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# In the Supreme Court of Ohio

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APPEAL FROM THE COURT OF APPEALS  
EIGHTH APPELLATE DISTRICT  
CUYAHOGA COUNTY, OHIO  
CASE NOS. 04-85286, 04-85574 and 04-85605  
(Consolidated)

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MARK A. McLEOD, Guardian for the Estate of Walter Hollins,  
*Appellee,*

v.

MT. SINAI MEDICAL CENTER,  
*Appellant,*

and

RONALD JORDAN, M.D. and  
NORTHEAST OHIO NEIGHBORHOOD HEALTH SERVICES, INC.  
f/k/a HOUGH-NORWOOD  
*Defendants*

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## APPELLANT MT. SINAI MEDICAL CENTER'S BRIEF OPPOSING APPELLEE'S RENEWED AND SUPPLEMENTAL MOTION FOR RECUSAL

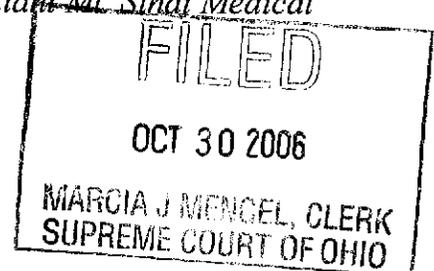
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ANDREW S. MUTH  
MUTH & SHAPERO, L.C.  
Society Bank Building  
301 W. Michigan Ave., Suite 302  
Ypsilanti, MI 48197

*Attorney for Appellee Mark A. McLeod,  
Guardian for the Estate of Walter Hollins*

IRENE C. KEYSE-WALKER (0013143)  
(COUNSEL OF RECORD)  
TUCKER ELLIS & WEST LLP  
925 Euclid Avenue, Suite 1150  
Cleveland, OH 44115-1475  
Telephone: (216) 592-5000  
Telefax: (216) 592-5009

*Attorney for Appellant Mt. Sinai Medical  
Center*



GEOFFREY FIEGER  
FIEGER FIEGER SCHWARTZ & KENNEY  
19390 W. Ten Mile Road  
Southfield, MI 48075-2463

JACK BEAM  
BEAM & RAYMOND ASSOCIATES  
2770 Arapaho Road, Suite 132, PMB 135  
Lafayette, Colorado 80026

*Additional Counsel for Appellee Mark A.  
McLeod, Guardian for the Estate of Walter  
Hollins*

MARC W. GROEDEL (0016351)  
MARILENA DISILVIO (0064575)  
REMINGER & REMINGER CO., L.P.A.  
1400 Midland Building  
101 Prospect Avenue, W.  
Cleveland, Ohio 44115-1093  
Telephone: (216) 687-1311  
Telefax: (216) 687-1841

*Additional Counsel for Appellant Mt. Sinai  
Medical Center*

JOSEPH E. FARCHIONE, JR.  
THOMAS H. TERRY, III  
SUTTER, O'CONNELL, MANNION &  
FARCHIONE  
3600 Erieview Tower  
1301 E. Ninth St.  
Cleveland, Ohio 44114  
Telephone: (216) 928-2200  
Telefax: (216) 928-4400

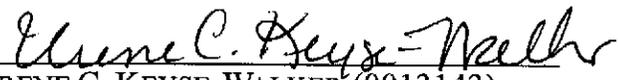
MARK HERRMANN (0043751)  
PEARSON N. BOWNAS (0068495)  
MARY BETH YOUNG (0073451)  
JONES DAY  
North Point  
901 Lakeside Ave.  
Cleveland, OH 44114  
Telephone: (216) 586-3939  
Telefax: (216) 579-0212

*Attorneys for Defendants Ronald Jordan,  
M.D. and Northeast Ohio Neighborhood  
Health Services*

Appellant Mt. Sinai Medical Center opposes Appellee's Renewed and Supplemental Motion for Recusal. Appellee bases his "renewed" motion on a newspaper article unrelated to any party or proceeding in this case, and characterizations of post-trial settlement negotiations that are both improper and untrue. At issue in this appeal is the standard of review appellate courts should apply to trial court determinations that gross and pervasive misconduct by counsel for the prevailing party deprived the losing party of a fair trial. In this case, that misconduct included (but was not limited to) Appellee's counsel's insinuations to jurors, in both voir dire and closing argument, that any verdict adverse to his client could only be the product of some form of prejudice. Appellee has now twice attempted to inject that same taint into these proceedings. Appellee's "renewed" motion, like the original, should be summarily denied.

