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Defendant's Motion for Extension of Time in which to Respond to Plaintiff's Motion to Exclude Testimony of David Doughton and Philip Bouffard

William D. Mason
Cuyahoga County Prosecutor

Marilyn B. Cassidy
Cuyahoga County Assistant Prosecutor

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ALD E. FUERST
CLERK OF COURTS
CUYAHOGA COUNTY

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

ALAN DAVIS, EXECUTOR, ET AL	:	CASE NO. 312322
Plaintiff	:	
	:	JUDGE RONALD SUSTER
V	:	
	:	<u>DEFENDANT'S MOTION FOR</u>
STATE OF OHIO,	:	<u>EXTENSION OF TIME IN WHICH TO</u>
Defendant	:	<u>RESPOND TO PLAINTIFF'S MOTION</u>
	:	<u>TO EXCLUDE TESTIMONY OF DAVID</u>
	:	<u>DOUGHTON AND PHILLIP BOUFFARD</u>

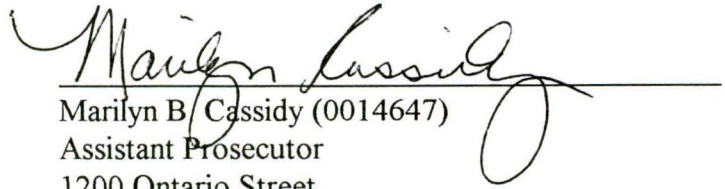
Defendant, State of Ohio, by and through counsel, William D. Mason, Prosecuting Attorney for Cuyahoga County and Marilyn B. Cassidy, Assistant Prosecuting Attorney, hereby moves this honorable court for a short extension of time in which to respond to the above captioned motions. The reason for the request is that Attorney David Doughton and counsel, are attempting to locate an affidavit of waiver signed by Richard Eberling and believed to be in the possession of James Neff. In addition, counsel has scheduled a meeting with Dr. Bouffard for December 15, 1999 and will require a short period of time in which to draft and file a response. Accordingly, defendant respectfully requests an extension of time, until December 24, 1999 in which to respond.

Defendant submits that this motion is made in good faith and is not interposed for delay.

Defendant attempted to contact plaintiff's counsel but was unable to reach either Mr. Gilbert or Mr. Carr by the close of business on December 14, 1999.

Respectfully Submitted,

WILLIAM D. MASON, PROSECUTING
ATTORNEY, PROSECUTING ATTORNEY

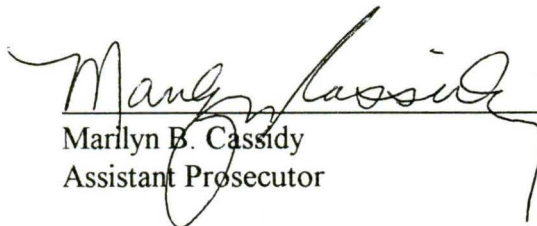

Marilyn B. Cassidy (0014647)
Assistant Prosecutor
1200 Ontario Street
Cleveland, Ohio 44113
(216) 443-7785

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

A copy of the foregoing Motion for Extension of Time in Which to Respond to Plaintiff's Motions to Exclude Doughton and Bouffard, was served via fax upon Terry Gilbert, at fax number 216- 621-0427, , 1999 and via ordinary U.S. mail, postage paid, at 1370 Ontario Street, Suite 1700, Cleveland, Ohio 44113, this 14 day of December, 1999.

Respectfully Submitted,


Marilyn B. Cassidy
Assistant Prosecutor