

IN THE SUPREME COURT OF OHIO

SHIRLEY J. GARMON,

APPELLANT

V.

ANNA M. MILLS, ET AL.,

APPELLEES

OHIO SUPREME COURT NO: 07-0367

ON APPEAL FROM THE LUCAS
COUNTY COURT OF APPEALS
SIXTH APPELLATE DISTRICT
CASE NO.: L-06-1173

PLAINTIFF-APPELLANT'S MOTION TO REINSTATE APPEAL
FROM DISMISSAL BECAUSE OF COST FEE CHECK NOT BEING PAID

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FILED

APR 05 2007

MARCIA J. MENGEL, CLERK
SUPREME COURT OF OHIO

Now comes Plaintiff-Appellant Shirley Garmon, by her Counsel, and timely moves from the Order of Dismissal of March 27, 2007, and in support states that this Counsel thought that there were sufficient funds in his bank account to pay the said Cost Fee; and this Counsel endorsed a Bank Check to reimburse the Clerk for the \$40.00 cost fee; and any Attorney with any pride is embarrassed that this occurred, and this Counsel did not expect it; but once it happened, this Counsel endorsed a bank check to make it good. Also, for an Attorney's mistake, a client's Appeal should not be lost.

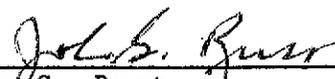
Mrs. Garmon's claims are just, and supported by the cases and are complex, and should be determined on the Briefs and Oral Argument. Such is our Appeal and we ask this Court to reinstate it and then to take Jurisdiction.

Respectfully submitted,


John G. Rust,
Plaintiff-Appellant's Attorney

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing MOTION was sent via regular U.S. Mail to Cormac B. DeLaney, Esq., 414 N. Erie, P.O. Box 2328, Toledo, OH 43603-2328, Matthew J. Rohrbacher, Esq., 405 Madison Ave., 8th Fl., Toledo, OH 43604-2600, and Walter H. Krohngold, Esq., Hanna Building, 1422 Euclid Ave., Suite 300, Cleveland, OH 44115-1994, this 3rd day of April, 2007.


John G. Rust