

IN THE SUPREME COURT OF OHIO

Prasad Bikkani Plaintiff-Appellant

) Case No. 2006-2302

) Case No. 2006-2073

) From Cuyahoga County Court of Appeals,

v.

)

) **Eighth Appellate District**

Rotan Lee, et al Defendants-Appellees

)

) **Case No. CA-06-088650**

)

Appellant's request for leave to file MOTION Instanter to Oppose to 2006-2302 of 4/4/2007 Motion of Trustee cum Fitzsimmons (who also filed/had appeal CA 07-089312) with the support of instant MOTION

APPellant's request to grant to Mr. Fitzsimmons extra time to respond to 2006-2073 or concurrently Mr. Fitzsimmons can respond to the instant MOTION of 20006-2302

FILED
APR 17 2007
MARCIA J MENGEL, CLERK
SUPREME COURT OF OHIO

Now comes Appellant, Prasad Bikkani, requesting the leave of court to file objections/opposition to Trustee cum Attorney Fitzsimmons's sanctions request he filed with the court on 4/4/2007. Trustee Fitzsimmons also filed appeal **CA 07-089312 against Plaintiff/victim**. In summary, the 3/30/2007 motion high lights with hundreds of counts of Professional misconduct, about three dozens of Disciplinary Rule violations, and about 30 conflicting parties/clients, but attached a separate motion to the instant case. Appellant sincerely requests the honorable court to apply inherent jurisdiction to understand the reasoning behind bringing the matter in front of court to modify any needed law but realized that an attorney would have done a better job to present appropriately. For example, upon repeated reconsideration Motion(s) by Scheur etc, at least in Louisiana District court the criminal charges were dismissed on 4/3/2007, attached as **Exhibit A to the MOTION**, and they didn't go through any sanctions for repeated filings and once again an attorney would have done an appropriate filings.

In the instant motion, Appellant emphasizing the existence of evidence of Attorney-client relationship, privity, malice and malpractice. Attorney Fitzsimmons's used Miles Landing Home Owners Association (MLHOA) case as emphasis to make it appear as if Appellant is vexatious and perhaps it is undermining many Disciplinary Rule violations, privity, conflicts of interest, etc. Appellant has no malice and honestly tried to bring serious violations in front of court at a great sacrifice both in MLHOA case and in the instant case. Many facts of instant case or MLHOA case never came out as the cases get distracted with false affidavits and misleading representations by few critical attorneys. Such facts includes connection in a way of Enterprise with Marcus Dukes who got convicted (on multiple counts of mail fraud, wire fraud, and Money Laundering), *Securities and Exchange Com v. Financial Warfare Club* (CV02-7156, E.D. PA), and *USA v. Dukes* (MD 8:03-cr-00133-RWT-1) with the following conviction on 12/22/2005:

12/22/2005	<u>136</u>	JUDGMENT as to Marcus D. Dukes (1): 60 Months Imprisonment as to each of Counts 1, 2, 3 and 5 concurrently, 120 Months Imprisonment as to each of Counts 7, 8, 9, 10, 11, 12, 13 and 15, with all sentences under all foregoing counts to be served concurrently; 3 Years Supervised Release as to each of Counts 1, 2, 3, 5, 7, 8, 9, 10, 11, 12, 13 and 15 concurrently; \$1,358,209.00 Restitution; \$1,200.00 Special Assessment; Counts 4, 6, 14 of the Superseding Indictment and the Original Indictment are dismissed. Signed by Judge Roger W Titus on 12/22/05 (c/m 12/22/05 zf) (zf, Deputy Clerk) (Entered: 12/22/2005)
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It is unfortunate, that Trustee Fitzsimmons is bombarding with allegations/accusations including to get declared as Vexatious and even afterwards by repeating the same accusations as he is getting what he wanted. However, this pleading Appellant personally will mail to NEON/THCP/Fitzsimmons on the date of mailing or on the day of sending through special server without relying on third parties. The 3/30/2007 filing in 2006-2073 case was sent by special server to Columbus on 3/30/2007 afternoon thus nothing was completed nor mailed anything on 3/29/2007 and Appellant regrets for having a date of 3/29/2007 on request to leave, it should have been 3/30/2007. The mailing should have gone 3/30/2007, Friday evening following the dispatcher left to Columbus instead of getting stamped on Monday early morning and still it surprises to note as if it taken 4 days (from April 2 early morning through April 5) as Matthew Fitzsimmons stated. Appellant humbly requests the court to grant extension of time to Trustee cum Attorney Fitzsimmons in the interest of justice to respond to the 3/30/2007 summary of facts, as he requested, for opposition to sanctions/bill and similarly in the instant MOTION

