

Pursuant to the Court's February 28, 2007 and March 5, 2007 Judgment Entries (attached as Exhibits A and B), Defendants-Appellees NorthEast Ohio Neighborhood Health Services, Inc. ("NEON") and Total Health Care Plan, Inc. ("THCP") move the Court for an award of \$7,582.50 in attorneys' fees and \$33.53 in expenses, for a total award of \$7,616.03. The support and documentation for this request is contained in the Affidavit of Matthew T. Fitzsimmons (attached as Exhibit C).

Respectfully submitted,

NICOLA, GUDBRANSON & COOPER, LLC


Matthew T. Fitzsimmons (0013404)
R. Christopher Yingling (0066551)
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Attorneys for Defendants-Appellees
NorthEast Ohio Neighborhood Health
Services, Inc. and Total Health
Care Plan, Inc.

CERTIFICATE OF SERVICE

A copy of the foregoing Application of Defendants-Appellees NorthEast Ohio Neighborhood Health Services, Inc. and Total Health Care Plan, Inc. for Attorneys' Fees, Costs, and Expenses was sent by regular U.S. mail, postage prepaid, this 22nd day of March 2007 to the following:

Mr. Prasad Bikkani
3043 Forest Lake Drive
Westlake, Ohio 44145

Matthew T. Finnegan
One of the Attorneys for
Defendants-Appellees
NorthEast Ohio Neighborhood Health
Services, Inc. and
Total Health Care Plan, Inc.

FILED

The Supreme Court of Ohio

FEB 28 2007

MARCIA J. MENGEL, CLERK
SUPREME COURT OF OHIO

Prasad Bikkani

Case No. 2006-2073

v.

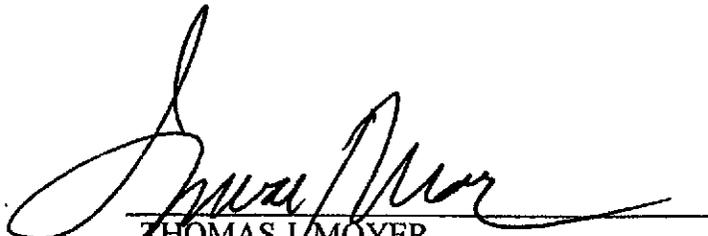
ENTRY

Rotan E. Lee, Esq., et al.

Upon consideration of the jurisdictional memoranda filed in this case, the Court declines jurisdiction to hear the case and dismisses the appeal as not involving any substantial constitutional question. Upon consideration of the motion of Matthew T. Fitzsimmons, Esq., to remove himself as a personally named defendant-appellee, the motion of Northeast Ohio Neighborhood Health Services, Inc., et al., to strike memo opposing the motion to remove Matthew Fitzsimmons as a personally named defendant-appellee, and appellees' motions to have pro-se appellant classified as a vexatious litigator and for sanctions for frivolous action,

It is ordered by the Court that the motion to remove Matthew T. Fitzsimmons as a personally named defendant-appellee and the motion of Northeast Ohio Neighborhood Health Services, Inc., et al., to strike memo opposing the motion to remove Matthew T. Fitzsimmons as a personally named defendant-appellee are granted, and the motions to classify appellant as a vexatious litigator and for sanctions for frivolous action are granted.

(Cuyahoga County Court of Appeals; No. 88650)


THOMAS J. MOYER
Chief Justice

The Supreme Court of Ohio

FILED

MAR 05 2007

MARCIA J. MENGEL, CLERK
SUPREME COURT OF OHIO

Prasad Bikkani

Case No. 2006-2073

v.

ENTRY

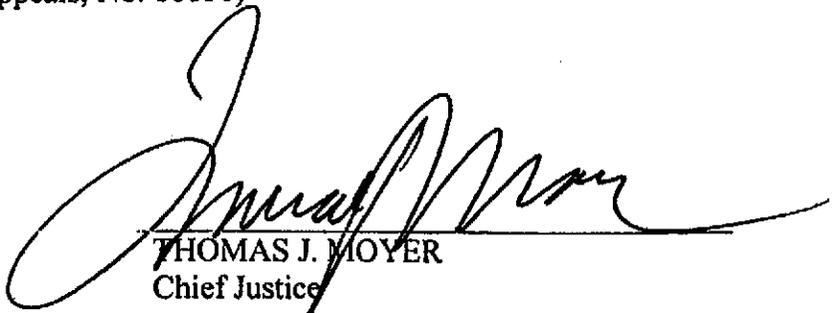
Rotan E. Lee, Esq., et al.

