

ORIGINAL

IN THE SUPREME COURT OF OHIO

THE LINCOLN ELECTRIC COMPANY, :

Plaintiff-Petitioner, :

Case No. 2013-1088

v. :

TRAVELERS CASUALTY AND SURETY COMPANY, et al.,

Defendants-Respondents :

On Certification of a Question of State Law from the United States District Court for the Northern District of Ohio, Eastern Division, Case No. 1:11 CV 2253

FILED
DEC 11 2013
CLERK OF COURT
SUPREME COURT OF OHIO

STIPULATED MOTION FOR AN EXTENSION OF TIME FOR RESPONDENTS TO FILE RESPONSE BRIEF UNDER S. CT. PRAC. R. 3.03(B)(2)(a)

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THE LINCOLN ELECTRIC COMPANY

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Respondents Travelers Casualty and Surety Company and St. Paul Fire and Marine Insurance Company and Petitioner The Lincoln Electric Company, pursuant to a stipulation of the parties, hereby respectfully request that the Court extend the time for Respondents to file their merits briefs by twenty days, as provided in S.Ct.Prac.R. 3.03(B)(2)(a). Rule 3.03(B)(2)(a) states that “parties may stipulate to extensions of time to file merit briefs” and that “[e]ach party may obtain in a case only one stipulated extension of time not to exceed twenty days.” Respondents have not received any prior extensions of filing deadlines. The parties stipulated to an extension of twenty days for Petitioner to file its opening merits brief and an extension of twenty days for Respondents to file their responsive merits brief.

Petitioner’s opening merits brief was originally due November 4, 2013. Pursuant to the stipulation, Petitioner filed its opening brief on November 25, 2013. Under S.Ct.Prac.R. 16.03(A)(2), Respondents are given thirty days after the opening brief is filed to file their merits brief in response. Because Petitioner filed its opening brief on November 25, 2013, Respondents’ merits brief would typically be due December 26, 2013. With the agreed extension, Respondents’ merits brief is instead due on January 15, 2014.

Dated: December 10, 2013

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 10th day of December, 2013, a copy of the foregoing was served via e-mail and regular mail upon the following:

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