

BEFORE THE CHIEF JUSTICE OF THE SUPREME COURT OF OHIO  
SOLE JURISDICTION

**This is proprietary /confidential communication between the Chief Justice of the Ohio Supreme Court and Plaintiff only and any other use is strictly prohibited. PERSONAL AND CONFIDENTIAL! This is not intended for any other use!**

**08-1083**

Penny L. Sisson )  
P. O. Box 266 (7685 Spencer Road) )  
Spencer, Ohio 44275 )  
Plaintiff )

vs. )

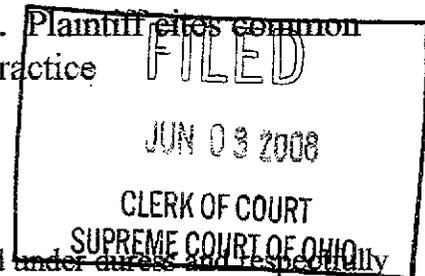
Brian F. Hagan, )  
Administrative Law Judge )  
Rocky River Municipal Court )  
21012 Hilliard Blvd. )  
Rocky River, Ohio 44116=3398 )  
Defendant )

and )  
Deborah Comery, Clerk of Courts )  
Rocky River Municipal Court )  
21012 Hilliard Blvd., R.R., Ohio 44116 )  
Defendant )

and )  
St. John West Shore Hospital )  
P. O. Box 951073 )  
Cleveland, Ohio 44193 )  
Defendant, et. al. )

SC CASE NO. )  
RR Case No. 07 CVF 2250 )  
Addedeum and Notice of Objection and )  
Motion to Vacate the Clerk's Letters )  
Dated March 18, 2008 and April 8, 2008, )  
and May 9, 2008 )  
and appeal same pursuant to App R 15 )  
Motion for Leave, Instanter for Order/ )  
Request for Writ of Mandamus and Stay )  
before Justice Thomas Moyer, citing )  
the sole jurisdiction of same and the )  
Ohio Supreme Court Precedence for )  
initiating a Decision/ Order on the )  
merits of misconduct in the absence of a )  
formal complaint. The Record verifies )  
that the misconduct occurred and )  
Plaintiff supplies the attached Affidavits )  
From the Record attesting to the )  
"misconduct" under duress )

A Court of Appeals Poverty Affidavit, )  
notarized, and Motion accompanied the )  
Complaint. Plaintiff cites common )  
law and practice )



Now comes the Plaintiff, Penny Sisson, forced pro se and under duress and respectfully files this Addedeum to the original complaint and "includes" the affidavits already on the "record" and attaches same, hereto, and issues a Notice of Objection to the unsigned Clerk's letter dated March 18, 2008 and the letters sent by Case Management Counsel, Justin Kudela, dated April 8, 2008 and May 9, 2008 and states that demand of additional affidavits denies this Plaintiff Equal Protection of the Law and is in dire error:

- stating that the complaint filed was faxed March 15, 2008 and subsequently, mailed express mail on March 15, 2008, CM No. EB 905377181 US (attached), stating that despite the cited statutes by Case Management Counsel, Justin Kudela, it has been the past and current practice of The Supreme Court of Ohio to receive and file complaints by fax, citing ODC A7-3490 and, emphasis added, to consider same by the Court.

- The action presented is in line and keeping with the past and current practices of The Supreme Court of Ohio and the addresses of the Respondents is listed on the cover page of the action. As stated, the Affidavit of Indigency accompanied the complaint and as stated there exists a signed affidavit in the record on file in the trial court attesting to the facts of the complaint; moreover, the trial court's own documents and records attest to the validity of the claim. File affidavits are accepted as a matter of common law practice, ODC A7-3490.
- The Court of Appeals Poverty Affidavit, notarized and supplied with both the faxed filing and certified mailing are part of the trial court records and is sufficient for the purposes of the Writ. There is no basis in law to request another affidavit with a valid one present.
- The past and current common law practice of The Supreme Court of Ohio has been to accept the supporting documents, in this case, the trial Record of Proceedings/Docket Entries, as evidence on which to base and issue a decision in matters concerning the misconduct of the Officers' of its' own honorable court., citing ODC A7-3490.

This forced Pro Se Plaintiff further cites the past and current common law and practices of The Supreme Court of Ohio and its' officers of the honorable court. Pursuant to Appellant Rule 15, this Plaintiff appeals the denial of filing to the honorable Chief Justice of The Ohio Supreme Court as this forced Pro se Plaintiff requests the broadest of leeway citing the documented misconduct of the court's own officers as demonstrated by the record and failure to file the Notice of Appeal in the Eighth District Court of Appeals despite an accompanying notarized poverty affidavit. The courts' own documents attest to the validity of the claim. Plaintiff moves to vacate the Clerk's unsigned letter dated March 18, 2008 and the letter provided April 8, 2008 by Justin Kudela, Case Management Counsel and moves to place/file the Motion for Leave, Instantly for Order/Request for Writ of Mandamus and Stay before Chief Justice Thomas Moyer, citing the sole jurisdiction of same and the Ohio Supreme Court Precedence, Common Law and Practices of The Ohio Supreme Court for initiating a Decision/Order on the merits of the misconduct of the officers' of its' own court in the absence of a formal complaint, citing Equal Protection of the Law. The Record and accompanying documents verify that the alleged misconduct occurred and contains an affidavit regarding the misconduct alleged. A Court of Appeals Poverty Affidavit, notarized, and Motion accompanied the complaint and is sufficient for the purposes of the Writ.

Plaintiff states clearly that Officer of the Court, Amy Stone, ODC operating under Chief Justice's direction in the absence of a formal complaint and on her own merits, initiated a decision prior to a full and complete investigation still pending with the honorable Inspector General of the State of Ohio, Thomas P. Charles and in the absence of jurisdiction citing ODC A7-3490 and has failed to date to vacate her decision and that practice in Common Law is still pending and unaddressed. Plaintiff cites equal protection of the law that Amy Stone used and the Rules for Superintendence of the Courts of Ohio.

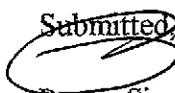
Plaintiff further cites the as yet unaddressed matters concerning the Common Law and Practices of The Ohio Supreme Court as disclosed within and the unequal protection of the law provided this forced pro se litigant. This honorable court has a responsibility to ensure that ethical practices and conduct are practiced before its' own court by its' own officers if it is ever to gain the trust of the population it purports to serve. It is essential to the fair administration of justice that The Ohio Supreme Court investigate all allegations of misconduct and unethical behavior of the Officers' of its' own court and those inferior courts which it supervises with whatever knowledge it possesses by whatever means in the general and public interest.

Certificate of Service: Due to the sensitivity of the information contained herewith, this Plaintiff **has not served the parties**, citing the confidentiality of the Ohio Supreme Court Disciplinary Counsel and respectfully requests the Chief Justice to serve same.

Plaintiff objects to receiving unsigned documents from the Court. Plaintiff under duress, protest and without prejudice, requests the broadest leeway and interpretation of the contents within as a matter of precedence.

Without Prejudice and Respectfully

~~Submitted,~~ 

  
Penny Sisson  
Box 266,  
Spencer, Ohio 44275  
(330-648-2017)

Attachment:

Notice of Appeal, Docketing Statement, Praeipce and Certified Mail Receipts  
Clerk's refusal to file notice from Rocky River  
Court of Appeals of Ohio Letter from John G. Cooney  
Poverty Affidavit attached from the Court of Appeals, Eighth District  
Copy of Clerk's Unsigned Letter  
Entire packet sent is returned as provided

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Clerk's Office  
 Rocky River Municipal  
 Court  
 21012 Hilliard Blvd.  
 Rocky River, Oh  
 44116

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee

X *Rosol*

B. Received by (Printed Name) *Rosol* C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type

Certified Mail  Express Mail

Registered  Return Receipt for Merchandise

Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number 7003 0500 0000 0052 3548

(Transfer from service label)

7003 0500 0000 0052 3548

at no cost to Defendant.

PS Form 3811, August 20

102595-02-M-1540

it, please let me know.

Thank you for your assistance in this matter.

Yours truly

*Penny Sisson*

Penny Sisson  
 Box 266  
 Spencer, Ohio 44275  
 (330) 648-2017

Ps:ms

03 0500 0000 0052 3548

**U.S. Postal Service™**  
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*Handwritten signature: PENNY SISSON*

Postage	\$ 47.41		
Certified Fee	\$ 2.65	06	
Return Receipt Fee (Endorsement Required)	\$ 2.15	07	
Restricted Delivery Fee (Endorsement Required)	\$ 10.00		
Total Postage & Fees	\$ 62.21		12/27/2007

of Defendant's Motion to Amend at no cost to Defendant. are charges regarding this document, please let me know.

Thank you for your assistance in this matter.

Yours truly

*Handwritten signature: Penny Sisson*

Penny Sisson  
Box 266  
Spencer, Ohio 44275  
(330) 648-2017

Ps/ms

Serial No. *1013*  
City, State, ZIP+4  
Street, Apt. No., or PO Box No.  
*21013 Hilliard Blvd*

7003 0500 0000 0052 3548

December 28, 2007

Rocky River Municipal Court  
Attention: Civil Department  
21012 Hilliard Road  
Rocky River, Ohio 44116

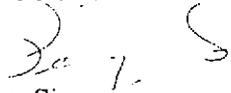
Re: 07 CVF 2250

Dear Clerk of Courts:

Enclosed is an original and a copy of Defendant's Motion to Amend at no cost to Defendant, citing the Clerk's error. If there are charges regarding this document, please let me know.

Thank you for your assistance in this matter.