This cause came on for further consideration upon the February 28, 2007 entry finding appellant to be a vexatious litigator under S.Ct.Prac.R. XIV(5)(B), and upon the sanctions granted for frivolous action. Upon consideration thereof,

It is ordered by the Court that Prasad Bikkani is prohibited from continuing or instituting legal proceedings in this Court without first obtaining leave. Any request for leave shall be submitted to the Clerk of this Court for the Court's review.

It is further ordered that appellees shall file a bill and documentation of reasonable expenses within twenty days of the date of this entry. Appellant may file objections to appellees' bill and documentation within ten days of the filing of the bill and documentation, and appellees may file a reply to appellant's objections, if any, within five days of the filing of the objections.

(Cuyahoga County Court of Appeals; No. 88650)



THOMAS J. MOYER
Chief Justice

IN THE SUPREME COURT OF OHIO

PRASAD BIKKANI)
) CASE NO. 2006-2073
 Plaintiff-Appellant,)
)
 v.) AFFIDAVIT OF
) MATTHEW T. FITZSIMMONS
 ROTAN E. LEE, ESQ., et al.)
)
 Defendants-Appellees.)
)
)

STATE OF OHIO)
) ss.:
 COUNTY OF CUYAHOGA)

Matthew T. Fitzsimmons, being first duly sworn, does hereby depose and say as follows:

1. I am a member of the law firm of Nicola, Gudbranson & Cooper, LLC ("NG&C"), the law firm representing NorthEast Ohio Neighborhood Health Services, Inc. ("NEON"), and Total Health Care Plan, Inc. ("THCP") in this action. I graduated from the University of Notre Dame with an A.B. in Government in 1975, and the University of Dayton School of Law in 1980. From 1980 through 1982, I served as law clerk to Chief Justice Frank D. Celebrezze of

the Supreme Court of Ohio. Since 1982, I have been engaged in the private practice of law, with a focus in general civil and commercial litigation at the trial and appellate levels. I am presently admitted to the bar of the Supreme Court of Ohio, the United States District Court for the Southern District of Ohio, the United States District Court for the Northern District of Ohio, the United States Court of Appeals for the Sixth Circuit, and the United States Supreme Court. I am a Life Member of the Eighth District Judicial Conference and, since 2002, a member of the Advisory Group of the United States District Court for the Northern District of Ohio.

2. Unless otherwise noted, the information contained herein is based on my personal knowledge.

3. I have been actively involved in the present appeal from its inception. I have been the billing partner in this litigation and, in that capacity, I am familiar with all aspects of the present appeal, as well as the time expended and costs incurred by NEON and THCP in this action.

4. I have reviewed the time sheets and time charges, expense items, and all records relevant to the account of NEON and THCP kept by NG&C in the normal and ordinary course of business regarding the present appeal. The

following is a compilation of the hours, fees, and costs that have been charged by NG&C to NEON and THCP, as of November 1, 2006, for professional services rendered in this appeal for proceedings in the Supreme Court of Ohio occasioned by pro se appellant's appeal of an order that was not a final appealable order. Our activities included reviewing pro se appellant's (a) Notice of Appeal and Memorandum in Support of Jurisdiction and (b) Motion for Leave to File Motion for Reconsideration, and preparing NEON's and THCP's (a) Response to Appellant's Memorandum in Support of Jurisdiction, (b) Motion to Remove Counsel for NEON and THCP as a Personally Named Defendant-Appellee, (c) Motion of THCP and NEON to Strike Pro Se Appellant's Brief in Opposition to that Motion to Dismiss, and (d) Brief in Opposition to Pro Se Appellant's Motion for Leave to File Motion for Reconsideration.

It is my judgment that these hours were reasonably, fairly, and necessarily expended in this appellate litigation -- Case No. 2006-2073 only. This fee application does not include any time and expenses for our activities in Supreme Court Case No. 2006-2302 -- a separate appeal filed by Mr. Bikkani. The hours claimed represent hours actually billed by NG&C to NEON and THCP for legal services rendered in this appeal. These hours are

based upon contemporaneous time records prepared and maintained by NG&C for billing purposes. Hours that I viewed, in my good faith judgment as the billing partner, to be excessive, redundant, or otherwise unnecessary, are excluded from NEON's and THCP's fee request. In this litigation, counsel for NEON and THCP has been confronted with briefs, motions, and exhibits from pro se appellant that were largely incomprehensible and unintelligible. Pro se appellant put NEON and THCP in the precarious position of having to guess at what he was arguing. This obviously impacted the hours expended by NEON and THCP in this appellate litigation.

