

IN THE SUPREME COURT OF OHIO

**STATE OF OHIO ex rel. DAVID
ESRATI**

Case No. 2025-1584

100 Bonner Street
Dayton, OH 45410

On Appeal from the Second District Court of
Appeals, Montgomery County
Case No. CA 30525

Relator,

v.

**MICHAEL J. FOLEY, Montgomery
County Clerk of Courts**

200 Thruston Blvd W.
Dayton, OH 45419

and

41 N. Perry Street
Room 106
Dayton, OH 45422-2000

Respondent.

**MOTION FOR LEAVE TO FILE SUPPLEMENTAL MEMORANDUM IN
SUPPORT OF JURISDICTION**

Relator respectfully moves this Court for leave to file the attached Supplemental Memorandum in Support of Jurisdiction. This supplement identifies significant new developments that occurred after the filing of the original Memorandum in Support of Jurisdiction and that materially affect the constitutional issues presented.

These developments include the final termination entry in Respondent's criminal case, relevant conflicts of interest among local officials, continued misuse of public office by Respondent during ongoing litigation, and the dismissal of felony counts previously validated by a grand jury and announced by the Auditor of State.

This information is necessary to assist the Court in evaluating the statewide importance of the constitutional questions presented. Good cause therefore exists for the Court to grant this motion.

Respectfully submitted,

/s/ David Esrati
Relator–Appellant, Pro Se
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Dayton, Ohio 45410
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Certificate of Service

Relator files this memorandum promptly upon order of the Court, mindful of both the Court's schedule and the importance of swift resolution to prevent ongoing taxpayer harm.

I hereby certify that a copy of the foregoing *Notice of Appeal and Memorandum in Support of Jurisdiction* was **hand delivered** on this 10th day of December 2025, to **Jon Paul Rion**, counsel for Respondent, at 130 W. Second Street, Suite 2150, Dayton, Ohio 45402, and was **served by electronic mail** upon **Thomas N. Anger**, Special Prosecutor, Office of the Ohio Auditor of State, 65 E. State Street, 14th Floor, Columbus, Ohio 43215, at TNAnger@ohioauditor.gov.

/s/ David Esrati

Relator, pro se