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OF OHIO

IN THE OHIO COURT OF CLAIMS 2014 DEC 26 AM 10:24

WILLIAM RUSSELL,)	CASE NO.: 2013-00138
)	
Plaintiff,)	
)	JUDGE PATRICK M. McGRATH
vs.)	MAGISTRATE HOLLY T. SHAVER
)	
CLEVELAND STATE UNIVERSITY,)	
)	
Defendant.)	
STEVEN LISS,)	CASE NO.: 2013-00139✓
)	
Plaintiff,)	JUDGE PATRICK M. McGRATH
)	
vs.)	MAGISTRATE HOLLY T. SHAVER
)	
CLEVELAND STATE UNIVERSITY,)	
)	
Defendant.)	

**PLAINTIFFS WILLIAM RUSSELL AND STEVEN LISS'S
MOTION FOR LEAVE TO FILE A REPLY IN SUPPORT OF MOTION IN LIMINE
TO PRECLUDE EVIDENCE OR ARGUMENT RELATED TO SPECIFIC INSTANCES
OF ALLEGED CONCERNS OR PERFORMANCE**

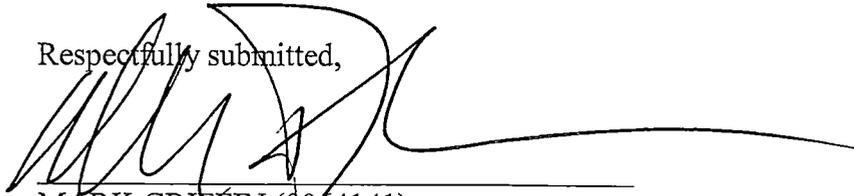
Plaintiffs Steve Liss and William Russell (together, "Plaintiffs") respectfully move the Court for an Order for leave to file, *instanter*, the reply brief attached hereto in support of *Plaintiffs' Motion in Limine to Preclude Defendant from Offering Evidence or Argument Related to Specific Instances of Alleged Concerns or Performance* (the "Motion"). Defendant Cleveland State University filed a memorandum in opposition to the Motion, which it failed to serve on Plaintiffs' counsel, although it certified service. The Opposition mischaracterizes the

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relief sought and contains misstatements of fact and law. In such circumstances, leave for a reply is appropriately granted.¹

For the limited purpose of clarifying the relief sought and addressing the misstatements in Defendant's Opposition, Plaintiffs respectfully request leave to file the attached reply brief.

Respectfully submitted,



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¹ See, e.g., *Eng'g & Mfg. Servs., LLC v. Ashton*, 387 Fed. Appx. 575, 583 (6th Cir. 2010) (holding trial court abused its discretion in denying motion for leave to file sur-reply where reply brief presented new arguments); *Zindroski v. Parma City Sch. Dist. Bd. of Educ.*, 8th Dist. Cuyahoga No. 93583, 2010-Ohio-3188, 2010 Ohio App. LEXIS 2659, ¶10 (noting court previously granted leave for a sur-reply for purposes of "responding to the Board's new arguments [in its reply brief].").

CERTIFICATE OF SERVICE

A true and accurate copy of the foregoing was served via electronic mail, on this

24th

day of December 2014 to:

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