

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

MD ELTON R. KERR,

Plaintiff,

:

Case No. 3:07-cv-297

-vs-

:

Magistrate Judge Michael R. Merz

MD WILLIAM W. HURD, et al.,

Defendants.

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**NOTICE TO COUNSEL**

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The Court notes that Defendant Wright State Physicians attached to its Reply Memorandum in Support of its Motion for Summary Judgment 188 pages of copies of unreported cases.

Several years ago, the Court amended S. D. Ohio Civ. R. 7.2(b)(4) to read “If unreported or unofficially published opinions are cited, copies of the opinions shall be made available upon request by the Court or opposing counsel.” This replaced the prior rule which required attachment of copies of such opinions. The rule was amended upon consensus of the Local Rules Advisory Committee that virtually all practicing attorneys had electronic access to unreported opinions and that those who did not could readily request copies. All judicial officers have desktop access to opinions published on either Westlaw or Lexis.

The attention of counsel is called to this rule to save counsel the labor involved with scanning the opinions and the time required to upload them.

September 3, 2009.

s/ **Michael R. Merz**  
United States Magistrate Judge