Yours truly,

  
Penny Sisson  
Box 266  
Spencer, Ohio 44275  
(330) 648-2017

Ps/ms

IN THE ROCKY RIVER MUNICIPAL COURT  
CUYAHOGA COUNTY, OHIO

St. John West Shore Hospital )  
PO Box 951073 )  
Cleveland, Ohio 44193 )  
Plaintiff )

Vs. )

Penny Sisson )  
P. O. Box 266 (7685 Spencer Road) )  
Spencer, Ohio 44275 )  
Defendant )

Case No. 07 CVF 2250

**Motion to Amend the Docket Sheet/**  
Record of Proceedings at no cost to  
Defendant citing Clerk's error  
pursuant to O.C.R.P., Rule 9 (B)  
and **Motion to Strike** from the Record  
of Proceedings/Docket Entries  
Plaintiff's Request to Re-issue cert mail  
new address filed 11/02/07 pursuant to  
Rule 5 inclusive, Rule 9(B), Rule 12 (F) of  
O.C.R.P., citing failure to serve Defendant  
and misleading assertion regarding address  
**Notice of Objection** to the exorbitant rates  
attempted to be charged of Defendant  
regarding Charges assessed initially of \$10  
per page for Certified Copies of the Record  
of Proceedings in an effort to discourage  
Defendant's full and complete knowledge  
of case, for Defendant's full captions to be  
added to the Record of Proceedings and  
the numerous attempts to prevent filing  
filing of documents by Clerk's Office and  
unsolicited legal advice.

Now comes the Defendant, Penny Sisson, forced pro se and respectfully moves this honorable court to order the Clerk's Office to amend the Docket Sheet/Record of Proceedings at no cost to the Defendant citing the Clerk of Rocky River Municipal Court has entered into the Docket Sheet/Record of Proceedings 10/16/07 that Defendant sent correspondence "via e-mail." Defendant states that this is an error and that the correspondence sent to the Clerk's office was in fact sent United States Postal Service Certified Mail 7003 0500 0000 0052 0479 (see Exhibit 1, hereto).

Defendant, Penny Sisson, forced to proceed pro se and respectfully moves this honorable court to order the Clerk's Office to Strike from the Record of Proceedings/Docket Entries Plaintiff's Request to Re-issue cert mail new address filed 11/02/07 pursuant to Rule 5 inclusive, Rule 9 (B) and Rule 12 (F) of the Ohio Civil Rules of Procedure, citing the failure of the Plaintiff to serve Defendant the document and additionally issuing such a request for an alleged "new address" without any substantiation which in practice was meant to mislead both the Defendant and the honorable court.

Lastly, this Defendant issues an emphatic Notice of Objection to the Clerk's staff's attempt to extract exorbitant charges of \$10 per page when Defendant requested a certified copy of the Record of Proceedings/Docket Entries. At first, the Clerk's staff tried to convince this Defendant that in fact she didn't need one and then said it was several pages long and it would cost ten dollars per page. After pulling up record on computer, Defendant was told that it would cost \$40 to have a copy of the Record of Proceedings (4 pages certified). This Defendant immediately objected to such exorbitant rates when copying is only 5 cents per sheet and that the monopoly created by the Clerk's Office did not allow them to be competitive with other courts. It was only after this discussion and this Defendant's request to speak to the Judge or Clerk of Courts that this Defendant was charged a still exorbitant \$10 fee for the document. Still in excess of reasonable charges. Moreover, on at least two previous occasions, the Clerk's staff tried to convince this Defendant to not file a Motion to Dismiss stating it was not necessary. Defendant objects to this unsolicited, yet well meaning, legal advice with no accountability. It indicates a partial Clerk's Office and diminishes the credibility of the justice system. Additionally, Defendant objects to the shortened docket entry captions regarding Defendant's documents and Clerk's verbal complaints of same, citing Clerk's entries of "Clerk Review Date and Call Date Changed" are the bulk of the four pages consisting of the Record of Proceedings/Docket Entries (11 entries) spread over four pages double spaced.

Defendant calls the within conduct to the honorable court's attention as a genuine attempt to create a more "user friendly" system that serves the needs of all, citing judicial economy.

Certificate of Service: I certify that I have served a copy of this instrument on Attorney Stanley E. Stein, Stanley E. Stein & Associates Co., L.P.A., 75 Public Square, Suite 714, Cleveland, Ohio 44113-2078 by regular U.S. Mail on this 27 day of December 2007

Without Prejudice and Respectfully

Submitted,



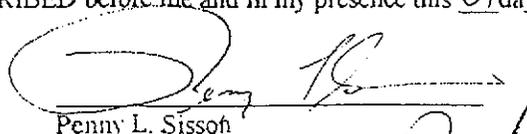
Penny Sisson  
Box 266  
Spencer, Ohio 44275  
(330-648-2017)

State of Ohio  
County of Medina

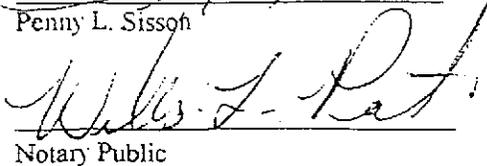
AFFIDAVIT

I state the above information is true and correct to the best of my knowledge, belief and recollection. Affiant further says naught.

Penny L. Sisson has SWORN TO AND SUBSCRIBED before me and in my presence this 27 day of Dec 2007.



Penny L. Sisson



Notary Public



WILLIS L. PEET  
Notary Public, State of Ohio  
My Commission Expires  
March 26, 2008

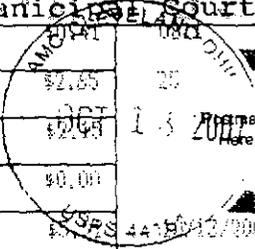
7003 0500 0000 0052 0479

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Rocky River Municipal Court

Postage	\$	
Certified Fee		\$2.55
Return Receipt Fee (Endorsement Required)		\$2.95
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	



Sent To Rocky River Municipal Court  
 Street, Apt. No.: 21012 Hilliard Blvd.  
 or PO Box No.  
 City, State, ZIP+4: Rocky River, Ohio 44116

DEF. EXHIBIT 1

IN THE ROCKY RIVER MUNICIPAL COURT  
CUYAHOGA COUNTY, OHIO  
FAX: 1-440-356-5613

St. John West Shore Hospital	)	Case No. 07 CVF 2250
PO Box 951073	)	
Cleveland, Ohio 44193	)	
Plaintiff	)	<b>Motion to Stay</b> Enforcement of Judgment
	)	Entry issued April 16, 2008 pursuant to
	)	Rule 62 (A) (B) OCRP
Vs.	)	
	)	
Penny Sisson	)	
P. O. Box 266 (7685 Spencer Road)	)	
Spencer, Ohio 44275	)	
Defendant	)	

Now comes the Defendant, Penny Sisson, forced pro se and respectfully moves the honorable Court to Stay the Enforcement of Judgment Entry issued April 16, 2008 citing this matter is pending an Appeal before the Court of Appeals pursuant to Rules 62 (A) (B) of the Ohio Civil Rules of Procedure citing that the unlawful conduct of the Rocky River Clerk of Courts, Deborah F. Comery, has conspired to "fix" the outcome of this case from its' inception and has unlawfully failed to maintain an accurate Record of Proceedings/Docket Entries, unlawfully withheld the filing of documents prior to the hearing of March 17, 2008 despite a timely filed notarized poverty affidavit on file, failed to timely file the Notice of Appeal provided on February 12, 2008 prior to the March 17, 2008 hearing despite a timely filed notarized poverty affidavit on file and provided this Defendant with "unequal" protection of the law and has had "justice" held hostage due to indigency and same violates federal law and the United States Constitution and has acted to discriminate against this Defendant in "favor" of a corporation entity within its' tax base supporting dollars.

Defendant continues to submit and insist that this honorable Rocky River Municipal Court lacks the original and subject matter jurisdiction to hear these matters pursuant to Rule 12 (D) of the Ohio Civil Rules of Procedure, the issue of jurisdiction shall be, emphasis added, heard and determined before trial on application of any party. Pursuant to Rules 12 (D) and 52 of the Ohio Civil Rules of Procedure, pending motion for ruling of facts and conclusions of law filed January 29, 2008, Defendant moves for a Stay of the Judgment Entry until these matters can be determined with certainty through the judicial and appellate process. Defendant states that a 60B motion is pending filed January 29, 2008 and is awaiting the court's clarification of findings of fact and law.

Pursuant to Ohio Civil Rules of Procedure, Rule 12 (D), the issue of jurisdiction must be ruled upon before trial on application of any party, any answer to any Complaint or any Pretrial Conference. In defining the extent of judicial power, Law and Equity, Article III provides that "judicial power shall extend to all cases, in States, and Treaties made, or which shall be made, under their Authority and to certain other enumerated cases and controversies. Id. At Section 28

U.S.C., Section 1331. Public Law 109-3, Section 1 and 2. Lack of Jurisdiction is an appealable issue. Jurisdiction is a prerequisite to hypothetically assume jurisdiction to avoid resolving hard jurisdictional questions. See Steel Co. V. Citizens for a Better Env't., 523 U.S. 83, 93-94, 118 S. Ct. 1003, 1012 (1998); Ex Parte Mc Cardle, 74 U.S. 506, 514 (1869).

**Without jurisdiction, the court cannot proceed at all in any cause, emphasis added.**

**Defendant additionally cites “judicial economy,” with emphasis.**

The fact remains that the Plaintiff should have afforded the Defendant an exemption under law as mandated by the Hospital Care Assurance Program through federal and state mandates and the municipal court has no jurisdiction over funds allocated by guidelines set forth by the Plaintiff receiving matching federal Medicaid Disproportionate Share Hospital Funds. Plaintiff has failed to follow mandated state and federal guidelines as outlined under stated statute. This case must be dismissed with prejudice. Defendant submits that this case has more to do with a pending Cuyahoga County Court, CV 06 608325 case in which the Plaintiff provided care for Defendant than it has to do with the facts that determine eligibility for the HCAP at the time of application.

Defendant states that a stay is necessary to establish proper jurisdiction of matters alleged and that Defendant complains that the local municipal court lacks subject matter jurisdiction over the Federally mandated Hospital Care Assurance Program pursuant to Title 42 of the Code of Federal Regulations, Volume 4 and the Ohio Administrative Code 5101:3-2-07.17 as administered by the Ohio Department of Job and Family Services through the hospitals.

