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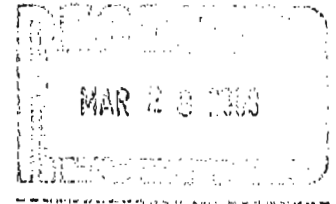
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March 25, 2008



Geoffrey R. Graham Judge
964 North 21st Street, Suite A
Newark, Ohio 43055

RE: John Thornborough, et al. v. Council of the Village of Granville OH, et al.
Case No. 2007 CV 01076
Licking County Common Pleas Court

Dear Geoff:

Attached is a copy of Denison University's motion for partial modification of the judgment filed March 10, 2008, or, alternatively, motion for partial stay of execution and file-stamped copies of the supporting affidavits. Pursuant to the judgment of the Licking County Common Pleas Court entered March 10, 2008, Denison University has suspended all construction at Cleveland Hall. This has caused a considerable problem due to exposure to increased costs, lost working days, and interruption of labor. Lincoln Construction has projected costs associated with a 4-week delay of just under \$149,000.00.

The attached motion seeks modification to permit construction to resume so as not to affect the glass addition. Exhibit A to the motion sets forth the proposed work which would occur if the motion for partial modification was granted.

We would like to reach an agreement with respect to continued construction other than on the glass addition pending final resolution.

We would appreciate your call after you have had the opportunity to review these matters.

We scheduled a nonoral hearing and the notice is attached. Either of us may desire that the court hear us orally depending on your thoughts concerning these matters.

Sincerely yours,

MORROW, GORDON & BYRD, Ltd.

James R. Cooper

JRC/tgs
Enclosure

IN THE COURT OF COMMON PLEAS, LICKING COUNTY, OHIO

LICKING COUNTY
COMMON PLEAS COURT

John Thornborough, et al.,

Appellants,

-vs-

Council of the Village of Granville,
Ohio, et al.,

Appellees.

Case No. 2007 CV 01076

Judge Spahr

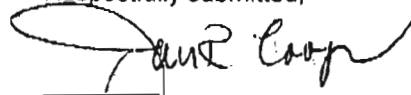
2008 MAR 25 P 2:12

FILED
GARY B. WALTERS
CLERK

**APPELLEE DENISON UNIVERSITY'S MOTION FOR PARTIAL MODIFICATION
OF THE JUDGMENT FILED MARCH 10, 2008, OR, ALTERNATIVELY,
MOTION FOR PARTIAL STAY OF EXECUTION**

Appellee Denison University respectfully moves for partial modification of the Court's Judgment Entry filed March 10, 2008, or, alternatively, for a partial stay of execution of said judgment pursuant to Rule 62 of the Ohio Rules of Civil Procedure in order to permit the continuation of construction with respect to Cleveland Hall in a manner that will not include construction of the proposed glass addition at issue in this case. All construction on Cleveland Hall has been suspended pursuant to the Court's judgment, including construction which does not affect the architectural design to which Appellants object. The problems associated with a complete cessation of construction are set forth in the memorandum attached. The memorandum also addresses the specific areas of the total project where work may proceed if this motion is granted. Affidavits of Seth H. Patton, Vice President for Finance and Management, Denison University, and Bruce A. Dew, Executive Vice President, Lincoln Construction, Inc., are attached in support of this motion.

Respectfully submitted,



James R. Cooper (0023161)
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Attorney for Appellee Denison University

MEMORANDUM

By judgment of March 10, 2008, the Court sustained Appellants' first assignment of error and reversed the decision of the Council of the Village of Granville ("Village Council"). Following a hearing before Village Council on June 20, 2007, Village Council issued its decision which affirmed the decision of the Planning

Commission of the Village of Granville to approve, with conditions, the application for Architectural Review submitted by Denison University for the proposed addition to Cleveland Hall located on the University's campus. A building permit for the Cleveland Hall renovation was subsequently issued by the Village of Granville. The issuance of a single building permit for the entire Cleveland Hall construction project included both the portions of the project which required Architectural Review and those which did not. Construction proceeded following the issuance of the building permit on those areas of the project other than the glass addition to which Appellants objected. No stay has been in effect pending Appellants' appeal to this Court and no objection has been raised with respect to the construction which has ensued to this point. Indeed, the renovation to the existing Cleveland Hall has been generally viewed as a positive improvement, as well as an important benefit to the students at Denison University. Appellants' arguments throughout these proceedings, and as set forth in their brief filed herein, have focused on the glass addition. Appellants' brief, at page 9, recites that Appellants "wholeheartedly support" the renovation of the existing structure.

Appellee Denison University has set forth in Exhibit A attached hereto the proposed work which does not appear to conflict with the arguments of Appellants. It is Denison University's purpose with this motion to minimize exposure to increased costs, lost working days, and the interruption of labor that would otherwise result. Denison's proposed work set forth on Exhibit A would allow construction to proceed within the interior and on the exterior of the original Cleveland Hall as well as on the north office addition and foundry addition.

The costs associated with the inability to continue construction have been projected on Exhibit B with the assistance of Lincoln Construction, Inc., the general contractor for the Cleveland Hall renovation. Exhibit B projects the total impact cost of a 4-week shutdown of construction and assumes that the project can resume under the relief here requested by April 9, 2008. Exhibit B sets forth the costs associated with a 4-week delay at \$148,898.00.

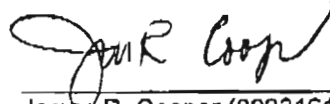
Exhibit B also sets forth the impact cost if construction were not to resume until October 1, 2008, and projects, in this instance, an impact cost of \$571,876.00.

In view of the difficulties and costs of a total cessation of construction, yet with a view in keeping with the Court's judgment and toward preserving the issues raised by this case until final resolution, Appellee Denison University respectfully seeks the partial modification or partial stay of execution to permit it to continue work on items not in controversy.

For the reasons set forth above, Denison University, Appellee herein, respectfully requests a partial

modification to the Court's judgment filed March 10, 2008, or, alternatively, a partial stay of execution in order to allow it to continue working on those areas of the project that do not involve the glass addition.

Respectfully submitted,



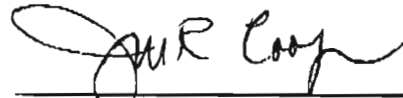
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Attorney for Denison University

PROOF OF SERVICE

A copy of the foregoing was served on Geoffrey Graham Judge, 964 North 21st Street, Suite A, Newark, Ohio 43055, Attorney for Appellants; and upon D. Michael Crites, Law Director, Village of Granville, and James R. Gorry, Assistant Law Director, RICH, CRITES & DITTMER, LLC, 300 East Broad Street, Suite 300, Columbus, Ohio 43215, Attorneys for Appellee Village of Granville, by ordinary U.S. mail, postage prepaid, this 19th day of March, 2008.

LS

Respectfully submitted,



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