My hourly rate charged to NEON and THCP is the normal hourly rate which NG&C charges to its clients for my services in comparable commercial litigation. My time was billed at \$180 an hour in 2006 and \$185 an hour in 2007. The time of R. Christopher Yingling, a ninth-year associate, was billed at \$150 per hour in 2006 and \$160 per hour in 2007. Mr. Yingling graduated from the University of Dayton with a B.S. in Chemical Engineering in 1990, and Cleveland State University Law School in 1996. The hourly rate charged for Mr. Yingling is the normal rate which NG&C charges to clients for his services. Based upon the knowledge, skill, and expertise of the individuals

representing NEON and THCP, and the usual and customary rates of legal fees charged by law firms in the Cleveland area (which with I am generally familiar for general civil and commercial litigation), it is my professional opinion that the foregoing hourly rates represent the fair and reasonable market value for services rendered in general civil and commercial appellate litigation, and are within the range of customary and usual charges for representation in such litigation. In light of the qualifications and experience of counsel for NEON and THCP, I believe that these hourly rates are on the low side of the reasonable range.

The costs sought by NEON and THCP are documented and are reasonable out-of-pocket expenses incurred by counsel in furnishing the aforementioned legal services, and are normally charged to fee paying clients, such as photocopying, messenger costs, court reporter fees, and the like. Attached as Exhibits 1 and 2 are true, correct, and accurate copies of two Federal Express bills for shipping NEON's and THCP's motions and briefs to the Supreme Court of Ohio:

Billable Hours for THCP:

<u>Date</u>		<u>Services Rendered</u>	<u>Hours</u>
11/14/06	RCY	Review plaintiff's memorandum in support of	1.75

jurisdiction for appeal to Supreme Court. Review docket re: date plaintiff filed and timeliness. Review Supreme Court rule re: time requirements for appeal. Update research re: whether Motion to Disqualify is a final appealable order. Prepare brief in opposition to plaintiff's jurisdiction memorandum.

11/15/06	MTF	Review and analysis of Prasad Bikkani Notice of Appeal and Memorandum in Support of Jurisdiction; correspondence to Mr. Austin re: same; review of Supreme Court Rules of Practice.	0.50
	RCY	Prepare response to plaintiff's Memorandum in Support of Jurisdiction. Shepardize cases used in brief.	2.50
11/16/06	MTF	Correspondence to Mr. Austin re: status of appeal; draft and edit Brief in Opposition to Jurisdiction.	0.50
11/29/06	RCY	Research re: plaintiff adding defendant party on appeal.	0.25
11/30/06	MTF	Draft and edit Ohio Supreme Court Brief in Opposition to Prasad Bikkani Motion for Jurisdiction.	1.00
	RCY	Review dockets re: plaintiff's appeals to the Supreme Court. Review/revise response to plaintiff's memorandum in support of jurisdiction.	1.25

		Prepare motion to remove MTF as an individually named defendant.	
12/4/06	MTF	Draft and edit Supreme Court brief.	0.37
12/5/06	MTF	Final review and edit of Supreme Court briefs to dismiss appeal and keep case out of Ohio Supreme Court.	0.50
12/19/06	MTF	Review of Ohio Supreme Court Rules re: motion practice.	0.25
12/21/06	MTF	Review and analysis of Prasad Bikkani Supreme Court Brief re: addition MTF as a named party.	0.75
12/22/06	RCY	Prepare Motion to Strike plaintiff's Memorandum in Opposition to Motion to Remove MTF from docket.	1.50
12/27/06	RCY	Prepare Motion to Strike Appellant's Memorandum in Opposition.	1.50
12/28/06	RCY	Prepare Motion to Strike Memorandum in Opposition.	0.75
12/29/06	RCY	Prepare Motion to Strike Memorandum in Opposition.	0.75
1/3/07	MTF	Draft and edit Supreme Court Motion (Case No. 2073) to Strike Appellant's Memorandum in Opposition to Motion of MTF to Remove Him as a Personally Named Defendant and Motion for Sanctions and to Name Prasad Bikkani as a Vexatious Litigator.	0.25
1/9/07	MTF	Draft and edit Motion to Strike Prasad Bikkani's Memorandum in Opposition to	1.50

Motion to Dismiss in Case
No. 2006-2073.

