

ORIGINAL

**IN THE OHIO COURT OF CLAIMS
COLUMBUS, OHIO**

FILED
COURT OF CLAIMS
OF OHIO

2013 MAR 22 AM 11:28

JAMES M. FLEMING,)	CASE NO. 2011-09365
)	
PLAINTIFF,)	JUDGE PATRICK M. MCGRATH
)	
V.)	PLAINTIFF'S UNOPPOSED
)	MOTION TO EXTEND
KENT STATE UNIVERSITY,)	THE DISCOVERY DEADLINE
)	AND BRIEFING SCHEDULE
DEFENDANT.)	
)	

Now comes Plaintiff, James E. Fleming, by and through undersigned counsel and hereby moves this Court for sixty day enlargement of the dates set forth for completion of discovery and briefing schedule for the reasons set forth herein. Counsel for Plaintiff has spoken with counsel for Defendant, Christopher P. Conony, and Defendant does not oppose this extension of the dates in this matter.

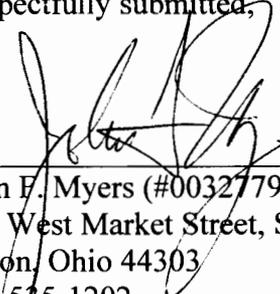
This action is in the damages phase of the proceedings. The Court originally set a discovery and briefing schedule by Order dated November 19, 2012. By Order dated February 19, 2013, the discovery deadline and briefing schedule was extended after a February 11, 2013 status conference. Due to Plaintiff's work schedule as a coach with the University of Central Florida football team, he has had limited time to assist counsel in the preparing his position with regard to damages or to prepare responses to Defendant's discovery requests, which are presently overdue. Counsel for Plaintiff, as well as counsel for Defendant, needs information to be produced by Plaintiff in order to brief their respective positions with regard to damages in this matter. An additional sixty days will afford Plaintiff the time and opportunity to prepare and serve responses to Defendant's discovery requests and to assist counsel in preparing his position on damages.

ON COMPUTER

This motion is not meant for purposes of delay, but to permit Plaintiff additional time to provide responses to Defendant's discovery requests and to participate in formulating his position on damages. As mentioned above, counsel for Defendant does not oppose this motion.

Wherefore, Plaintiff respectfully requests that the Court grant this motion and issue an Order extending the dates for the discovery deadline and the briefing schedule each by sixty days.

Respectfully submitted,

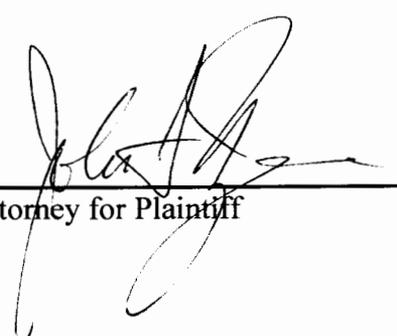


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Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Motion to extend the discovery deadline and briefing schedule was served this 20th day of March, 2013 by regular US mail and email upon:

Randall W. Knutti, Esq.
Christopher P. Conomy, Esq.
Ohio Attorney General's Office
Court of Claims Defense Section
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March 20, 2013

Mark H. Reed
Clerk of the Court
The Ohio Judicial Center
65 South Front Street, Third Floor
Columbus, OH 43215

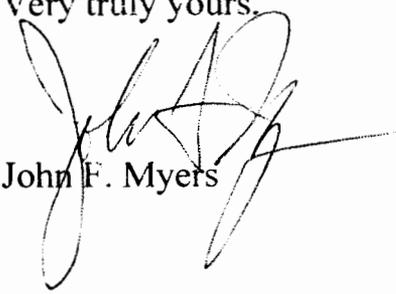
Re: James Fleming v. Kent State University; Case No. 2011-09365

Dear Sir:

Enclosed for filing please find Plaintiff's Unopposed Motion to Extend Discovery Deadline and Briefing Schedule. I have enclosed a copy for date stamp and return in the enclosed, self-addressed, stamped envelope. *pc*

Thank you for your prompt attention to this matter.

Very truly yours,


John F. Myers

Enclosures

cc: Randall W. Knutti, Esq.
Christopher P. Conomy, Esq.

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