Pursuant to OAC 5101:3-2-07.17, “each hospital that receives payment under the provisions of Chapter 5112 of the Revised Code, shall provide, emphasis added, without charge to the individual, basic, medically necessary hospital-level services to the individual who is a resident of this state, is not a recipient of the Medicaid program and whose income is at or below the federal poverty line. Residence is established by a person who is living in Ohio voluntarily and who is not receiving public assistance in another state. Current recipients of the disability assistance (DA) program as defined in Chapter 5115 of the Revised Code or its successor program, qualify for services under the provisions of this rule.” Plaintiff failed to provide such free care for medically necessary hospital level services to an individual, this Defendant, who qualified. No money is owed to the Plaintiff.

Defendant states that the local Rocky River Court has no jurisdiction to rule in subject matter. Jurisdiction for the Hospital Care Assurance Program is established by OAC - 5101:3-2-07.17 (D) (F) and is administered by the Ohio JFS under 5101:3-2-23 of the Ohio Administrative Code. Rocky River municipal court has no jurisdiction to order the Ohio Department of Job and Family Services or the federal Department of Health and Human Services to order free care as mandated under the guidelines set forth. Neither the county, the state, or the federal government, nor this Defendant lie within the jurisdictional area as governed by the Rocky River municipal court. While the Plaintiff is located within its’ jurisdiction, the subject matter raised by the Plaintiff is clearly not within the jurisdiction of a municipal court, nor has the Plaintiff or the court listed a statute that establishes jurisdiction. Defendant has never been provided any explanation for denial of care under the Hospital Care Assurance Program.

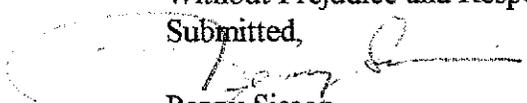
Defendant states that the Plaintiff has not set forth an establishment of jurisdiction under any stated guidelines, statutes, codes, etc., nor has the local municipal court. Defendant's Motion to Dismiss for lack of subject matter jurisdiction which was well set forth in law was denied without explanation or any stated statute that established jurisdiction and then sent an untimely served journal entry demanding an answer on the same day served of January 29, 2008 (see Exhibits 1 and 2 thereto) envelope with journal entry was not even mailed until January 23, 2008 and not delivered until January 29, 2008, almost twelve days after its' issue and in violation of the Ohio Rules for Superintendence of the Courts. The Clerk of Courts has failed to maintain an accurate Record of Proceedings/Docket Entries.

For all of the above reasons, Defendant moves for relief and a stay of the Judgment Entry issued April 16, 2008 in accordance with proper jurisdiction being established, citing the lack of subject matter jurisdiction of a municipal court over a Federal and State mandate administered by the Ohio Job and Family Services, pending appeals before the Court of Appeals, Eighth District and pending investigations by the Ohio Supreme Court due to the misconduct.

Defendant under duress, protest and without prejudice, requests the broadest leeway and interpretation of the contents within as a matter of precedence.

Certificate of Service: I certify that I have served a copy of this instrument on Attorney Stanley E. Stein, Stanley E. Stein & Associates Co., L.P.A., 75 Public Square, Suite 714, Cleveland, Ohio 44113-2078, (by fax 1-216-621-5633 and/or regular U.S. Mail on this 4th day of MAY, 2008.

Without Prejudice and Respectfully  
Submitted,

  
Penny Sisson  
Box 266,  
Spencer, Ohio 44275  
(330-648-2017)

State of Ohio

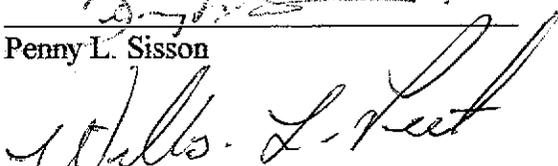
County of Medina

AFFIDAVIT

I state the above information is true and correct to the best of my knowledge, belief and recollection. Affiant further says naught.

Penny L. Sisson has SWORN TO AND SUBSCRIBED before me and in my presence this 4th day of MAY, 2008.

  
Penny L. Sisson

  
Notary Public

Commission Expires:



IN THE ROCKY RIVER MUNICIPAL COURT  
CUYAHOGA COUNTY, OHIO

St. John Westshore Hospital )  
 )  
 ) Plaintiff )  
 vs. )  
 ) )  
 Penny Sisson )  
 )  
 )  
 )  
 ) Defendant )

CASE NO.: 07CVF2250

JUDGMENT ENTRY

This cause came on for hearing this 16<sup>th</sup> day of April, 2008, upon the Complaint of the Plaintiff and the evidence, the Defendant(s) being in default of Answer or other pleading although duly served with process according to law.

The court being advised in the premises finds that the pleading is a true account between the parties, and that there is due and owing to the Plaintiff, the sum of \$3,450.52 plus interest thereon at the statutory maximum rate from the 19<sup>th</sup> day of February, 2007, together with the costs of this action.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff be awarded judgment against Defendant(s) in the sum of \$3,450.52 plus interest thereon at the statutory maximum rate from the 19<sup>th</sup> day of February, 2007, together with the costs of this proceeding.

**JOURNALIZED**  
Rocky River Municipal Court  
APR 23 2008  
DEBORAH F. COMERY  
CLERK OF COURT

  
\_\_\_\_\_  
JUDGE

JUDGE BRIAN F. HAGAN

  
\_\_\_\_\_  
STANLEY E. STEIN  
Attorney for Plaintiff

**DEBORAH F. COMERY, CLERK OF COURT**  
**ROCKY RIVER MUNICIPAL COURT**  
21012 Hilliard Boulevard  
Rocky River Ohio 44116-3398



4427549999 0000



TRANSMISSION VERIFICATION REPORT

TIME : 05/04/2008 15:04  
NAME : 3306482017  
FAX : 3306482017  
SER.# : BR006F490680

DATE, TIME	05/04 15:01
FAX NO./NAME	*7014403565613
DURATION	00:02:28
PAGE(S)	05
RESULT	OK
MODE	FINE
	ECM

*Handwritten notes:*  
KIC  
1/1/08  
SECRET  
MAY 16 5 11 PM '08

TRANSMISSION VERIFICATION REPORT

TIME : 05/04/2008 15:09  
NAME : 3306482017  
FAX : 3306482017  
SER.# : BRDD6F490580

DATE, TIME	05/04 15:06
FAX NO./NAME	*7012166215633
DURATION	00:02:25
PAGE(S)	05
RESULT	OK
MODE	FINE
	ECM

*STC 112  
010701-2  
TO  
STAY*



Defendant issues an emphatic notice of objection to conduct by the Clerk's Office and the failure of the Clerk's Office to timely file other documents presented and complains to the honorable court to rectify these matters or refer the matter to the Ohio Disciplinary Counsel who presides of matters of the Rules of Superintendence of the Courts. Defendant has been intentionally damaged by the unlawful conduct of the Clerk's Office as it has caused the Judgment Entry of April 16, 2008 to be issued.

Defendant under duress, protest and without prejudice, requests the broadest leeway and interpretation of the contents within as a matter of precedence. Certificate of Service: I certify that I have served a copy of this instrument on Attorney Stanley E. Stein, Stanley E. Stein & Associates Co., L.P.A., 75 Public Square, Suite 714, Cleveland, Ohio 44113-2078, (by fax 1-216-621-5633 and/or regular U.S. Mail on this 4 day of MAY, 2008.

Without Prejudice and Respectfully  
Submitted,



Penny Sisson  
Box 266, Spencer, Ohio 44275  
(330-648-2017)

State of Ohio

County of Medina

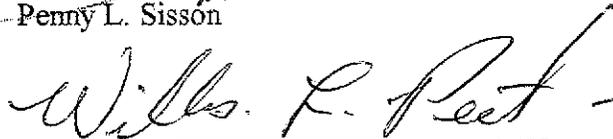
AFFIDAVIT

I state the above information is true and correct to the best of my knowledge, belief and recollection. Affiant further says naught.

Penny L. Sisson has SWORN TO AND SUBSCRIBED before me and in my presence this 4th day of MAY, 2008.



Penny L. Sisson



Notary Public

Commission Expires:

Page 2 of 2



WILLIS L. PEET  
Notary Public, State of Ohio  
My Commission Expires  
March 26, 2013

IN THE ROCKY RIVER MUNICIPAL COURT  
CUYAHOGA COUNTY, OHIO

St. John Westshore Hospital )  
 )  
 ) Plaintiff )  
 vs. )  
 ) )  
 Penny Sisson )  
 )  
 ) )  
 ) Defendant )

CASE NO.: 07CVF2250

JUDGMENT ENTRY

This cause came on for hearing this 16<sup>th</sup> day of April, 2008, upon the Complaint of the Plaintiff and the evidence, the Defendant(s) being in default of Answer or other pleading although duly served with process according to law.

The court being advised in the premises finds that the pleading is a true account between the parties, and that there is due and owing to the Plaintiff, the sum of \$3,450.52 plus interest thereon at the statutory maximum rate from the 19<sup>th</sup> day of February, 2007, together with the costs of this action.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff be awarded judgment against Defendant(s) in the sum of \$3,450.52 plus interest thereon at the statutory maximum rate from the 19<sup>th</sup> day of February, 2007, together with the costs of this proceeding.