	RCY	Research re: Supreme Court required citation format. Telephone conference with Clerk of Court re: same. Prepare Motion to Strike Appellant's Memorandum in Opposition to MTF's Motion to Remove Him as an Appellee, and Motion for Sanctions.	0.75
1/10/07	MTF	Draft and edit Motion to Strike in Supreme Court Case No. 2006-2073.	0.50
3/2/07	MTF	Review and analysis of Supreme Court decision in favor of NEON and THCP; correspondence to Mr. Austin re: same.	0.15
3/6/07	MTF	Preparation of fee application in Case No. 2006-2073.	0.37
3/14/07	MTF	Preparation of fee application in Case No. 2006-2073.	0.25
3/17/07	MTF	Preparation of fee application in Case No. 2006-2073.	0.25
3/19/07	MTF	Review and analysis of Prasad Bikkani's Motion for Leave to File Motion for Reconsideration in Case No. 2006-2073 and Motion for Reconsideration; conference with RCY re: arguments to assert in Brief in Opposition.	1.25
3/19/07	RCY	Review docket re: Prasad Bikkani's Motion for Leave to File Motion for Reconsideration in Case No. 2006-2073. Review Supreme	0.62

Court rule re: time to file opposition to Plaintiff's Motion for Reconsideration. Review issues to address in Brief in Opposition to Motion for Leave.

3/20/07	MTF	Draft and edit fee application.	0.50
3/20/07	RCY	Review Plaintiff's Motion for Leave to File Motion for Reconsideration in Case No. 2006-2073. Prepare Brief in Opposition to Motion for Leave.	2.50

Total Billable Hours for THCP \$3,782.00 23.01 hours

Billable Hours for NEON:

<u>Date</u>		<u>Services Rendered</u>	<u>Hours</u>
11/14/06	RCY	Review plaintiff's memorandum in support of jurisdiction for appeal to Supreme Court. Review docket re: date plaintiff filed and timeliness. Review Supreme Court rule re: time requirements for appeal. Update research re: whether Motion to Disqualify is a final appealable order. Prepare brief in opposition to plaintiff's jurisdiction memorandum.	1.75
11/15/06	MTF	Review and analysis of Prasad Bikkani Notice of Appeal and Memorandum in Support of Jurisdiction; correspondence to Mr. Austin re: same; review of Supreme Court Rules of Practice.	0.50

	RCY	Prepare response to plaintiff's Memorandum in Support of Jurisdiction. Shepardize cases used in brief.	2.50
11/16/06	MTF	Correspondence to Mr. Austin re: status of appeal; draft and edit Brief in Opposition to Jurisdiction.	0.50
11/30/06	MTF	Draft and edit Ohio Supreme Court Brief in Opposition to Prasad Bikkani Motion for Jurisdiction.	1.00
	RCY	Review dockets re: plaintiff's appeals to the Supreme Court. Review/revise response to plaintiff's memorandum in support of jurisdiction. Prepare motion to remove MTF as an individually named defendant.	1.25
12/4/06	MTF	Draft and edit Supreme Court brief.	0.37
12/5/06	MTF	Final review and edit of Supreme Court briefs to dismiss appeal and keep case out of Ohio Supreme Court.	0.50
12/19/06	MTF	Review of Ohio Supreme Court Rules re: motion practice.	0.25
12/21/06	MTF	Review and analysis of Prasad Bikkani Supreme Court Brief re: addition MTF as a named party.	0.75
12/22/06	RCY	Prepare Motion to Strike plaintiff's Memorandum in Opposition to Motion to Remove MTF from docket.	1.50

12/27/06	RCY	Prepare Motion to Strike Appellant's Memorandum in Opposition.	1.50
12/28/06	RCY	Prepare Motion to Strike Memorandum in Opposition.	0.75
12/29/06	RCY	Prepare Motion to Strike Memorandum in Opposition.	0.75
1/3/07	MTF	Draft and edit Supreme Court Motion (Case No. 2073) to Strike Appellant's Memorandum in Opposition to Motion of MTF to Remove Him as a Personally Named Defendant and Motion for Sanctions and to Name Prasad Bikkani as a Vexatious Litigator.	0.25
1/9/07	MTF	Draft and edit Motion to Strike Prasad Bikkani's Memorandum in Opposition to Motion to Dismiss in Case No. 2006-2073; review and analysis of Supreme Court Rules of Practice.	1.50
	RCY	Research re: Supreme Court required citation format. Telephone conference with Clerk of Court re: same. Prepare Motion to Strike Appellant's Memorandum in Opposition to MTF's Motion to Remove Him as an Appellee, and Motion for Sanctions.	0.75
1/10/07	MTF	Draft and edit Motion to Strike in Supreme Court Case No. 2006-2073.	0.50
3/2/07	MTF	Review and analysis of Supreme Court decision in favor of NEON and THCP; correspondence to Mr. Austin re: same.	0.15
	RCY	Review Supreme Court Order	0.25

dismissing appeal and awarding sanctions. Review Supreme Court rule re: effect of Court classifying plaintiff as a vexatious litigator.

