

# CITY OF TOLEDO



## DEPARTMENT OF LAW

January 25, 2005

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Re: Cuno, et al. v. DaimlerChrysler Corp., et al.  
Case No. 01-3960  
U.S. Court of Appeals (Sixth Circuit)

Dear Mr. Rothfeld:

Enclosed please find a copy of the Municipal Defendants' and the Public School District Defendants' Motion to Stay the Mandate, which has been filed in the above-captioned case.

If you have any questions regarding same, feel free to contact me.

**Litigation Section**

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Very truly yours,

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1/25/05





The Municipal Defendants (the City of Toledo and Carleton Finkbeiner, former Mayor) and the Public School District Defendants (the Washington Local and Toledo Public School Districts, Terry L. Glazer, Toledo School Board President, and David Hunter, Washington Local School Board President) move the Court, under Fed. R. App. P. 41(d)(2), to stay the mandate in this case pending the filing of a petition for a writ of certiorari in the United States Supreme Court. In support of this motion, the Municipal Defendants and the Public School District Defendants adopt the reasons set forth in the State of Ohio's Motion to Stay the Mandate. The Sixth Circuit's opinion threatens dramatic consequences for the ability of cities in Ohio to compete for business investment dollars. In light of that impact, as well as the novel theory on which the Sixth Circuit relied, the Municipal Defendants and the Public School District Defendants believe that the case warrants review in the U.S. Supreme Court. The balance of harms strongly favors staying the issuance of the mandate to permit the parties to file a petition for certiorari seeking review in that Court.

Respectfully submitted,

**BARBARA E. HERRING**  
City Law Director

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**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Motion To Stay The Mandate was sent by regular U.S. mail, postage pre-paid, this <sup>25<sup>th</sup></sup>~~24<sup>th</sup>~~ day of January, 2005, to:

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