**JOURNALIZED**  
Rocky River Municipal Court  
APR 23 2008  
DEBORAH F. COMERY  
CLERK OF COURT

  
\_\_\_\_\_  
JUDGE

JUDGE BRIAN F. HAGAN

  
\_\_\_\_\_  
STANLEY E. STEIN  
Attorney for Plaintiff

**DEBORAH F. COMERY, CLERK OF COURT**  
**ROCKY RIVER MUNICIPAL COURT**  
21012 Hilliard Boulevard  
Rocky River Ohio 44116-3398



4427539999 0000



TRANSMISSION VERIFICATION REPORT

TIME : 05/04/2008 15:29  
NAME : 3306482017  
FAX : 3306482017  
SER. # : BROD6F490680

DATE, TIME  
FAX NO./NAME  
DURATION  
PAGE(S)  
RESULT  
MODE

05/04 15:27  
\*7014403565613.  
00:01:39  
04  
OK  
FINE  
ECM

*MUT 1012  
JUDGE  
MUT 1012*

TRANSMISSION VERIFICATION REPORT

TIME : 05/04/2008 15:32  
NAME : 3306482017  
FAX : 3306482017  
SER.# : BR0D6F490680

DATE, TIME	05/04 15:31
FAX NO./NAME	*7012166215633
DURATION	00:01:36
PAGE(S)	04
RESULT	OK
MODE	FINE ECM

*NOT FOR  
JUDGMENT  
STEN*

# The Supreme Court of Ohio

OFFICE OF THE CLERK

65 SOUTH FRONT STREET, COLUMBUS, OH 43215-3431

CHIEF JUSTICE  
THOMAS J. MOYER

CLERK OF THE COURT  
KRISTINA D. FROST

JUSTICES  
PAUL E. PFEIFER  
EVELYN LUNDBERG STRATTON  
MAUREEN O'CONNOR  
TERRENCE O'DONNELL  
JUDITH ANN LANZINGER  
ROBERT R. CUPP

TELEPHONE 614.387.9530  
FACSIMILE 614.387.9539  
www.supremecourtofohio.gov

May 9, 2008

Penny L. Sisson  
P.O. Box 266  
Spencer, OH 44275

Dear Ms. Sisson:

This letter is in response to the documents you sent to the office of Chief Justice Moyer on May 5, 2008, a copy of which was faxed to this office on April 21, 2008. Due to the following deficiency in your documents we are unable to file them at this time and they are being returned to you.

- It appears that you may be attempting to file an original action in mandamus. As indicated in the letter from this office on March 18, 2008, and April 8, 2008, please refer to Rule VIII, Rule X, Rule XIV, and Rule XV. Pursuant to Rule X(4), an original action is instituted by filing a complaint with the address of the respondent(s) provided on the cover page. **In addition, the complaint shall be supported by an affidavit specifying that the facts of the complaint are made on personal knowledge.** I have attached and highlighted the relevant portion of Rule X(4) for your information.

If you correct the above-referenced deficiency you may resubmit your documents for filing. Please note that your documents must be mailed to the Clerk of the Supreme Court at 65 South Front St., 8<sup>th</sup> Floor, Columbus OH 43215. If you mail your documents to an individual Justice, they will not be filed and will not be considered by the Court. Additionally, the Clerk's Office is not permitted to file a complaint to institute an original action that is sent by facsimile.

Sincerely,



Justin Kudela  
Case Management Counsel

#### **Section 4. Institution of Original Action.**

(A) An original action shall be instituted by the filing of a complaint. The cover page of the complaint shall contain the name, title, and address of the respondent. The Clerk of the Supreme Court shall issue a summons and serve the summons and a copy of the complaint by certified mail sent to the address of the respondent as indicated on the cover page of the complaint. The summons shall inform the respondent of the time permitted to respond to the complaint pursuant to Section 5 of this rule.

(B) All complaints shall contain a specific statement of facts upon which the claim for relief is based, shall be supported by an affidavit of the relator or counsel specifying the details of the claim, and may be accompanied by a memorandum in support of the writ. The affidavit required by this division shall be made on personal knowledge, setting forth facts admissible in evidence, and showing affirmatively that the affiant is competent to testify to all matters stated in the affidavit. All relief sought, including the issuance of an alternative writ, shall be set forth in the complaint.

#### **Section 5. Response to Complaint; Court Action.**

The respondent shall file an answer to the complaint or a motion to dismiss within 21 days of service of the summons and complaint. If an amended complaint is filed under S.Ct.Prac.R. VIII, Section 7, and Civ.R. 15(A), the respondent shall file an answer to the amended complaint or a motion to dismiss within 21 days of the filing of the amended complaint. The respondent may file a motion for judgment on the pleadings at the same time an answer is filed. The relator may not file a response to an answer. The relator may file a memorandum in opposition to a motion to dismiss or a motion for judgment on the pleadings within ten days of the filing of the motion. Neither party may file a motion for summary judgment. After the time for filing an answer to the complaint or a motion to dismiss, the Supreme Court will either dismiss the case or issue an alternative or a peremptory writ, if a writ has not already been issued.

#### **Section 6. Alternative Writ.**

When an alternative writ is issued, the Supreme Court will issue a schedule for the presentation of evidence and the filing and service of briefs or other pleadings. Unless the Supreme Court orders otherwise, issuance of an alternative writ in a prohibition case stays proceedings in the action sought to be prohibited until final determination of the Supreme Court. See *State ex rel. Hughes v. Brown* (1972), 31 Ohio St.2d 41, 43, 285 N.E.2d 376, 377.

#### **Section 7. Presentation of Evidence.**

To facilitate the consideration and disposition of original actions, counsel, when possible, should submit an agreed statement of facts to the Supreme Court. All other evidence shall be submitted by affidavits, stipulations, depositions, and exhibits. Affidavits shall be made on personal knowledge, setting forth facts admissible in evidence, and

ORIGINAL FILED

THIS IS PROPRIETARY / CONFIDENTIAL COMMUNICATION BETWEEN THE CHIEF JUSTICE OF THE OHIO SUPREME COURT OF OHIO AND PLAINTIFF ONLY! AND ANY OTHER USE IS STRICTLY PROHIBITED. PERSONAL AND CONFIDENTIAL! this is not intended for any other use

IN THE SUPREME COURT OF OHIO  
Facsimile Transmission Cover Sheet

APRIL 20, 2008

9:55 a.m.

Date: ~~March 18, 2008~~

Time: ~~6:40 p.m.~~ (a.m./p.m.)

To: Marissa J. Mengel, Clerk  
Supreme Court of Ohio  
Telephone Number: (614) 466-5201  
Telefax Number: (614) 752-4418

1-614-387-9539

From: Penny Sisson, Pro Se  
Firm: Pro Se  
Telephone Number: 330-648-2017  
Telefax Number: 330-648-2017

Case Information

Caption: Penny Sisson v. Brian W. Hagan, et. al

Number: RRC Case No. 07 CVE 2250

Document Title: Poverty Affidavit, Motion for Leave to Proceed and Writ of Mandamus and Motion to Stay (31 pages plus cover = 32 pages)

Total number of pages (including this page): 31

Sent certified mail under separate cover.

UNSIGNED COVER LETTER FROM CLERK (1)

NOTICE OF OBJECTION + MOTION TO VACATE (2)

NOTICE OF OBJECTION + MOTION TO VACATE (4)

JASON KUDRITA LETTER (1)

TOTAL 42

13

BEFORE THE CHIEF JUSTICE OF THE SUPREME COURT OF OHIO  
SOLE JURISDICTION

**This is proprietary /confidential communication between the Chief Justice of the Ohio Supreme Court and Plaintiff only and any other use is strictly prohibited. PERSONAL AND CONFIDENTIAL! This is not intended for any other use!**

Penny L. Sisson	)	SC CASE NO. _____
P. O. Box 266 (7685 Spencer Road)	)	
Spencer, Ohio 44275	)	RR Case No. 07 CVF 2250
Plaintiff	)	
	)	<b>Notice of Objection and</b>
vs.	)	<b>Motion to Vacate the Clerk's Letter</b>
	)	<b>Dated March 18, 2008 and April 8, 2008</b>
	)	<b>and appeal same pursuant to App R 15</b>
	)	<b>Motion for Leave, Instanter for Order/</b>
	)	<b>Request for Writ of Mandamus and Stay</b>
<b>Brian F. Hagan,</b>	)	<b>before Justice Thomas Moyer, citing</b>
<b>Administrative Law Judge</b>	)	<b>the sole jurisdiction of same and the</b>
<b>Rocky River Municipal Court</b>	)	<b>Ohio Supreme Court Precedence for</b>
<b>21012 Hilliard Blvd.</b>	)	<b>initiating a Decision/ Order on the</b>
<b>Rocky River, Ohio 44116=3398</b>	)	<b>merits of misconduct in the absence of a</b>
	)	<b>formal complaint. The Record verifies</b>
<b>Defendant</b>	)	<b>that the misconduct occurred and</b>
<b>and</b>	)	<b>contains an affidavit regarding same.</b>
	)	<b>A Court of Appeals Poverty Affidavit,</b>
<b>Deborah Comery, Clerk of Courts</b>	)	<b>notarized, and Motion accompanied the</b>
<b>Rocky River Municipal Court</b>	)	<b>Complaint. Plaintiff cites common</b>
<b>21012 Hilliard Blvd., R.R., Ohio 44116</b>	)	<b>law and practice.</b>
<b>Defendant</b>	)	
<b>and</b>	)	
	)	
<b>St. John West Shore Hospital</b>	)	
<b>P. O. Box 951073</b>	)	
<b>Cleveland, Ohio 44193</b>	)	
<b>Defendant, et. al.</b>	)	

Now comes the Plaintiff, Penny Sisson, forced pro se and under duress and respectfully files this Notice of Objection to the unsigned Clerk's letter dated March 18, 2008 and the letter sent by Case Management Counsel, Justin Kudela, dated April 8, 2008 as factually incorrect and denies Equal Protection of the Law and in dire error:

- stating that the complaint filed was faxed March 15, 2008 and subsequently, mailed express mail on March 15, 2008, CM No. EB 905377181 US (attached), stating that despite the cited statutes by Case Management Counsel, Justin Kudela, it has been the past and current practice of The Supreme Court of Ohio to receive and file complaints by fax, citing ODC A7-3490 and, emphasis added, to consider same by the Court.

- The action presented is in line and keeping with the past and current practices of The Supreme Court of Ohio and the addresses of the Respondents is listed on the cover page of the action. As stated, the Affidavit of Indigency accompanied the complaint and as stated there exists a signed affidavit in the record on file in the trial court attesting to the facts of the complaint; moreover, the trial court's own documents and records attest to the validity of the claim. File affidavits are accepted as a matter of common law practice, ODC A7-3490.
- The Court of Appeals Poverty Affidavit, notarized and supplied with both the faxed filing and certified mailing are part of the trial court records and is sufficient for the purposes of the Writ. There is no basis in law to request another affidavit with a valid one present.
- The past and current common law practice of The Supreme Court of Ohio has been to accept the supporting documents, in this case, the trial Record of Proceedings/Docket Entries, as evidence on which to base and issue a decision in matters concerning the misconduct of the Officers' of its' own honorable court., citing ODC A7-3490.

