

FILED
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BROWN COUNTY, OHIO
2009 MAY 15 PM 4:42

IN THE COURT OF COMMON PLEAS
BROWN COUNTY, OHIO
CRIMINAL DIVISION

STATE OF OHIO,

FILED
COURT OF APPEALS

CASE NO. CR 2002 2234

Plaintiff,

MAY 15 2009

-vs-

MOTION TO UNSEAL AND
PRODUCE COURT RECORDS

DWAYNE WENNINGER

TINA M. MERANDA
BROWN COUNTY CLERK OF COURTS

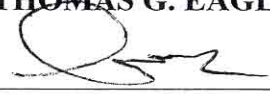
Defendant.

Now comes Dennis Varnau, by and through counsel, and moves this Court issue an order for the unsealing of the records in this case, and for the limited purposes of using said record for an impending civil case between this movant and the Defendant, Dwayne Wenninger. As grounds for this motion, counsel states that there is a civil case currently pending before the Court of Appeals for this County, in the nature of a petition for writ of quo warranto, challenging the right of this Defendant to hold the office of Brown County Sheriff, the proof and documentation of which was of substantial import in the proceedings in this case, and which may in fact be in the sole and exclusive possession of this case, although sealed. The rights of the general public, and this Relator, for only lawful candidates running for and holding public office in this state and county, outweigh the privacy interests of this Defendant to keep from Court inspection, even if *in camera* or under seal, of a matter which was once of public record, and which is in the possession of at least this court, the prosecuting attorney, the Defendant himself, his attorneys, and which is known to the general public as result of reported decisions and newspaper accounts and public attendance in the course thereof.

As further grounds for this motion, counsel refers to the court record in State of Ohio, ex rel. Dennis Varnau v. Dwayne Wenninger, Twelfth District Court of Appeals, Brown County Ohio, Case No. CA2009-02-10.

Wherefore, it is requested that said orders issue, on such terms and conditions deemed appropriate to this court.

THOMAS G. EAGLE CO., L.P.A.



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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was served upon the Brown County Prosecutor's Office, 200 East Cherry Street, Georgetown, Ohio 45121 and Dwayne Wenninger c/o Gary A. Rosenhoffer, 302 E. Main St., Batavia, OH 45103, and Dwayne Wenninger c/o Patrick L. Gregory, 717 W. Plane, Bethel, OH 45106, Attorneys for Respondent, by ordinary U.S. mail this 14th day of May, 2009.



Thomas G. Eagle (#0034492)