

ORIGINAL

In the Supreme Court of Ohio

STATE OF OHIO, EX REL.
ELIZABETH A. KOBLY, *et al.*,
Judges of Youngstown
Municipal Court

Relators

Case No. 2009-0866

-vs-

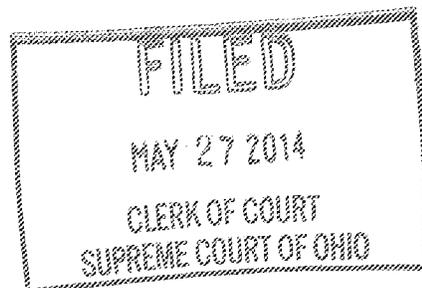
YOUNGSTOWN CITY COUNCIL,
et al.,
Respondents

ORIGINAL ACTION IN MANDAMUS

RELATORS' MOTION TO ENLARGE TIME
TO SUBMIT BRIEF AND PROPOSED
FINDINGS OF FACT AND CONCLUSIONS OF LAW

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IN THE SUPREME COURT OF OHIO

STATE OF OHIO, EX REL. ELIZABETH A. KOBLY, <i>et al.</i> , Judges of Youngstown Municipal Court	}	
Relators	}	Case No. 2009-0866
-vs-	}	
YOUNGSTOWN CITY COUNCIL, <i>et al.</i> , Respondents	}	

ORIGINAL ACTION IN MANDAMUS

RELATORS' MOTION TO ENLARGE TIME
TO SUBMIT BRIEF AND PROPOSED
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COME NOW THE RELATORS, through the undersigned counsel, and move the Court, through the Special Master, for an order enlarging by 45 to 60 days the time within which Relators must submit their merit brief and proposed findings of fact and conclusions of law. There are essentially two reasons for this request.

First, the parties have, since the record hearing, met and otherwise conferred and exchanged information and ideas. They have reviewed drawings, talked, and suggested changes. The parties are working toward

a settlement and are doing so in good faith. Counsel for the Respondent has been consulted and does not object to this motion for extension.

The second reason is that, as outlined to the Court at the conclusion of the record hearing, the undersigned counsel for Relators was scheduled to begin, and did indeed begin, a capital murder trial on April 25, 2014. To say that there have been problems and issues in jury selection in this highly publicized case would be an understatement. Having completed four weeks of capital jury voir dire as this motion is prepared, a jury still has not been seated, due in no small measure to the pretrial publicity and due to issues of juror misconduct which the pretrial publicity has generated and which the trial court has attempted to ferret out. Without going into too much detail, counsel was concerned about completing the capital trial prior to the briefing deadline in this case. Now, counsel is concerned that a jury will not even be selected by the briefing deadline this case, and obviously counsel's main efforts are still directed toward the trial of that capital case. Given the efforts of the parties to settle the matter and the undersigned counsel's present engagement, the requested extension seems fair, and, as indicated above, the Respondents obligingly do not object. This motion is not for the purpose of delay.

WHEREFORE, Relators pray for an order of this Court enlarging and extending the brief schedule for Relators (and obviously Respondents) by 45 to 60 days.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing sent by regular United States Mail, postage prepaid, hand delivered to counsel or counsel's office; sent by telecopier sent by electronic mail this ~~26~~ day of May, 2014 to Mr. Martin S. Hume, Esq., and Ms. Rebecca M. Gerson, Esq., Counsel for Respondents, 26 South Phelps Street, Youngstown, Ohio 44503.



JOHN B. JUHASZ

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