This forced Pro Se Plaintiff further cites the past and current common law and practices of The Supreme Court of Ohio and its' officers of the honorable court. Pursuant to Appellant Rule 15, this Plaintiff appeals the denial of filing to the honorable Chief Justice of The Ohio Supreme Court as this forced Pro se Plaintiff requests the broadest of leeway citing the documented misconduct of the court's own officers as demonstrated by the record and failure to file the Notice of Appeal in the Eighth District Court of Appeals despite an accompanying notarized poverty affidavit. The courts' own documents attest to the validity of the claim. Plaintiff moves to vacate the Clerk's unsigned letter dated March 18, 2008 and the letter provided April 8, 2008 by Justin Kudela, Case Management Counsel and moves to place/file the Motion for Leave, Instant for Order/Request for Writ of Mandamus and Stay before Chief Justice Thomas Moyer, citing the sole jurisdiction of same and the Ohio Supreme Court Precedence, Common Law and Practices of The Ohio Supreme Court for initiating a Decision/Order on the merits of the misconduct of the officers' of its' own court in the absence of a formal complaint, citing Equal Protection of the Law. The Record and accompanying documents verify that the alleged misconduct occurred and contains an affidavit regarding the misconduct alleged. A Court of Appeals Poverty Affidavit, notarized, and Motion accompanied the complaint and is sufficient for the purposes of the Writ.

Plaintiff states clearly that Officer of the Court, Amy Stone, ODC operating under Chief Justice's direction in the absence of a formal complaint and on her own merits, initiated a decision prior to a full and complete investigation still pending with the honorable Inspector General of the State of Ohio, Thomas P. Charles and in the absence of jurisdiction citing ODC A7-3490 and has failed to date to vacate her decision and that practice in Common Law is still pending and unaddressed. Plaintiff cites equal protection of the law that Amy Stone used and the Rules for Superintendence of the Courts of Ohio.

Plaintiff further cites the as yet unaddressed matters concerning the Common Law and Practices of The Ohio Supreme Court as disclosed within and the unequal protection of the law provided this forced pro se litigant. This honorable court has a responsibility to ensure that ethical practices and conduct are practiced before its' own court by its' own officers if it is ever to gain the trust of the population it purports to serve. It is essential to the fair administration of justice that The Ohio Supreme Court investigate all allegations of misconduct and unethical behavior of the Officers' of its' own court and those inferior courts which it supervises with whatever knowledge it possesses by whatever means in the general and public interest.

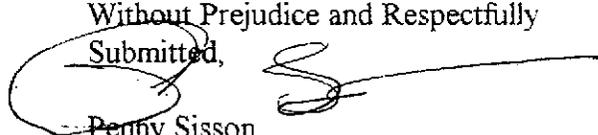
D

Certificate of Service: Due to the sensitivity of the information contained herewith, this Plaintiff **has not served the parties**, citing the confidentiality of the Ohio Supreme Court Disciplinary Counsel and respectfully requests the Chief Justice to serve same.

Plaintiff objects to receiving unsigned documents from the Court. Plaintiff under duress, protest and without prejudice, requests the broadest leeway and interpretation of the contents within as a matter of precedence.

Without Prejudice and Respectfully

Submitted,

A handwritten signature in black ink, appearing to be 'Penny Sisson', written over a horizontal line. The signature is stylized and extends to the right.

Penny Sisson

Box 266,

Spencer, Ohio 44275

(330-648-2017)

Attachment:

Notice of Appeal, Docketing Statement, Praeipice and Certified Mail Receipts  
Clerk's refusal to file notice from Rocky River  
Court of Appeals of Ohio Letter from John G. Cooney  
Poverty Affidavit attached from the Court of Appeals, Eighth District  
Copy of Clerk's Unsigned Letter  
Entire packet sent is returned as provided

Page 3 of 3

**SENDER: COMPLETE THIS SECTION**

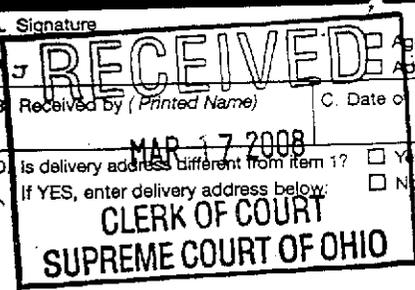
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 Judge Thomas Moyer  
 Clerk's Office  
 The Ohio Supreme Ct.  
 65 Front St, 8th Floor  
 Columbus, Ohio  
 43215-3431

2. Article Number (Transfer from service label) **EB 905 377 181 US**

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 B. Received By (Printed Name)  
 C. Date of Delivery



D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below:

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes



Customer Copy Label 11-B, March 2004

Post Office To Addressee

**ORIGIN (POSTAL SERVICE USE ONLY)**

PO ZIP Code 44115	Day of Delivery Next Day	Postage \$ 16.25
Date Accepted 3/15/08	Scheduled Date of Delivery 3/17/08	Return Receipt Fee \$ 2.15
Time Accepted 9:45 AM	Scheduled Time of Delivery 3 PM	COD Fee \$
Flat Rate or Weight 7 lbs.	Military Int'l Alpha Country Code	Insurance Fee \$
		Total Postage & Fees \$ 18.40

**DELIVERY (POSTAL USE ONLY)**

Delivery Attempt	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day			
Delivery Attempt	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day			
Delivery Attempt	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day			

**CUSTOMER USE ONLY**

PAYMENT BY ACCOUNT Express Mail Corporate Acct. No.  WAIVER OF SIGNATURE (Domestic Mail Only)  
 Federal Agency Acct. No. or Postal Service Acct. No.  Additional merchandise insurance is void if customer requests waiver of signature. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.

**NO DELIVERY**  
 Weekend  Holiday  Mailer Signature

FROM: (PLEASE PRINT) PHONE ( )  
 KERRY WESSON  
 Box 366  
 Springfield Ohio 44395

TO: (PLEASE PRINT) PHONE ( )  
 Judge Thomas Moyer  
 Clerk's Office  
 65 Front Street  
 Columbus, Ohio 43215-3431

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# The Supreme Court of Ohio

OFFICE OF THE CLERK

65 SOUTH FRONT STREET, COLUMBUS, OH 43215-3431

CHIEF JUSTICE  
THOMAS J. MOYER

CLERK OF THE COURT  
KRISTINA D. FROST

JUSTICES  
PAUL E. PFEIFER  
EVELYN LUNDBERG STRATTON  
MAUREEN O'CONNOR  
TERRENCE O'DONNELL  
JUDITH ANN LANZINGER  
ROBERT R. CUPP

TELEPHONE 614.387.9530  
FACSIMILE 614.387.9539  
[www.supremecourtsohio.gov](http://www.supremecourtsohio.gov)

April 8, 2008

Penny L. Sisson  
P.O. Box 266  
Spencer, OH 44275

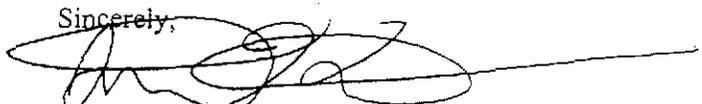
Dear Ms. Sisson:

This letter is in response to the documents you sent to the office of Chief Justice Moyer, a copy of which was faxed to this office on March 25, 2008. Due to the following deficiencies in your documents, they are unable to be filed at this time.

- Pursuant to Rule XIV(1)(A), only filings made in person or by mail and tendered to the Clerk of the Supreme Court shall be considered by the Supreme Court. Facsimile transmissions or documents addressed to the individual Justices will not be filed and shall not be considered by the Court.
- It appears that you may be attempting to file an original action in mandamus. As indicated in the letter from this office on March 18, 2008, please refer to Rule VIII, Rule X, Rule XIV, and Rule XV. Pursuant to Rule X(4), an original action is instituted by filing a complaint with the address of the respondent(s) provided on the cover page. In addition, the complaint shall be supported by an affidavit specifying that the facts of the complaint are made on personal knowledge.
- Rule XV permits a party to waive the filing fee and security deposit by submitting a notarized affidavit of indigency. For your convenience I have enclosed a blank affidavit of indigency form which may be filled out. Please note that the affidavit of indigency is a separate document that is required in addition to the affidavit in support of your complaint required by Rule X(4)(B).

If you correct the above-referenced deficiencies you may resubmit your documents for filing. As indicated your documents must be mailed to the Clerk of the Supreme Court at 65 South Front St., 8<sup>th</sup> Floor, Columbus OH 43215. If you mail your documents to an individual Justice, they will not be filed and will not be considered by the Court.

Sincerely,



Justin Kudela

Case Management Counsel

TRANSMISSION VERIFICATION REPORT

TIME : 03/24/2008 22:14  
 NAME : 3306482017  
 FAX : 3306482017  
 SER. # : BR0D6F490680

DATE, TIME	03/24 21:56
FAX NO./NAME	*7016143879539
DURATION	00:18:02
PAGE(S)	35
RESULT	OK
MODE	FINE ECM

*Ohio Supreme Court*

*7003 US06 0000 0052 3074*

7003 0500 0000 0052 3074

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Postage	\$ 1.82
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Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	4.10
<b>Total Postage &amp; Fees</b>	<b>\$ 10.72</b>

SPENCER OH  
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 Hrg  
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Sent To *Myrtle*  
*Ohio Supreme Court*  
 Street, Apt. No., or PO Box No. *65 FRONT ST.*  
 City, State, ZIP+4 *COLUMBUS, OH 43215-2431*

PS Form 3800, June 2002 See Reverse for Instructions

2007/11/14  
H467

THIS IS PROPRIETARY / CONFIDENTIAL COMMUNICATION BETWEEN THE  
CHIEF JUSTICE OF THE OHIO SUPREME COURT OF OHIO AND PLAINTIFF ONLY!  
AND ANY OTHER USE IS STRICTLY PROHIBITED. PERSONAL AND CONFIDENTIAL!  
this is not intended for any other use COVER PAGE

IN THE SUPREME COURT OF OHIO  
Facsimile Transmission Cover Sheet

Date: March 24, 2008

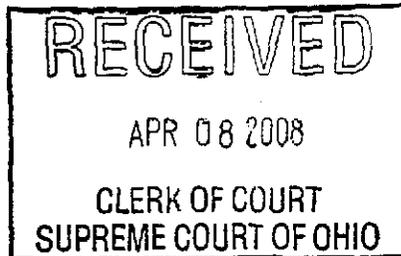
Time: 9:55 a.m.  
~~6:40 p.m.~~ (a.m./p.m.)

