

Now comes the Meigs County Home Rule Committee, Appellant herein, by and through counsel, and moves the Court for leave to file the attached “Affidavit of Appellant’s Counsel in Support of Response of Appellant Meigs County Home Rule Committee in Opposition to Appellee Meigs County Board of Commissioners’ ‘Motion to Strike’” *instanter*.

Appellant filed the identical Affidavit of Appellant’s Counsel on Friday, February 26, 2016 to support Appellant Home Rule Committee’s opposition to Appellee’s “Motion to Strike” the merit brief of Appellant. The Clerk rejected it for filing because it did not contain a certificate of service.

Appellant has resubmitted the Affidavit by proffering it as an attachment to this Motion, and the Motion has a proper certificate of service which references the Affidavit. Appellee will not be prejudiced if the Affidavit is allowed into the record, because the Affidavit simply provides sworn facts which are repeated within Appellant’s February 26 opposition to Appellee’s “Motion to Strike.”

WHEREFORE, Appellant Meigs County Home Rule Committee prays the Court grant it permission to file the Affidavit of Appellant’s Counsel in the docket, *instanter*.

Respectfully submitted,

/s/ Terry J. Lodge
Terry J. Lodge, Esq. (S.Ct. #0029271)
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Toledo, OH 43604-5627
419.205.7084
lodgelaw@yahoo.com
Co-counsel for Meigs County Home Rule
Committee Members, Appellant

CERTIFICATION

I hereby certify that on February 29, 2016, I transmitted a copy of the foregoing

“Appellant Meigs County Home Rule Committee’s Motion for Leave to File Affidavit of Appellant’s Counsel in Opposition to Appellee Meigs County Board of Commissioners’ ‘Motion to Strike’ *Instante*” along with the attached, proffered Affidavit, all via electronic mail to Colleen S. Williams, Esq., Meigs County Prosecutor, at cwilliams@meigscountyprosecutor, and to Jeremy Fisher, Esq., Assistant Meigs County Prosecutor, at jfisher@meigscountyprosecutor.com. Further, I deposited the Brief into the Ohio Supreme Court’s electronic filing system, and in accordance with its procedures and protocols, notification of its filing was to be served upon counsel for Appellee.

/s/ Terry J. Lodge
Terry J. Lodge
Co-counsel for Appellant

AFFIDAVIT

State of Ohio)
) ss:
County of Lucas)

Now comes the undersigned affiant, who states the following of his own personal knowledge:

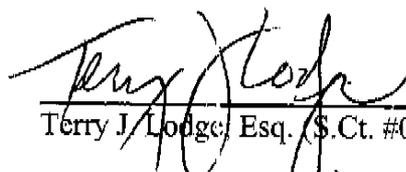
1. I am Terry J. Lodge, a lawyer in good standing in Ohio and co-counsel for the Meigs County Home Rule Committee which is the Appellant in this litigation.

2. On December 14, 2015, I filed the merit brief of the Home Rule Committee in this Court. At the time, I certified service of the brief upon counsel for Appellee, the Meigs County Board of Commissioners.

3. On February 1, 2016, I noticed that there had not yet been an answer brief filed by the Appellee. After investigating, I realized that I had not properly served Appellee's counsel with Appellant's first brief in accordance with the Supreme Court procedural rules.

4. Immediately and on my own initiative, I served the brief on February 1, 2016 upon Appellee's counsel, the Meigs County Prosecutor and Assistant Prosecutor, via electronic mail. Also on February 1, 2016, I electronically filed an "Amended Certificate of Service," which the Clerk added to the docket on February 2, 2016 as a "Notice of Corrected Service of Appellant's Merit Brief."

5. Further affiant saith naught.

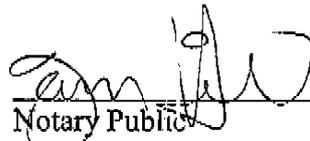


Terry J. Lodge, Esq. (S.Ct. #0029271)

Sworn to before me and subscribed in my presence this 26th day of February, 2016 at Toledo, Ohio.



JAMES HILL
Notary Public, State of Ohio
My Comm. Expires 12-29-2020



Notary Public
My commission expires 12/29/2020