

ORIGINAL

Case No. 2012-1761

**SUPREME COURT
OF THE
STATE OF OHIO**

STATE OF OHIO ex. rel. EMILIE DiFRANCO

Relator-Appellant

v.

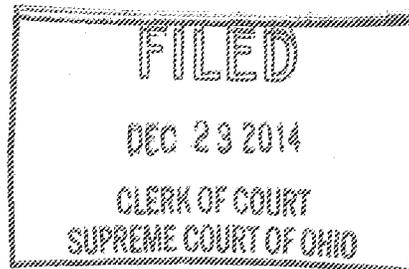
CITY OF SOUTH EUCLID, OHIO, et al.,

Respondents-Appellees.

**MOTION FOR EXTENSION OF TIME TO FILE MERIT BRIEF OF
APPELLEES CITY OF SOUTH EUCLID AND KEITH A. BENJAMIN**

MICHAEL P. LOGRASSO (0058557) (COUNSEL OF RECORD)
Director of Law, City of South Euclid
1349 South Green Road
South Euclid, Ohio 44121
(216) 381-0400
(216) 381-0364 – Fax
MLograsso@seuclid.com

VINCENT A. FEUDO (0019733)
MICHAEL E. CICERO (0058610)
Nicola, Gudbranson & Cooper, LLC
1400 Republic Building
25 West Prospect Avenue
Cleveland, Ohio 44115
(216) 621-7227
(216) 621-3999 – Fax
feudo@nicola.com
cicero@nicola.com



**COUNSEL FOR RESPONDENTS-APPELLEES, CITY OF SOUTH EUCLID AND KEITH
BENJAMIN**

CURT C. HARTMAN (0064242)
The Law Firm of Curt C. Hartman
3749 Fox Point Court
Amelia, Ohio 45102
(513) 752-8800
hartmanlawfirm@fuse.net

CHRISTOPHER P. FINNEY (0038998)
Finney, Stagnaro, Saba & Patterson LLP
2623 Erie Avenue
Cincinnati, Ohio 45208
(513) 533-2980
chris@finneylawfirm.com

COUNSEL FOR APPELLANT, EMILIE DIFRANCO

MOTION

NOW COME Appellees City of South Euclid, Ohio and Keith A. Benjamin, by and through their undersigned counsel (collectively "South Euclid") and hereby move the Court, pursuant to S.Ct.Prac.R. 3.03(B)(2)(b), for an extension of time, from December 31, 2014 until January 9, 2015, to file their *Merit Brief* in the instant appeal.

South Euclid attempted to obtain a stipulation for an extension from Appellant by contacting her counsel in accordance with S.Ct. Prac.R. 3.03(B)(2)(a). However, no response has been forthcoming.

This motion is not brought for purposes of delay, but rather, because counsel for Appellees have a significant number of prior caseload commitments and court appearances that have resulted and will continue to result in being out of the office for a good part of the balance of December. Furthermore, the timing of the holiday season is resulting in counsels' offices being closed for much of this week and next.

This extension should provide the Appellees the necessary time to file a brief that is thorough and yet concise. Further, the additional nine (9) days will not prejudice the position of the Appellant.

CONCLUSION

In view of the foregoing, it is respectfully requested that the Appellees be permitted to file their *Merit Brief* on or before January 9, 2015.

Respectfully submitted,

/s/ Michael P. Lograsso
MICHAEL P. LOGRASSO (0058557)
Director of Law, City of South Euclid
1349 South Green Road
South Euclid, Ohio 44121
(216) 381-0400
(216) 381-0364 – Fax
MLograsso@seuclid.com

/s/ Michael E. Cicero
VINCENT A. FEUDO (0019733)
MICHAEL E. CICERO (0058610)
Nicola, Gudbranson & Cooper, LLC
1400 Republic Building
25 West Prospect Avenue
Cleveland, Ohio 44115
(216) 621-7227
(216) 621-3999 – Fax
feudo@nicola.com
cicero@nicola.com

*Attorneys for Appellees
City of South Euclid and Keith Benjamin*

CERTIFICATE OF SERVICE

A copy of the foregoing *Motion for Extension of Time* has been sent via email and/or regular U.S. mail, on this 23rd day of December 2014 to the following:

Curt C. Hartman, Esq.
The Law Firm of Curt C. Hartman
3749 Fox Point Court
Amelia, Ohio 45102
hartmanlawfirm@fuse.net

Christopher P. Finney, Esq.
Finney Law Firm
4270 Ivy Pointe Boulevard
Cincinnati, Ohio 45245
chris@finneylawfirm.com

COUNSEL FOR APPELLANT, EMILIE DIFRANCO

/s/ Michael E. Cicero
One of the Attorneys for Respondents