

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

TROY STACY ENTERPRISES, INC.,
individually and on behalf of all others
similarly situated,

CASE NO.: 1:20-cv-00312-MWM

Plaintiff,

JUDGE: MATTHEW W. McFARLAND

v.

**THE CINCINNATI INSURANCE
COMPANY,**

Defendant.

MOTION FOR LEAVE TO FILE BRIEF OF *AMICI CURIAE*, *INSTANTER*

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Now come *amici curiae* (“Amici”)¹, and hereby move this Court for leave to file an amicus brief in support of Plaintiff, Troy Stacy Enterprises, Inc., in this matter, *instanter*. The Brief of *Amici Curiae* in Support of Plaintiff is attached hereto as **Exhibit 1**.

Amici are a number of local Ohio businesses that have filed suit in Stark and Summit Counties, Ohio and the Southern District of Ohio, requesting, *inter alia*, (1) declaratory judgments that their insurance policy contracts issued by various insurance companies, including Defendant The Cincinnati Insurance Company (“Cincinnati Insurance”), provide coverage for business losses they have suffered; and (2) damages for the substantial losses they have suffered. As such, Amici’s interest in this proceeding arises out of their participation as plaintiffs in similar litigation for business interruption losses.

Cincinnati Insurance’s Motion to Certify Questions to the Ohio Supreme Court (the “Motion”) sets forth three questions, **none** of which present novel issues of state law and **all** of which: (1) are rooted in contract law (which is well settled in Ohio), and (2) require the application and analysis of differing factual scenarios for varying types of businesses and policies. Amici are filing this brief because if Cincinnati Insurance’s Motion is granted, Amici’s pursuits to fully litigate their claims could be severely hindered.

¹ “Amici” collectively refers to amicus curiae Basement Group, LLC, Brumagin, LLC, Festivus, LLC, Waterloo 255, LLC, Falls Basement, LLC, Hemingway Holdings, LLC, Valley Pub, LLC, The Hills Entertainment, LLC, Nikki Brady, LLC, Carpe Diem Coffee Shop, Inc., Gervasi 1700, LLC, McKinley Development Leasing Company, Ltd; McKinley Development Leasing Company (A), Ltd; and McKinley Development Leasing Company (D), Ltd, Sylvester and Sylvester, Inc., dba Nick Sylvester’s North End Italian Grille, Lakeside Pub, LLC, Ethan & Austin, Ltd., 958 Canton Road, LLC, Lazy Gator, LLC, Strongsville Pub, LLC, Valley Six, LLC, 3900 Medina Road, LLC, 1800 Town Park Blvd, LLC, 357 W. Turkeyfoot Lake, LLC, Dakota Girls, LLC, Elliott Care, LLC, Dublin Ashanik, LLC, Educare of Greene, Inc., Campbell Family Childcare, Inc., Lillypad Learning Center, LLC, Fuqua Norman, Inc., Eagle School of Hilliard Ohio, Inc., Powell Enterprise, Inc., Park Enterprises of Ohio, LLC, Park School of Dublin, LLC, Fixari School of Pickerington, LLC, Fixari School of Reynoldsburg, LLC, Burkhold Enterprises, LLC, and Park School of Gahanna, LLC.

Therefore, Amici respectfully request this Court grant leave allowing their brief to be filed, *instanter*, in support of denying Cincinnati Insurance's Motion.

DATED: July 6, 2020

Respectfully submitted,

TZANGAS | PLAKAS | MANNOS | LTD

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed electronically and will be served upon counsel of record through the Court's electronic filing system. All other parties not served through the Court's electronic filing system will be served by regular U.S. mail.

s/ Maria C. Klutinoty Edwards
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