

IN THE TWELFTH DISTRICT COURT OF APPEALS
BROWN COUNTY, OHIO

STATE OF OHIO, ex rel
DENNIS J. VARNAU,

FILED)

CASE NO. CA2009-02-10

COURT OF APPEALS)

Relator/Petitioner,)

RELATOR'S REQUEST
FOR ORAL ARGUMENT

-vs-

MAR 09 2011)

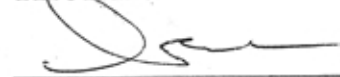
DWAYNE WENNINGER,

TINA M. MERANDA
BROWN COUNTY CLERK OF COURTS

Respondent/Defendant.)

Now comes the Relator, and moves and requests the Court to set this matter for oral argument on the pending Motions for Summary Judgment. As grounds for this request, counsel states that the Ohio Supreme Court has reversed the prior judgment of this Court and remanded for further proceedings. The merits of the pending motions must therefore be addressed. The members of this Court who previously heard argument and made the Decision are no longer with the Court. Therefore, unless the Court will grant Relator's Motion, and issue the requested writ, and deny Respondent's Motion(s) on the pleadings alone, it is requested that the matter be reset for additional argument before the panel of the Court who will be addressing the remaining merits of the pending issues.

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 Gary A. Rosenhoffer, 302 E. Main St., Batavia, OH 45103, and Patrick L. Gregory, 717 W. Plane, Bethel, OH 45106, Attorneys for Respondent, by ordinary U.S. mail this 27th day of March 2011.



Thomas G. Eagle (#0034492)