TO: Marcia J. Mengel, Clerk

Supreme Court of Ohio

Telephone Number: (614) 466-5201

Telefax Number: (614) 752-4418



FROM: Penny Sisson, Pro Se

Office/Firm: Pro Se

Telephone Number: 330-648-2017

Telefax Number: 330-648-2017

Case Information

Caption: Penny Sisson v. Brian W. Hagan, et. al

Number: RRC Case No. 07 CVF 2250

Document Title: Poverty Affidavit, Motion for Leave to Proceed and Writ of Mandamus and Motion to Stay (31 pages plus cover = 32 pages)

Total number of pages (including this page) : 35

Sent certified mail under separate cover.

UNSIGNED COVER LETTER FROM CLERK (1)

NOTICE OF OBJECTION + MOTION TO VACATE (2)

BEFORE THE CHIEF JUSTICE OF THE SUPREME COURT OF OHIO  
SOLE JURISDICTION

**This is proprietary /confidential communication between the Chief Justice of the Ohio Supreme Court and Plaintiff only and any other use is strictly prohibited. PERSONAL AND CONFIDENTIAL!** This is not intended for any other use!

Penny L. Sisson )  
P. O. Box 266 (7685 Spencer Road) )  
Spencer, Ohio 44275 )  
Plaintiff )

vs.

Brian F. Hagan, )  
Administrative Law Judge )  
Rocky River Municipal Court )  
21012 Hilliard Blvd. )  
Rocky River, Ohio 44116=3398 )

Defendant

and

Deborah Comery, Clerk of Courts )  
Rocky River Municipal Court )  
21012 Hilliard Blvd., R.R., Ohio 44116 )  
Defendant )

and

St. John West Shore Hospital )  
P. O. Box 951073 )  
Cleveland, Ohio 44193 )

Defendant, et. al.

SC CASE NO. \_\_\_\_\_

RR Case No. 07 CVF 2250

**Notice of Objection and Motion to Vacate the Clerk's Letter Dated March 18, 2008 and place Motion for Leave, Instantner for Order/ Request for Writ of Mandamus and Stay before Justice Thomas Moyer, citing the sole jurisdiction of same and the Ohio Supreme Court Precedence for initiating a Decision/ Order on the merits of misconduct in the absence of a formal complaint. The Record verifies that the misconduct occurred and contains an affidavit regarding same. A Court of Appeals Poverty Affidavit, notarized, and Motion accompanied the complaint.**

Now comes the Plaintiff, Penny Sisson, forced pro se and under duress and respectfully files this Notice of Objection to the unsigned Clerk's letter dated March 18, 2008 as this forced Pro se Plaintiff requests the broadest of leeway citing the documented misconduct of the court's own officers as demonstrated by the record and failure to file the Notice of Appeal in the Eighth District Court of Appeals despite an accompanying notarized poverty affidavit. The courts' own documents attest to the validity of the claim. Plaintiff moves to vacate the Clerk's unsigned letter dated March 18, 2008 and moves to place/file the Motion for Leave, Instantner for Order/Request for Writ of Mandamus and Stay before Chief Justice Thomas Moyer, citing the sole jurisdiction of same and the Ohio Supreme Court Precedence for initiating a Decision/Order on the merits of the misconduct of the officers' of its' own court in the absence of a formal complaint. The Record and accompanying documents verify that the alleged misconduct occurred and contains an affidavit regarding the misconduct alleged. A Court of Appeals Poverty Affidavit, notarized, and Motion accompanied the complaint and is sufficient for the purposes of the Writ.

Plaintiff states clearly that Officer of the Court, Amy Stone, ODC operating under Chief Justice's direction in the absence of a formal complaint and on her own merits, initiated a decision prior to a full and complete investigation still pending with the honorable Inspector General of the State of Ohio, Thomas P. Charles and in the absence of jurisdiction citing ODC A7-3490 and has failed to date to vacate her decision. Plaintiff cites equal protection of the law that Amy Stone used and the Rules for Superintendence of the Courts of Ohio.

Certificate of Service: Due to the sensitivity of the information contained herewith, this Plaintiff **has not served the parties**, citing the confidentiality of the Ohio Supreme Court Disciplinary Counsel and respectfully requests the Chief Justice to serve same.

Plaintiff objects to receiving unsigned documents from the Court. Plaintiff under duress, protest and without prejudice, requests the broadest leeway and interpretation of the contents within as a matter of precedence.

Without Prejudice and Respectfully Submitted,



Penny Sisson  
Box 266,  
Spencer, Ohio 44275  
(330-648-2017)

Attachment:

- Notice of Appeal, Docketing Statement, Praecipe and Certified Mail Receipts
- Clerk's refusal to file notice from Rocky River
- Court of Appeals of Ohio Letter from John G. Cooney
- Poverty Affidavit attached from the Court of Appeals, Eighth District
- Copy of Clerk's Unsigned Letter

# The Supreme Court of Ohio

OFFICE OF THE CLERK  
65 SOUTH FRONT STREET, COLUMBUS, OH 43215-3431

CHIEF JUSTICE  
THOMAS J. MOYER

CLERK OF THE COURT  
KRISTINA D. FROST

JUSTICES  
PAUL E. PFEIFER  
EVELYN LUNDBERG STRATTON  
MAUREEN O'CONNOR  
TERRENCE O'DONNELL  
JUDITH ANN LANZINGER  
ROBERT R. CUPP

TELEPHONE 614 387-9530  
FACSIMILE 614 387-9539  
[www.supremecourt.ohio.gov](http://www.supremecourt.ohio.gov)

March 18, 2008

Penny L. Sisson  
P O Box 266  
Spencer, OH 44275

Dear Ms. Sisson:

The enclosed documents were not filed because they do not comply with the Rules of Practice of the Supreme Court of Ohio. For guidance in filing an original action, see Rule VIII, Rule X, Rule XIV, and Rule XV. A copy of the Rules of Practice is enclosed for your reference.

To file an original action in mandamus, you must file a complaint and an attached, notarized affidavit in support of the complaint. Additionally, 15 copies of this document must be submitted. See Rule VIII, Section 5. Finally, you must also submit a \$40 filing fee and \$100 security deposit.

If you are unable to afford either or both fees, and/or you are unable afford to provide the 15 document copies, these will be waived if you submit a notarized affidavit of indigency along with your complaint and affidavit in support of the complaint. The affidavit of indigency must meet the requirements of Rule XV, Section 3. A blank form is enclosed for your convenience.

Sincerely,  
Clerk's Office

Enclosures

BEFORE THE CHIEF JUSTICE OF THE OHIO SUPREME COURT  
SOLE JURISDICTION

FAX: 1-614-387-9539

Penny Sisson )  
P. O. Box 266 (7685 Spencer Road) )  
Spencer, Ohio 44275 )  
Plaintiff )

SC CASE NO. \_\_\_\_\_

RRC Case No. 07 CVF 2250

Vs. )

**Notice of Poverty Affidavit Filed**  
**Motion to Proceed in Forma**  
**Pauperis**  
**Motion for Leave to Proceed**

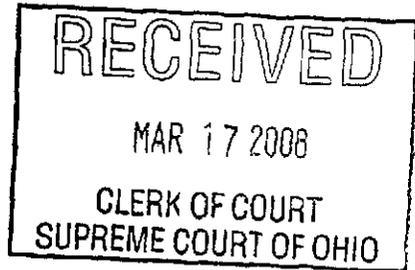
Brian F. Hagan, Administrative Law Judge )  
Rocky River Municipal Court )  
21012 Hilliard Blvd. )  
Rocky River, Ohio 44116-3398 )  
Defendant )

And )

Deborah Comery, Clerk of Courts )  
Rocky River Municipal Court )  
21012 Hilliard Blvd. )  
Rocky River, Ohio 44116-3398 )  
Defendant )

And )

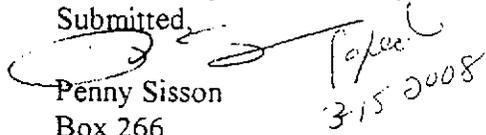
St. John West Shore Hospital )  
PO Box 951073 )  
Cleveland, Ohio 44193 )  
Defendant, et. al. )



Now comes the Plaintiff, Penny Sisson, forced pro se before the Ohio Supreme Court Chief Justice the original action for a Motion for Leave, Instante, for order/request for Writ of Mandamus accompanies the Poverty Affidavit (see COA Poverty Affidavit notarized on February 12, 2008, hereto, separately filed herewith) originally filed on January 29, 2008, in municipal court pending ruling and subsequently returned by municipal Clerk of Courts in error pursuant to Rule 3 (1) of the Eighth District Local Appellate Rules and moves for leave to proceed in forma pauperis without prepayment of docket fees, costs, etc, citing Plaintiff (prior Defendant, pending) is not able to pay the costs of litigation to defend herself in the these actions and is a forced Plaintiff due directly to misconduct by the Rocky River Municipal Court Clerk and has attached the financial affidavit in support of same. This Affidavit of Indigency is filed by the Plaintiff in this action (prior Defendant, pending) and moves that Plaintiff be allowed to proceed and is filed in lieu of docket fees, costs or security deposits. Plaintiff in this action requests that she be allowed to file one document for each motion, brief, etc. in lieu of any number of documents required citing the cost of same.

Plaintiff states that the failure of the local Rocky River Municipal Court Clerk has prejudiced the local court by failure to file poverty affidavit and appeal and delayed justice prejudicially and has engaged in prejudicial conduct by failure to maintain an accurate Record of Proceedings and Docket Entries. Defendant under duress, protest and without prejudice, requests the broadest leeway and interpretation of the contents within as a matter of precedence.

