

**ORIGINAL**

FILED  
COURT OF CLAIMS  
OF OHIO

2016 MAR -4 PM 2: 39

IN THE OHIO COURT OF CLAIMS  
STATE OF OHIO

DAVID A. BENTKOWSKI

Plaintiff,

vs.

OHIO LOTTERY COMMISSION,

Defendant.

) CASE NO. 2014-00651

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) JUDGE PATRICK M. McGRATH

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**PLAINTIFF'S UNOPPOSED MOTION TO EXTEND TIME FOR  
FILING CLOSING ARGUMENTS AND RELY BRIEFS**

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Plaintiff, David A. Bentkowski, through his counsel, Brent L. English, respectfully moves this Court for a two-week enlargement of time for both parties to file their closing arguments in this case and to move the time for filing reply briefs by the same amount of time.

This Court heard this matter over two days at the end of January 2016. The parties proposed to the Court that they file contemporaneous closing arguments by March 4, 2016 and reply briefs ten days later. The time allotted was due to three factors: (1) counsel's trial schedule; (2) the need for a full transcript; and (3) the need to obtain information from OPERS pertinent to Plaintiff's damages.

OPERS provided the necessary information to Plaintiff's counsel on Monday, February 29, 2016. Counsel have not yet reached a stipulation based upon the OPERS information.

Counsel have conferred about the time they will need to prepare and submit their closing arguments. The parties are in agreement that two additional weeks are necessary to complete the parties' closing arguments and that reply briefs can be submitted within ten days thereafter. This time will permit a cogent evaluation of the testimony, exhibits, and the applicable law.

No conceivable prejudice would result from the requested extension, which is NOT **OPPOSED BY THE DEFENDANT.**

**WHEREFORE**, in the interests of justice and for good cause shown, David A. Bentkowski respectfully requests that the parties' deadline of March 4, 2016 for closing arguments be extended by 14 days (to March 18, 2016), and that reply briefs be due on, or before, March 26, 2016.

Respectfully submitted,

 <sup>PTA</sup>  
BRENT L. ENGLISH

LAW OFFICES OF BRENT L. ENGLISH  
820 West Superior Avenue, 9<sup>th</sup> Floor  
Cleveland, Ohio 44113-1818  
(216) 781-9917  
(216) 781-8113 (fax)  
[benglish@englishlaw.com](mailto:benglish@englishlaw.com)

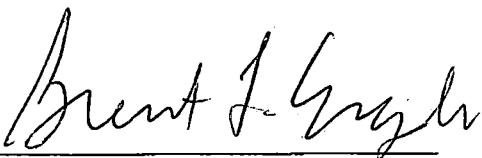
Sup. Ct. Reg. 0022678

*Attorney for Plaintiff, David A. Bentkowski*

**CERTIFICATE OF SERVICE**

I certify that a true and complete copy of Plaintiff's Unopposed Motion for Extension of Time for Both Parties to File Their Closing Arguments and Reply Briefs was served by e-mail upon Randall Knutti, Esq., Assistant Attorney General, 150 East Gay Street, 25<sup>th</sup> Floor, Columbus, Ohio 43215, [randall.knutti@OhioAttorneyGeneral.gov](mailto:randall.knutti@OhioAttorneyGeneral.gov) on this \_\_ day of

March 2016.

  
\_\_\_\_\_  
BRENT L. ENGLISH  
*Attorney for Plaintiff, David A. Bentkowski*

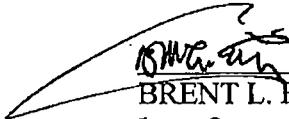
*D.A. Bentkowski*

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BRENT L. ENGLISH  
*Attorney for Plaintiff, David A. Bentkowski*