Respectfully submitted,

MARC W. GROEDEL (0016351)  
MARILENA DISILVIO (0064575)  
REMINGER & REMINGER CO., L.P.A.  
1400 Midland Building  
101 Prospect Avenue, W.  
Cleveland, Ohio 44115-1093  
Telephone: (216) 687-1311  
Telefax: (216) 687-1841  
E-mail: [mgroedel@reminger.com](mailto:mgroedel@reminger.com)  
[mdisilvio@reminger.com](mailto:mdisilvio@reminger.com)

  
IRENE C. KEYSE-WALKER (0013143)  
(COUNSEL OF RECORD)  
TUCKER ELLIS & WEST LLP  
1150 Huntington Building  
925 Euclid Avenue  
Cleveland, OH 44115-1414  
Telephone: (216) 592-5000  
Telefax: (216) 592-5009  
E-mail: [ikyse-walker@tuckerellis.com](mailto:ikyse-walker@tuckerellis.com)

*Attorneys for Appellant Mt. Sinai Medical Center*

**CERTIFICATE OF SERVICE**

A copy of the foregoing has been served this 30th day of October, 2006, by U.S.

Mail, postage prepaid, upon the following:

Andrew S. Muth  
Muth & Shapero, L.C.  
Society Bank Building  
301 W. Michigan Ave., Suite 302  
Ypsilanti, MI 48197

Attorney for Appellee Mark A. McLeod,  
Guardian for the Estate of Walter Hollins

Geoffrey Fieger  
Fieger Fieger Schwartz & Kenney  
19390 W. Ten Mile Road  
Southfield, MI 48075-2463

Attorney for Appellee Mark A. McLeod,  
Guardian for the Estate of Walter Hollins

Jack Beam  
Beam & Raymond Associates  
2770 Arapaho Road, Suite 132, PMB 135  
Lafayette, Colorado 80026

Attorney for Appellee Mark A. McLeod,  
Guardian for the Estate of Walter Hollins

Sandra J. Rosenthal  
75 Public Square, Suite 1300  
Cleveland, OH 44113-2001

Attorney for Appellee Mark A. McLeod,  
Guardian for the Estate of Walter Hollins

Joseph E. Farchione, Jr.  
Thomas H. Terry, III  
Sutter, O'Connell, Mannion & Farchione  
3600 Erieview Tower  
1301 E. Ninth St.  
Cleveland, Ohio 44114

Attorneys for Defendants Ronald Jordan,  
M.D. and Northeast Ohio Neighborhood  
Health Services

Mark Herrmann  
Pearson N. Bownas  
Jones Day  
North Point  
901 Lakeside Ave.  
Cleveland, OH 44114

Attorneys for Defendants Ronald Jordan,  
M.D. and Northeast Ohio Neighborhood  
Health Services

Mary Beth Young  
Jones Day  
325 John H. McConnell Boulevard  
Suite 600  
Columbus, Ohio 43215

Attorney for Defendants Ronald Jordan,  
M.D. and Northeast Ohio Neighborhood  
Health Services

Kurt D. Anderson  
Fauver, Keyse- Walker & Donovan  
5333 Meadow Lane Court  
Elyria, Ohio 44035-1469

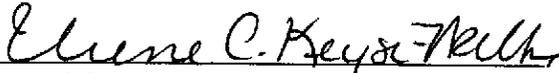
Attorney for Amicus Curiae Ohio  
Association of Civil Trial Attorneys

Pamela W. Popp  
Greenebaum Doll & McDonald PLLC  
2800 Chemed Center  
255 East Fifth St.  
Cincinnati, OH 45202-4728

Attorney for Amicus Curiae Ohio  
Association for Community Health Centers

Brett M. Wood  
Deborah Berliner  
Wood & Berliner PLLC  
1320 G Street, S.E.  
Washington, DC 20003

Attorneys for Amicus Curiae Ohio Legal  
Life Defense Foundation

  
*Elene C. Keyse-Walker*  
*One of the Attorneys for Appellant Mt.*  
*Sinai Medical Center*