Without Prejudice and Respectfully  
Submitted,



Penny Sisson  
Box 266,  
Spencer, Ohio 44275  
(330-648-2017)

*3/15/2008*

STATE OF OHIO )  
 ) SS  
COUNTY OF CUYAHOGA )

CASE NO. \_\_\_\_\_

St. John West Shore  
PO Box 951073  
CLEVELAND, OHIO 44193

Plaintiff  
Appellant Appellee

POVERTY AFFIDAVIT

KRMC # C700...

-vs-

Penny Sisson, Defendant

Box 266  
Spring C H 44075

Penny Sisson, being first duly sworn, says that she  
is the Defendant in the above captioned matter and has not sufficient  
funds to pay the security for costs in this action pursuant to Local Rules and submits  
the following information in support of said allegation of poverty:

PLACE OF EMPLOYMENT Self

LENGTH OF TIME EMPLOYED FROM 1995 TO present

GROSS WEEKLY INCOME \$ 0 - \$100 \$271 mth SSD

TOTAL GROSS INCOME FROM ALL SOURCES IN LAST TWENTY-SIX (26) WEEKS \$ less  
\$2,000.00

TOTAL ASSETS

CASH ON HAND OR ON DEPOSIT \$ 0

REAL ESTATE not applicable MARKET VALUE \$ \_\_\_\_\_ MORTGAGES \$ \_\_\_\_\_

VALUE OF AUTOMOBILE \$ less than \$1,000.00

I hereby represent that the information set forth above concerning my financial condition  
is true and complete to the best of my knowledge and belief.

[Signature]

SWORN TO AND SUBSCRIBED IN MY PRESENCE this 2<sup>nd</sup> day of February, 1996

[Signature]

Notary Public

MARY M. PHILLIP  
NOTARY COMMISSIONER  
EXPIRES 8-27-06

Before the Rocky River Municipal Court

Judge: Brian F. Hagan

Addendum to Poverty Affidavit filed on January 29, 2008 at 6:51 p.m.

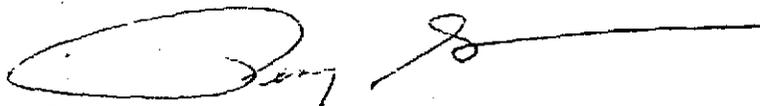
Defendant requests to appear before the honorable court in writing for the hearing tentatively set for March 17, 2008 at 9:00 a.m., citing hardship and objects strenuously to any hearing proceeding on any motions placed before the trial court prior to appeal proceedings on lack of jurisdiction properly and already placed before the Court of Appeals, Eighth District, filed by Certified Mail, and if necessary, a superior court. Defendant requests any further questions be conducted by telephone.

Defendant states that the credit report issued to the honorable court as an attachment to the original complaint by Plaintiff is inaccurate, incomplete and issued ex post facto of the incidence and facts and must be discarded. Defendant states that same credit report has unfairly prejudiced this honorable court against the Defendant and states that the insinuation that a "loan" could have been taken out as payment for debts is contrary to law provided under the Hospital Care Assurance Program and would have placed a significant financial and otherwise burden to Defendant and her family that includes two permanently disabled adults and a ten year old. Defendant states that the poverty affidavit is accurate and that payments could not be sustained on a loan.

Defendant states that to the best of her knowledge, belief and recollection that the within information is <sup>is</sup> correct.

Defendant states that this Addendum to the Poverty Affidavit has been served upon Attorney Stanley Stein, Stanley Stein & Associates Co., LPA, 75 Public Square, Suite 714, Cleveland, Ohio 44113-2078 (fax 1-216-621-5633) on this 15 day of March, 2008.

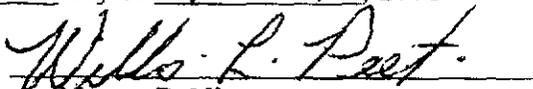
Without Prejudice, Under Extreme Duress and Respectfully Submitted,



Penny Sisson  
Box 266  
Spencer, Ohio 44275

Sworn to and subscribed in my presence this 10 day of MARCH, 2008

My Commission expires:

  
Notary Public



WILLIS L. PEET  
Notary Public, State of Ohio  
My Commission Expires  
March 26, 2008

BEFORE THE CHIEF JUSTICE OF THE SUPREME COURT OF OHIO  
SOLE JURISDICTION

1-614- 387-9539

Penny L. Sisson )  
P. O. Box 266 (7685 Spencer Road) )  
Spencer, Ohio 44275 )  
Plaintiff )

SC CASE NO. \_\_\_\_\_  
RR Case No. 07 CVF 2250

vs.

Brian F. Hagan, )  
Administrative Law Judge )  
Rocky River Municipal Court )  
21012 Hilliard Blvd. )  
Rocky River, Ohio 44116=3398 )  
Defendant )

MOTION FOR LEAVE, INSTANTER  
FOR ORDER/REQUEST FOR WRIT  
OF MANDAMUS PURSUANT TO  
RULES OF PRACTICE OF THE  
OHIO SUPREME COURT, RULE X  
SECTION 1, 6 AND THE RULES OF  
SUPERINTENDENCE OF THE  
COURTS OF OHIO, SUP R 4 (B) AND  
THE RULES OF APPELLATE  
PROCEDURE, APP R 27 AND  
COURT OF APPEALS, EIGHTH  
DISTRICT, RULE 3 (A) (B)

and )  
Deborah Comery, Clerk of Courts )  
Rocky River Municipal Court )  
21012 Hilliard Blvd., R.R., Ohio 44116 )  
Defendant )

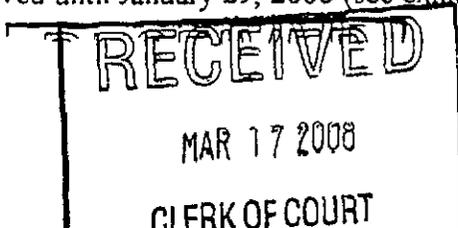
**Motion to Stay** the Journal Entries issued  
January 17, 2008 and February 1, 2008  
and February 14, 2008 and order to  
the Administrative Law Judge of the  
Rocky River Municipal Court,  
Judge Brian F. Hagan and Clerk of Courts,  
Deborah Comery to file Notice of  
Objection and Appeal in COA, 8th Dist.

and )  
St. John West Shore Hospital )  
P. O. Box 951073 )  
Cleveland, Ohio 44193 )  
Defendant, et. al. )

Now comes the Plaintiff, Penny Sisson, forced pro se and respectfully files this Motion for Leave, Instanter, for a order/request for a Writ of Mandamum for the Chief Justice of the Ohio Supreme Court of Ohio to issue an order to the Administrative Law Judge, Brian F. Hagan, and the Clerk of Court, Deborah Comery, of the Rocky River Municipal Court to file the Notice of Appeal in the Court of Appeals, Eighth District as presented on February 12, 2008, holding hostage a timely appeal for payment, despite a properly filed and accompanying poverty affidavit submitted to the Court of Appeals, Eighth District pursuant to Rule 3 (A) (B).

Plaintiff states clearly that the Rocky River Municipal Court, Clerk of Courts has failed to maintain an accurate docket/Record of Proceedings and has consistently operated in a manner that has caused prejudice to this case. Plaintiff states that the Rocky River Municipal Court lacks subject matter jurisdiction and has no right to issue a final appealable order, OCRP, R. 12 (D).

Plaintiff moves to stay pursuant to Appellate Rule 7, Rule 62 (A) (B) the municipal court's journal entries of January 17, 2008 (see Exhibit 2, hereto), postmarked January 23, 2008 and not received until January 29, 2008 (see exhibit 3, hereto) and February 1, 2008 (see Exhibit



4, hereto) postmarked February 6, 2008 (see Exhibit 5, hereto) and not received until February 9, 2008, and February 14, 2008 postmarked February 19, 2008 and not received until February 23, 2008 denying Plaintiff (then Defendant's) Motion to Dismiss for lack of jurisdiction pursuant to O.C.R.P., Rule 3 and Rule 12 (D) and Rule 12 inclusive over subject matter and failure to state a claim that relief could be granted upon pursuant to Ohio Civil Rules of Procedure, Rule 60 (A, B) and this Plaintiff has given timely Notice of Appeal as Defendant to the Rocky River Municipal Court and the honorable Court of Appeals, Eighth District pursuant to Rule 3 (A) (B) of the Local Rules of the Eighth Appellate Judicial District, 60B Motion for Relief is pending pursuant to Rule 52 citing the denial of Journal Entry filed January 17, 2008 is absent fact, law, statute or code. Moreover, the Complaint filed September 21, 2008 is absent fact, law, statute or code that relief could be granted upon or defended upon.

This Plaintiff (prior Defendant) complains that the local municipal Rocky River Court Clerk has intentionally prejudiced the municipal court against her by engaging in prejudicial conduct including but not limited to failure to maintain an accurate Record of Proceedings and Docket Entries, attempting to practice law by advising this Plaintiff (then Defendant) not to file certain documents, by attempting to charge this Plaintiff, (then Defendant) as much as \$10 per page to receive a Record of Proceedings and then complaining that this Plaintiff (then Defendant) wanted it certified and by failing to timely file motions, etc. before the honorable court and failing to timely process motions and documents (see original Notice of Appeal, Poverty Affidavit, Prapice and Docketing Statement filed on February 12, 2008 and returned on Valentine's Day, February 14, 2008 with delayed internal postmarking of February 19, 2008 and delayed mail deposit (see clerk of courts letter dated February 15, 2008 attached hereto) creating a kangaroo court environment and polluting the judicial atmosphere. The Notice of Appeal and Stay were timely filed and the Clerk of Courts of Rocky River has refused to process them despite a timely filed poverty affidavit. As Defendant, this Plaintiff could not hope to get a fair, impartial trial.