3/6/07	MTF	Preparation of fee application in Case No. 2006-2073.	0.37
	RCY	Review Supreme Court docket re: orders relating to sanctions.	0.10
3/14/07	MTF	Preparation of fee application in Case No. 2006-2073.	0.25
3/17/07	MTF	Preparation of fee application in Case No. 2006-2073.	0.25
3/19/07	MTF	Review and analysis of Prasad Bikkani's Motion for Leave to File Motion for Reconsideration in Case No. 2006-2073 and Motion for Reconsideration; conference with RCY re: arguments to assert in Brief in Opposition.	1.25
3/19/07	RCY	Review docket re: Prasad Bikkani's Motion for Leave to File Motion for Reconsideration in Case No. 2006-2073. Review Supreme Court rule re: time to file opposition to Plaintiff's Motion for Reconsideration. Review issues to address in Brief in Opposition to Motion for Leave.	0.62
3/20/07	MTF	Draft and edit fee application.	0.50
3/20/07	RCY	Review Plaintiff's Motion for Leave to File Motion for Reconsideration in Case	2.50



FedEx Billing Online

FedEx Billing Online
Express Tracking ID Detail

Tracking ID Summary

Tracking ID Number :	792251289990	
Invoice Number :	8-574-29515	Distance Based Pricing, Zone 2
Account Number :	0441-7280-1	Fuel Surcharge - FedEx has applied
Invoice Date :	12/13/2006	
Due Date :	12/28/2006	
Tracking ID Balance Due :	\$ 0.00	
Invoice Status :	Closed	

Sender Information

Matthew Fitzsimmons
NICOLA GUDBRANSON & COOPER LLC

REPUBLIC BUILDING, SUITE 1400
CLEVELAND OH 44115
US

Recipient Information

Clerk's Office
Supreme Court of Ohio
65 South Front Street, 8th Flo

COLUMBUS , OH 43215
US

Original Reference

Customer Reference# 2189-010
Department#
RMA#
Reference #2
Reference #3

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Updated Reference

Customer Reference#
Department#
Reference #2
Reference #3

Shipment Details

Shipment Date	12/05/2006
Payment Type	Shipper
Service Type	FedEx Priority Overnight
Region Code	02
Package Type	FedEx Envelope
Pieces	1
Rated Weight	0.0 lbs
Bundle ID	0
Meter No	1181800
Declared Value	0.00

Charges

Transportation Charge	13.70
Fuel Surcharge	1.32
Weekday Delivery	0.00
Discount	-2.19
Total Charges	USD \$ 12.83

Proof of Delivery

Delivery Date	12/06/2006 09:13
Service Area Code	A1
Signed By	J.CAHAGAN



FedEx Billing Online

FedEx Billing Online
Express Tracking ID Detail

Tracking ID Summary

Tracking ID Number :	792913448434	
Invoice Number :	8-688-17208	FedEx has audited this shipment
Account Number :	0441-7280-1	Distance Based Pricing, Zone 2
Invoice Date :	02/14/2007	Fuel Surcharge - FedEx has applied
Due Date :	03/01/2007	The package weight exceeds the
Tracking ID Balance Due :	\$ 0.00	
Invoice Status :	Closed	

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Customer Reference# 2189-010
Department#
RMA#
Reference #2
Reference #3

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Updated Reference

Customer Reference#
Department#
Reference #2
Reference #3

Shipment Details

Shipment Date	01/10/2007
Payment Type	Shipper
Service Type	FedEx Priority Overnight
Region Code	02
Package Type	Customer Packaging
Pieces	1
Rated Weight	5.0 lbs
Bundle ID	0
Meter No	1181800
Declared Value	0.00

Charges

Transportation Charge	22.50
Fuel Surcharge	1.80
Weekday Delivery	0.00
Discount	-3.60
Total Charges	USD \$ 20.70

Proof of Delivery

Delivery Date	01/11/2007 09:03
Service Area Code	A1
Signed By	K.BUTCHER