

FILED

2004 MAY 28 P 2:44

IN THE COURT OF COMMON PLEAS  
LAKE COUNTY, OHIO

LYNNE L. MAZEIKA  
LAKE CO CLERK OF COURT

STATE OF OHIO EX REL.  
ROBERT MERRILL, TRUSTEE

) CASE NO. 04CN001080

)

vs.

) JUDGE LUCCI

)

STATE OF OHIO, DEPARTMENT OF  
NATURAL RESOURCES

) CONTINGENT MOTION TO  
) INTERVENE AS ADDITIONAL  
) PLAINTIFFS

Pursuant to Rule 20 of the Ohio Rules of Civil Procedure, the following individuals (the "Additional Plaintiffs") respectfully move this Court for an order granting them leave to intervene as additional plaintiffs as to all claims, IF AND ONLY IF the Court does not certify Plaintiffs' action to proceed as a class. The Additional Plaintiffs support certification of the class, which would protect their interests as littoral owners and as class members and all share the same question of law presented in this action.

However, should the Court not certify the class, the Additional Plaintiffs would seek to pursue their claims individually. The Additional Plaintiffs are:

William C. and Mary M. Batchelor  
8821 Sand Beach Road  
Oak Harbor, OH 43449

Roy Edward Seitz  
5373 Lake Road  
Sheffield Lake, Ohio 44054

Sarah V. Williams  
Ottawa County Parcel #013-14534-19559-000.

Brian and Debbie Junkins  
3590 North Surfside drive  
Port Clinton, Ohio 43452

W.E. Williams, T. L. Williams, J.M. Williams, and R. A. Williams  
Ottawa County Parcel #013-14534-26399-000

Michael W. & Kathleen M. Moeller  
3863 W. Willow Beach Rd.  
Port Clinton, Ohio 43452

William W. McDowell Jr, & Mary N. McDowell  
3211 East Shore Drive  
Port Clinton, Ohio 43452

James Rambasek  
13455 Cliff Dr  
Lakewood, Ohio 44107

Martha Gibbon  
6431 Lake Road West  
Madison, Ohio 44057

Daniel R. Oldham  
30345 Lakeshore Blvd  
Willowick OH 44095

Charlene M. Schaeffer  
6739 Lake Rd. West  
Geneva, Oh 44041

Dan L. Johnson and Fatna Johnson  
1220 Lake Rd.  
Conneaut, Ohio 44030

Charlotte Burge, Trustee  
3032 West Erie Ave  
Lorain, OH

Cherry W. Peirce  
4567 East Cliff Rd.  
Port Clinton, Ohio 43452

Thomas & Bonnie Sellitto  
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Madison, Ohio 44057

Everett J Rea Jr.  
202 Cleveland Ave  
Huron, OH 44839

Gus Marzavas  
27122 Lake Rd  
Bay Village, OH 44140

David R. Lindgren  
6651 Lake Road West  
Geneva, Ohio 44041

Clyde Scott and Nancy L. Davis  
15106 Edgewater Drive  
Lakewood, Ohio 44107

James C. & Beverly R. Byrne, Trustees  
2203 E. Sand Rd  
Portage Twp, Ohio

Caroline I. Hawes  
5045 Lake Road  
Sheffield Lake, Ohio 44054

Paul Mihalik  
5624 Lake Rd  
Madison, OH 44057  
Paul W. Berndt & Arlene R. Berndt  
750 E. Hickory Grove Rd.  
Port Clinton, OH 43452

Paul Capriulo  
Middle Bass  
1440 Fox Road

John & Teresa Piskura  
4543 Lake Road  
Sheffield Lake, Ohio 44054

Clifford P. and Sue A. Holman  
3731 W. Willow Beach Road  
3750 W. Willow Beach Road

Albert and Brenda J Fritz  
3747 Willow Beach Road  
Port Clinton, OH 43452

Roger Earl & Mary Elaine Drusbacky  
3764 Willow Beach Road  
Port Clinton, OH 43452

Thomas A. Bishop & Claudia A.  
Timmerman  
523 Cedar Point Road  
Sandusky OH 44870-5246

Richard A. Haynes  
1013 Cedar Point Rd.  
Sandusky, Ohio 44870

John A & Barbara G. Heideman  
6411 West Lake Rd.  
Vermilion, OH 44089

June Southworth  
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Sandusky, Ohio 44870.

Raymond F. Leanza  
Sublot 9, Edgecliff Road  
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David L. and Lynn M. Spanski  
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Vermilion, OH 44089

Michael E. Diskin  
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Put-in-Bay, Ohio 43456

Joseph C. Reiner  
4751 Lake Road  
Sheffield Lake, Ohio 44054

Richard John Peters  
Susan Werstak Peters  
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Lorain, Ohio 44052

Kenneth and Charlotte Shelton  
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Middle Bass, OH

Jeffrey William Koehler  
P.O. Box 67  
Put-in-Bay, OH 43456

Timothy Gooding  
4673 Brooksdale Road and  
9033 Lake Overlook Drive  
Mentor, OH 44060

Karen Roshon, Trustee  
1137 Cedar Point  
Sandusky, OH

Paul Youngberg and Marilyn Weske  
32114 Lake Rd.  
Avon Lake, Ohio 44012

George and Yvonne Adams  
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Avon Lake, Ohio 44012

Robert J. Scholl  
5973 Shore Drive  
Madison, Ohio 44057

Richard C. Schwarz and Myrna W. Schwarz  
3715 Lake Road East  
Ashtabula, Ohio 44004

Margaret and Keith Kreager  
4810 Bayshore  
Sandusky Ohio 44870

Allen F. and Lisa Gasper  
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Lorain, Ohio 44052

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Sheffield Lake, Ohio 44054

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Bay Village, Ohio 44140

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Port Clinton, Ohio 43452

Michael & Janet Wadsworth  
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Put-In-Bay, Ohio (Airline Drive)  
Mailing address  
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Ray B. Lambert, Jr.  
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Port Clinton, OH 43452

William P. (and Elaine M.) McGuinn  
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Patricia Violet  
2673 Sand Road  
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Cheryl Hudak  
550 Cedar Point Road  
Sandusky, OH

Doug Clark  
517 Cedar Pt Rd  
Sandusky, OH

Jennifer Kay DiMare  
1216 Lake Road  
Conneaut, OH 44030

Charles and Jean Tahy, Jr.  
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Oak Harbor, OH 43449

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Seven hills Ohio 44131

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825 Cedar Point Rd.  
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13215 & 13219 West Lake Road  
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