

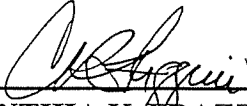
**IN THE COURT OF COMMON PLEAS  
LAKE COUNTY, OHIO**

|   |   |  |
|---|---|--|
| STATE OF OHIO EX REL.,<br>ROBERT MERRILL, TRUSTEE, et al. | ) | Case No. 04CV001080  |
|   | ) |  |
| Plaintiffs-Relators                                       | ) | Judge Eugene A. Lucci  |
|   | ) |  |
| vs.   | ) | <b><u>MOTION OF THE STATE OF OHIO<br/>FOR EXTENSION OF TIME<br/>TO ANSWER<br/>PLAINTIFFS-RELATORS'<br/>FIRST AMENDED COMPLAINT</u></b> |
|   | ) |  |
| STATE OF OHIO, DEPARTMENT<br>OF NATURAL RESOURCES, et al. | ) |  |
|   | ) |  |
| Defendants-Respondents                                    | ) |  |

Pursuant to Civ. R. 6 (B) and Loc. R. III.C, Defendants-Respondents State of Ohio, Department of Natural Resources, Sam Speck, Director, Ohio Department of Natural Resources, and the State of Ohio (hereinafter collectively “the State of Ohio” or “the State”), by and through counsel, Attorney General Jim Petro, hereby move the Court for an extension of time to Answer Plaintiffs-Relators’ First Amended Complaint until such time as the Court has had the opportunity to fully consider the Motion of the State of Ohio for Reconsideration filed contemporaneously with this Motion, which provides compelling grounds that the Court vacate or modify its Journal Entry and Order, issued December 15, 2004, denying the Motion of the State of Ohio to Dismiss Plaintiffs-Relators’ First Amended Complaint.

Respectfully submitted,

**JIM PETRO  
ATTORNEY GENERAL**

  
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**CERTIFICATE OF SERVICE**

We hereby certify that a copy of the foregoing **Motion of the State of Ohio for Extension of Time to Answer Plaintiffs-Relators' First Amended Complaint** was sent by regular U.S. mail, postage prepaid, this 3<sup>rd</sup> day of January, 2005 to:

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and Counsel for  
Plaintiff-Relator Darla J. Duncan in *State ex rel. Taft***

  
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