Pursuant to Ohio Civil Rules of Procedure, Rule 12 (D), the issue of jurisdiction must be ruled upon before trial on application of any party, any answer to any Complaint or any Pretrial Conference. In defining the extent of judicial power, Law and Equity, Article III provides that "judicial power shall extend to all cases, in States, and Treaties made, or which shall be made, under their Authority and to certain other enumerated cases and controversies. Id. At Section 28 U.S.C., Section 1331. Public Law 109-3, Section 1 and 2. Lack of Jurisdiction is an appealable issue. Jurisdiction is a prerequisite to hypothetically assume jurisdiction to avoid resolving hard jurisdictional questions. See Steel Co. V. Citizens for a Better Env't., 523 U.S. 83, 93-94, 118 S. Ct. 1003, 1012 (1998); Ex Parte Mc Cardle, 74 U.S. 506, 514 (1869).

Without jurisdiction, the court cannot proceed at all in any cause, emphasis added.

The fact remains that the Defendants in this actions (prior Plaintiffs, St. John West Shore Hospital) should have afforded the (prior Defendant) this Plaintiff an exemption under law as mandated by the Hospital Care Assurance Program through federal and state mandates and the municipal court has no jurisdiction over funds allocated by guidelines set forth by the then Plaintiff receiving matching federal Medicaid Disproportionate Share Hospital Funds. The Defendants in this action (then Plaintiff) has failed to follow mandated state and federal guidelines as outlined under stated statute.

This case must be dismissed with prejudice. Plaintiff (then Defendant) states that a stay is necessary to establish proper jurisdiction of matters alleged and that this Plaintiff (prior Defendant) complains that the local municipal court lacks subject matter jurisdiction over the Federally mandated Hospital Care Assurance Program pursuant to Title 42 of the Code of Federal Regulations, Volume 4 and the Ohio Administrative Code 5101:3-2-07.17 as administered by the Ohio Department of Job and Family Services through the hospitals.

Pursuant to OAC 5101:3-2-07.17, "each hospital that receives payment under the provisions of Chapter 5112 of the Revised Code, shall provide, emphasis added, without charge to the individual, basic, medically necessary hospital-level services to the individual who is a resident of this state, is not a recipient of the Medicaid program and whose income is at or below the federal poverty line. Residence is established by a person who is living in Ohio voluntarily and who is not receiving public assistance in another state. Current recipients of the disability assistance (DA) program as defined in Chapter 5115 of the Revised Code or its successor program, qualify for services under the provisions of this rule." Defendants (prior Plaintiffs) failed to provide such free care for medically necessary hospital level services to an individual, this Plaintiff (prior Defendant), who qualified. No money is owed to the Defendant (prior Plaintiffs).

Plaintiff (prior Defendant) states that the local Rocky River Court has no jurisdiction to rule in subject matter. Jurisdiction for the Hospital Care Assurance Program is established by OAC - 5101:3-2-07.17 (D) (F) and is administered by the Ohio JFS under 5101:3-2-23 of the Ohio Administrative Code. Rocky River Municipal Court has no jurisdiction to order the Ohio Department of Job and Family Services or the federal Department of Health and Human Services to order free care as mandated under the guidelines set forth. Neither the county, the state, or the federal government, nor this Plaintiff (prior Defendant, pending) lie within the jurisdictional area as governed by the Rocky River municipal court. While the Defendants (prior Plaintiffs, pending) are located within its' jurisdiction, the subject matter raised by the Defendants (prior Plaintiffs, pending) is clearly not within the jurisdiction of a municipal court, nor has the Defendants (prior Plaintiffs, pending) or the court listed a statute that establishes jurisdiction. Plaintiff (prior Defendant, pending) has never been provided any explanation for denial of care under the Hospital Care Assurance Program.

Plaintiff states that the Defendants in this action and Plaintiffs in the lower court action have not set forth an establishment of jurisdiction under any stated guidelines, statutes, codes, etc., nor has the local municipal court. This Plaintiff's, then Defendant's Motion to Dismiss for lack of subject matter jurisdiction which was well set forth in law was denied without explanation or any stated statute that established jurisdiction and then sent an untimely served journal entry demanding an answer on the same day served of January 29, 2008 (see Exhibits 2 and 3 hereto) Envelope with journal entry was not even mailed until January 23, 2008 and not delivered until January 29, 2008; almost twelve days after its' issue and in violation of the Ohio Rules for Superintendence of the Courts. The journal entry issued February 1, 2008 was internally postmarked February 6, 2008 and not received until February 9, 2008 or nine days after its' issuance.

For all of the above reasons, Plaintiff has filed a timely Notice of Appeal, Docketing Statement and Praecipe along with a Notarized Poverty Affidavit and moves for leave, instanter for a Writ of Mandamus issued to Judge Brian F. Hagan, Administrative Law Judge and to

Deborah Comery, Clerk of Courts of the Rocky River Municipal Court to file the Notice of Appeal as presented to both the Rocky River Municipal Court and refused and the Court of Appeals Administrative Law Judge Sweeney and Clerks and has been ignored with the exception of a letter from a Senior Staff Attorney stating that the appeal be FIRST filed in the trial court, which it has been done and refused by the Clerk of Courts Deborah Comery and now moves for a stay of the Journal Entries issued January 17, 2008, February 1, 2008 and February 14, 2008, citing the lack of subject matter jurisdiction of a municipal court over a Federal and State mandate administered by the Ohio Job and Family Services and failure to state a claim upon which relief could be granted or defended and admonish the abhorrent and prejudicial behavior of the municipal court in this action, and pending a full hearing and appeal on lack of subject matter jurisdiction.

Plaintiff under duress, protest and without prejudice, requests the broadest leeway and interpretation of the contents within as a matter of precedence.

Certificate of Service: I certify that I have served a copy of this instrument on Judge Brian F. Hagan, Administrative Law Judge, Rocky River Municipal Court, 21012 Hilliard Blvd., Rocky River, Ohio 44116 (fax 440-356-5613), Deborah Comery Clerk of Courts for Rocky River Municipal Court, 21012 Hilliard Blvd., Rocky River, Ohio 44116 fax (440-356-5613), Attorney Stanley E. Stein, Stanley E. Stein & Associates Co., L.P.A., 75 Public Square, Suite 714, Cleveland, Ohio 44113-2078, (fax 1-216-621-5633 by fax on this 15 day of March 2008.

Without Prejudice and Respectfully  
Submitted,

  
Penny Sisson  
Box 266,  
Spencer, Ohio 44275  
(330-648-2017)

Page 4 of 4

Attachment: Notice of Appeal, Docketing Statement, Praecipe and Certified Mail Receipts  
Clerk's refusal to file notice from Rocky River  
Court of Appeals of Ohio Letter from John G. Cooney  
Poverty Affidavit attached from the Court of Appeals, Eighth District

27 PAGES TOTAL

**Court of Appeals of Ohio**  
EIGHTH APPELLATE DISTRICT  
CUYAHOGA COUNTY COURT HOUSE  
1 LAKESIDE AVENUE  
CLEVELAND, OHIO 44113-1085  
(216) 443-6350

March 12, 2008

Ms. Penny L. Sisson  
P. O. Box 266  
Spencer, Ohio 44275

RE: *St. John West Shore Hospital v. Sisson*  
Rocky River Municipal Court Case No. 07 CVF 2250

Dear Ms. Sisson:

Your recent correspondence has been referred to me for response.

The court of appeals does not have jurisdiction over an appeal unless the trial court issues a final appealable order. The Ohio Rules of Appellate Procedure and the local rules of this court govern procedure in appeals. App.R. 3(A) requires the filing of the notice of appeal with the clerk of the trial court. The notice of appeal must be filed within thirty days of the entry of judgment in the trial court and accompanied by a filing fee of \$125.00 (plus any filing fee required by the trial court) or an affidavit of indigency as well as a completed praecipe and docketing statement. I know of no procedure authorizing the filing a notice of appeal directly with the court of appeals without first filing of the notice of appeal with the clerk of the trial court.

In addition to having jurisdiction to hear appeals, the court of appeals and the Supreme Court of Ohio have authority to hear certain cases as original actions. The local rules of this court govern procedure in original actions. The complaint must be accompanied by a filing fee of \$125.00 or an affidavit of indigency. An original and three copies must be filed along with a copy for the clerk to serve on each respondent. You may wish to do the necessary research or consult counsel to see if there is an original action appropriate for the circumstances of your case.

If you wish to request that this court take any action, you must commence the appropriate proceeding and file the appropriate materials with the clerk of this court. Also if you wish to request information regarding commencing an original action, you may direct your inquiry to:

Clerk, Court of Appeals  
1 Lakeside Avenue, Room 145  
Cleveland, OH 44113

Very truly yours,



John G. Cooney  
Senior Staff Attorney

14

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece or on the front if space permits.

1. Article Addressed to:

The Honorable James J. Sweeney  
 Administrative Law Judge  
 Court of Appeals, Eighth District  
 1 Lakeside Avenue  
 Cleveland, Ohio 44113

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee

B. Received by (Printed Name) **MAR 10 2008** Date of Delivery

**FEDERAL CERTIFIED MAIL**

C. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below

MAIL SERVICES DIVISION  
 JAO, MAIL SERVICES MANAGER

3. Service type:  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number **7003 0500 0000 0052 3227**  
 (Transfer from service label) **7003 0500 0000 0052 3227**

PS Form 3811, August 2007 102585-02-11-1540

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

James Sweeney, Adm. Law Judge

Postage	\$ 1.48
Certified Fee	2.65
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	4.10
<b>Total Postage &amp; Fees</b>	<b>\$ 10.38</b>

**SPENCER OH 44375**  
 Postmark Here 2008  
**USPS**

Sent to James Sweeney, Adm. Law Judge  
 Court of Appeals, 8th District  
 Lakeside Avenue  
 Cleveland, Ohio 44113

PS Form 3800, June 2002 See Reverse for Instructions

7003 0500 0000 0052 3227

March 6, 2008

The Honorable James J. Sweeney  
Administrative Law Judge for  
Clerk of Courts  
Court of Appeals, Eighth District  
1 Lakeside Avenue  
Cleveland, Ohio 44113

Dear Honorable Judge Sweeney

The Rocky River Municipal Court Clerk of Courts, Deborah Comery, has **refused** (see refusal letter dated February 15, 2008) to file the attached Notice of Appeal, Poverty Affidavit, