

ORIGINAL

IN THE SUPREME COURT OF OHIO

HUNTER T. HILLENMEYER	)	Case No: 2014-0235
	)	
Plaintiff-Appellant,	)	
	)	On Appeal from the
vs.	)	Ohio Board of Tax Appeals
	)	
CITY OF CLEVELAND BOARD	)	
OF REVIEW,	)	Ohio Board of Tax Appeals
	)	Case No. 2009-3688
and	)	
	)	
NASSIM M. LYNCH	)	
	)	
Defendants-Appellees.	)	

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APPELLEES' BRIEF IN OPPOSITION TO APPELLANT'S  
REQUEST FOR EXTENSION OF TIME TO FILE REPLY BRIEF

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FILED  
 JUN 25 2014  
 CLERK OF COURT  
 SUPREME COURT OF OHIO

RECEIVED  
 JUN 25 2014  
 CLERK OF COURT  
 SUPREME COURT OF OHIO

BRIEF IN OPPOSITION TO REQUEST FOR EXTENSION OF TIME TO FILE MERIT BRIEF

Pursuant to S.Ct.Prac.R. 4.01(B), Appellees file this brief in opposition to Appellant's request for an extension of time to file reply brief for the following reasons:

One, Appellees did not agree to a stipulated extension because Appellant *never* provided any reason whatsoever for the request. (Exh. 1 attached.)

Two, Appellant's complaint to this Court that his counsel needs time to "more thoroughly reply to the arguments in Appellees' fifty page brief" is not persuasive since the length of Appellees' brief is directly attributable to (i) Appellant's raising of new issues for the first time on appeal such as his new dormant commerce clause argument, *see* Brief of Appellees at 33-35 and (ii) Appellant's apparent waiver of certain claims which necessitated Appellees to address both the waiver issue as well as the merits of such claims, *see e.g.*, Brief of Appellees at 11-13; 15-32. Appellant cannot rely on the length of Appellees' brief to support an extension of time.

Three, as Appellant notes in the request for extension his counsel is also involved in "a parallel appeal before this Court involving related issues in which counsel's merit brief is due" June 26, 2014. This too does not support a need for additional time.

For the reasons herein, Appellant's request for an extension of time to file his reply brief should be denied.

Respectfully submitted,  
Barbara A. Langhenry, Esq., #038838  
Director of Law

By:   
Linda L. Bickerstaff, Esq., #0052101  
Assistant Director of Law  
COUNSEL FOR APPELLEES

CERTIFICATE OF SERVICE

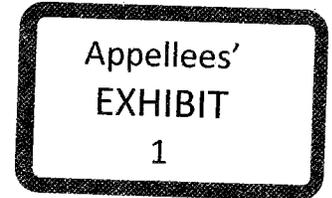
A copy of the foregoing Appellees' Brief in Opposition to Appellant's Request For Extension Of Time To File Reply Brief was served by regular U.S. mail on Appellant's counsel, Stephen W. Kidder, Esq., Hemenway & Barnes LLP, 60 State Street, Boston, MA 02109-1899 and Richard C. Farrin, Esq., Zaino Hall & Farrin LLC, 41 South High Street – Suite 3600, Columbus, Ohio 43215 on this 24th day of June 2014.

  
Linda L. Bickerstaff, Esq.  
Assistant Director of Law

COUNSEL FOR APPELLEES,  
CITY OF CLEVELAND BOARD OF REVIEW  
AND NASSIM M. LYNCH

**Bickerstaff, Linda**

**From:** Bickerstaff, Linda  
**Sent:** Thursday, June 19, 2014 9:23 AM  
**To:** 'Kidder, Stephen W.'  
**Subject:** RE: Hillenmeyer Reply



I do not agree to an extension to file your reply brief in the Hillenmeyer case.



**Linda L. Bickerstaff**  
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**From:** Kidder, Stephen W. [mailto:skidder@hembar.com]  
**Sent:** Thursday, June 19, 2014 9:04 AM  
**To:** Bickerstaff, Linda  
**Cc:** Richard C. Farrin (rfarrin@zhftaxlaw.com); McManus, Ryan P.  
**Subject:** Hillenmeyer Reply

Linda,

I am writing to request your agreement to an extension of 15 days in our reply brief in Hillenmeyer. Thank you for your consideration.

Steve

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