiss was filed and, therefor, untimely. The Relator has offered no reason as to why the Court should now strike Respondent's Motion to Dismiss. Simply, there is no basis for the Relator's request that Respondent's Motion to Dismiss be stricken.

FILED
JUN 05 2013
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Additionally, the Relator's Motion to Strike further confirms the basis for Respondent's Motion to Dismiss –this Court does not have original jurisdiction to hear the Relator's claims. The Relator acknowledges that he is only seeking monetary damages from Respondent Butcher. As previously outlined in Respondent's Motion to Dismiss and pursuant to Article 4, Section 2(B)(1)(a)-(g) of the Constitution of the State of Ohio, this Court does not have original over this matter.

For these reasons, the Relator's Motion to Strike must be denied and this Court should grant Respondent's Motion to Dismiss.

Respectfully submitted,



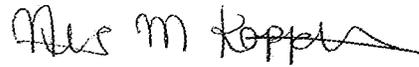
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Mayor, City of Pataskala*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing was served upon the following by regular U.S. mail, postage prepaid, this 5th day of June, 2013:

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