

IN THE SUPREME COURT OF OHIO

SONDRA I. PEIRCE, : On Appeal from the Richland
 : County Court of Appeals, Fifth
 Plaintiff/Appellant, : Appellate District
 :
 v. : Court of Appeals Case Nos.
 : 05-CA-114 and 05-CA-125
 J.C. MEYER COMPANY, INC., et al. :
 : Supreme Court Case No. 2006-1817
 Defendants/Appellees, :
 :
 :

**MEMORANDUM IN OPPOSITION TO JURISDICTION OF APPELLEES
J.C. MEYER COMPANY, INC. AND TIFFANY S. MEYER**

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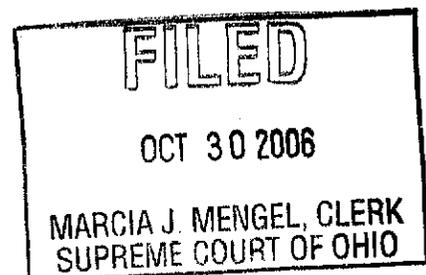


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THIS CASE IS NOT OF PUBLIC OR GREAT GENERAL INTEREST

Appellant erroneously argues that this case presents a question of public or great general interest requiring this Court to exercise its discretion to decide it. This litigation arises from disputes regarding the purchase of a certain parcel of real estate. This appeal simply involves the Appellant's disagreements with the lower courts' straightforward analyses of the established law as applied to the specific facts of Appellant's claim.

This Court has clearly articulated its intent to limit its review to questions of public or great general interest. *Williamson v. Rubich* (1960), 171 Ohio St. 253, 168 N.E. 2d 876. This case bears no similarity to cases in which the court exercised its jurisdiction on the grounds that it presented a question of public concern or great general interest. In *DeRolph v. Sate* (1997), 78 Ohio St. 3d 193, 677 N.E.2d 733, the court determined the constitutionality of Ohio's public school finance system. In *State v. Dostal* (1971), 28 Ohio St. 2d 158, 277 N.E.2d 211, the Court examined the right to a jury trial where imprisonment for more than six months was authorized. Simply stated, while this matter may be of some interest to the parties involved, it does not involve a matter of public or great general interest. There is no split in the Appellate Districts on any question presented and the principles upon which this case was decided by the courts below are well-established precedent.

Appellant urges this Court to set aside the time-honored equitable doctrine of "procuring cause" which entitles a real estate broker to a commission for producing a ready, willing and able buyer for a property. *See, e.g., Bauman v. Worley* (1957), 166 Ohio St. 471, ¶2 of syll., 143 N.E.2d 820; *Mars Business Inv. Co. v. Miclau* (1958), 168 Ohio St. 144, at syll., 151 N.E.2d 735.

Appellant mischaracterizes her appeal as something other than the improper motion for reconsideration that it is. The issues of law presented have previously been embraced by Ohio courts without conflict. Because there are no issues of great public or general interest, and no valid constitutional question, the appeal should not be allowed. In an effort to preserve the stability of previous appellate court rulings and to protect the resources of this Court, this Court should decline jurisdiction in this matter.

ARGUMENT IN OPPOSITION TO APPELLANT'S PROPOSITIONS OF LAW

Appellees J.C. Meyer Company, Inc. and Tiffany S. Meyer will not tax this court by explaining in detail why each of appellant's propositions of law should be rejected due to the fact that it is self-evident that this case is not a case of public or great general interest and does not involve a substantial constitutional question. Furthermore, the trial court and Fifth District Court of Appeals, in a unanimous decision, both rejected Appellant's arguments in unequivocal terms. Appellant simply seeks to overturn established law regarding commissions for sales of real property by ignoring the doctrine of procuring cause. (*See* Proposition of Law 1). The Second and Third Propositions of Law set forth by Appellant simply argue for reconsideration of her prior appeal, despite the fact that it is not regarding an issue of public or great general interest.

As such, Appellant's Memorandum in Support of Jurisdiction is clearly without merit and the request for jurisdiction should be denied.

CONCLUSION

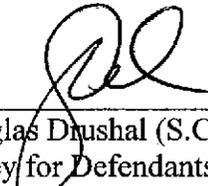
This case does not involve a matter of public or great general interest. It simply represents a routine application of legal doctrine. For this and the other foregoing reasons,

Appellees J.C. Meyer Company, Inc. and Tiffany S. Meyer respectfully request that this Court deny the request for jurisdiction by Appellant and not allow her appeal.

Respectfully submitted,

CRITCHFIELD, CRITCHFIELD & JOHNSTON, LTD.

By: _____

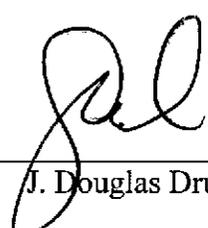

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Memorandum in Opposition to Jurisdiction of Appellees J.C. Meyer Company, Inc. and Tiffany S. Meyer was served upon the following, by regular U.S. Mail this 27 day of October, 2006.

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