

FILED

Lorain County Common Pleas Court
by Fax dated
JUN 10 2022
Tara Orlando, Clerk of Courts

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

GIBSON BROS., INC., et al.,

Plaintiffs,

vs.

OBERLIN COLLEGE, et al.,

Defendants.

)
) **Case No. 17CV193761**
)
) **Judge: Hon. John R. Miraldi**
)
) **Magistrate: Hon. Joseph Bott**
)
)
)

**MOTION TO EXTEND DEADLINE FOR RESPONSE TO MOTION TO ENTER
JUDGMENT AGAINST SURETY ZURICH AMERICAN INSURANCE COMPANY**

Zurich American Insurance Company ("Zurich") respectfully moves the Court to extend the deadline for Zurich's response to the Motion to Enter Judgment Against Surety Zurich American Insurance Company (the "Motion"), which was filed on May 27, 2022, until June 24, 2022. As grounds for the requested extension, Zurich would show the following unto the Court:

1. Zurich's involvement in this action arises from its issuance of Appeal Bond No. 9280167 (the "Bond"), as surety, on behalf of Defendants Oberlin College and Meredith Raimondo (the "Defendants"), as principals, in the penal sum of \$36,367,711.56. On its face, the Bond conditions Zurich's payment obligations on, among other things, "the exhaustion of all of Defendants' appeals, including, if applicable, to the Ninth District Court of Appeals, the Supreme Court of Ohio, and the Supreme Court of the United States of America."

2. Though the Defendants' appeals have not been exhausted and the Bond's penal sum of \$36,367,711.56 is the absolute cap on Zurich's potential liability thereunder, the Motion requests the Court to enter judgment against Zurich relative to the Bond "in the amount of \$36,127,181.25 plus \$4,331.19 per diem from the date of filing."

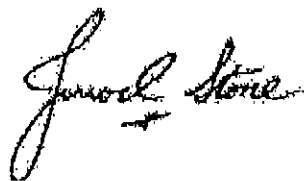
3. Upon receiving notice of the Motion, Zurich retained the undersigned counsel on the evening of June 9, 2022, who immediately filed a Notice of Appearance on behalf of Zurich by facsimile pursuant to Local Rule 3.

4. Zurich's undersigned counsel will be undergoing outpatient surgery today at noon Central to repair a distal bicep tendon that he ruptured on Monday evening, and he is not sure how long pain and other medications may prevent him from resuming his practice.

5. Accordingly, because Zurich denies that any payment is owed under the Bond, Zurich requests that the deadline for Zurich's response to the Motion be extended until June 24, 2022 so its counsel can fully brief the legal and factual issues arising from the Motion. As reflected by the email attached hereto as **Exhibit 1**, Zurich's undersigned counsel attempted to confer with counsel for the other parties to determine whether any objection to Zurich's request extension would be asserted. However, as of the time of filing, Zurich's undersigned counsel has not received any response from counsel for the other parties.

Therefore, Zurich respectfully moves the Court to extend the deadline for Zurich's response to the Motion until June 24, 2022.

Respectfully Submitted,



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Attorney for Defendant Zurich American Insurance Company

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing was served via U.S. Mail, postage prepaid on June 10, 2022 on the following:

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James Stone

EXHIBIT 1

From: Jarrod Stone
To: taylor@jamestaylorpa.com; lolakas@lawlion.com; bmchugh@lawlion.com; kmoore@lawlion.com; moore@kwad.com; orarric@kwad.com; monest@kwad.com
Cc: benjamin.cassee@tuckerellis.com; elisa.arko@tuckerellis.com; rhoiman@taftlaw.com; jcrocker@taftlaw.com; Rpanza@wickenslaw.com; mnakon@wickenslaw.com; rzidar@wickenslaw.com; berdis@ballardspahr.com; slaughterj@ballardspahr.com
Subject: Gibson Bros, Inc. v. Oberlin College
Date: Thursday, June 9, 2022 5:16:13 PM
Attachments: FILED NOA Jarrod Stone - Zurich-Gibson Bro.pdf

All,

Within the last hour or so, I was retained to represent Zurich American Insurance Company ("Zurich") in relation to the Plaintiffs' Motion to Enter Judgment Against Surety Zurich American Insurance Company. I just fax filed the attached Notice of Appearance, which will be served via U.S. Mail tomorrow.

The purposes of this email include (1) advising the parties that I will be requesting an extension of time for the filing of Zurich's response to the Motion and (2) inquiring whether there will be any opposition to the requested extension. I will be having outpatient surgery tomorrow at noon Central to repair a distal bicep tendon that I ruptured Monday night. Because I am not sure how much longer I will be out of the office, I intend to request an extension through June 24th.

Please let me know if there will be any opposition to the requested extension. Thanks.

Jarrod Stone
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