If the forbidden self-dealings are not present along with 3/2/2007 listed violations, the case outcome would have been entirely different and THCP/NEON attorneys's billed hours are high in the appeal court and submitted many hours in the OH2006-2073 which should be denied as victim

already suffered repeatedly and to serve justice. NEON/THCP collected \$2,848.00 on 3/6/2007, ie over 5 weeks ago by the listed check/transaction:

03/06/07 -2,848.00 0.00 0.00 Check W/D
Check 00 60592 Disbursed 2,848.00

Requests to Trustee cum Attorney Fitzsimmons's office even didn't materiaze to close the active status of judgment lien and unfortunately this and continued attempt to extract more money, filing CA07-089312, and continued blame on each motion with frivolous and vexatious is nothing but continued bad faith and related intent and the relate Judgement entry is still open besides getting paid on 3/6/2007 without showing as satisfied.

Case Number: JL-06-280929

Description Image

12/13/2006 N/A JL JUDGMENT AMT: \$2,760.00 RENDERED BY: COA OF OHIO, 8TH DISTRICT ORIGINATING CASE NO.: COA 88650 CAPTION PLAINTIFF: PRASAD BIKKANI CAPTION DEFENDANT: BIKKANI/PRASAD/ JUDGMENT LIEN CASE#: JL06280929 INTEREST AT: 0% INTEREST FROM DATE: COSTS: 37 JUDGMENT DATE: 10/30/2006 DOCKET (JOURNAL): 623 PAGE: 81 TIME FILED: 12/13/2006 16:07:54 LIEN COST: 25 PAID BY: NICOLA GUDBRANSON & COOPER SERIAL NUMBER: ACCOUNT NUMBER:

Last Status: ACTIVE

As of 4/16/2007 8:30 am

Attorney Fitzsimmons knew that as a board of Trustee of NEON, with pecuniary interest/benefit, thus the underlying cause originated through him even with materially false affidavit for 5 motions in Septemebr 2005 which diverted the case along other reasons as listed in 3/30/2007 filing of 2006-2073 and in the instant MOTION. To avoid severe conflicts of interests, with confidence in the judiciary system, Disciplinary Rules, Ethical Rules, Fiduciary responsibilities, Privity relationship, IRS forbidden self-dealings etc to be enforced by the court, Appellant filed the Motions and not with any bad faith. As listed earlier and like in the instant case, Attorney Fitzsimmons representing conflicting parties, MLHOA attorney violations includes many

COUNTS of Professional Misconducts and as an employee attorney representing diversified sides (P1, D5, D6, D7, D8, D9, D10, D11, D13 in cv03-507970 as an example), and representing many conflicting parties to cover his tracks. **Like stated above Attorney Fitzsimmons had hundreds of counts of violations, over 30 Disciplinary Rule violations, and dozens of conflicting parties fiduciaries, as Attorney Fitzsimmons representing all parties as all of them are his clients/ex-clients including Plaintiff and he is representing one against the other.**

Appellant requests court to review the Motion Instanter in opposition to NEON Board Trustee/Attorney Fitzsimmons sanctions against Appellant. Attorney Fitzsimmons actions caused not only the Appellant's job, THCP became non-operational due to his well concealed acts along with Scheur Holders but against THCP and THCP board, and ultimately he converted into NEON side with his pecuniary interests ahead. Upon review of the instant MOTION or 3/30/2007 filed Motion in 2006-2073, court can find over 30 violations of Disciplinary Rules with hundreds of COUNTS of professional misconduct of Attorney Matthew Fitzsimmons. For these reasons, Appellant lost many things and Mr. FITZSIMMONS's primarily pushed Appellant to plead with Court and appeals and he should not be rewarded with bill/sanctions against Appellant and he should be sanctioned as per Court deems fit based upon Disciplinary Rules and with severe conflicts as listed in 3/20/2007 filing.

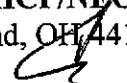
Respectfully submitted,



Prasad Bikkani, Pro Se
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Certificate of Service

A copy of the foregoing was mailed personally by Plaintiff by First class/Priority U.S. mail on **16th** day of April 2007 to counsel of THCP/NEON, %Matthew Fitzsimmons
25 West Prospect Ave, Suite 1400, Cleveland, OH 44115,



Prasad Bikkani, Pro Se, Appellant