

Memo

To: City Council
CC: James D. Kalb, Mayor
From: David W. Kuhn, City Solicitor
Date: June 6, 2006
Subject: Mollette vs. City Council

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Attached for your information is correspondence received from the Court of Appeals regarding scheduling for oral argument for the above referenced case.

Court of Appeals of Ohio



JUDGES

WILLIAM H. HARSHA, CHILLICOTHE
 PETER B. ABELE, ATHENS
 ROGER L. KLINE, CIRCLEVILLE
 MATTHEW W. MCFARLAND, PORTSMOUTH

FOURTH APPELLATE DISTRICT
 121-A WEST FRANKLIN ST.
 CIRCLEVILLE, OHIO 43113
 (740) 474-7841

COUNTIES

ADAMS	MEIGS
ATHENS	PICKAWAY
GALLIA	PIKE
HIGHLAND	ROSS
HOCKING	SCIOTO
JACKSON	VINTON
LAWRENCE	WASHINGTON

June 1, 2006

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 Portsmouth City Solicitor
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 Courthouse Annex
 Portsmouth, Ohio 45662

D. Joe Griffith, Esq.
 DAGGER, JOHNSTON, MILLER, OGILVIE & HAMPSON
 144 East Main Street, P.O. Box 667
 Lancaster, Ohio 43130

Re: Scioto Co. App. No. 05CA3051, *Teresa Moliette, et al. v. Portsmouth City Council*

Dear Attorneys:

Pursuant to your requests, the above appeal/cross-appeal has been scheduled for oral argument on **Thursday, August 3, 2006, at 9:30 a.m. in the Scioto County Court of Appeals Courtroom, Scioto County Courthouse, 602 7th Street, in Portsmouth, Ohio**, and will be argued before Presiding Judge Harsha and Judges Abele and Kline. **ABSOLUTELY NO CONTINUANCES WILL BE GRANTED (due to the fact that Judge McFarland has a conflict in this matter and is "not" on the panel for this particular date)**. It is this court's policy to have an associate from your firm argue on your behalf if you have a pre-existing conflict with this date. If you are a sole practitioner and have a pre-existing conflict, we encourage you to discuss waiving oral argument with your counterpart. If you have any questions concerning time limits, please contact our Court Administrator, Aaron McHenry, at (740) 779-6662.

In order to facilitate my scheduling and the judges' time, **if you decide to waive argument, I would appreciate knowing no later than 3:00 p.m. on June 9, 2006**. This will give me an opportunity to schedule other cases that may be awaiting oral argument. If you do waive argument, you will also need to file a "Waiver of Oral Argument" with the Scioto County Clerk's Office. Thank you.

Sincerely,

Connie Richards, Assistant Court Administrator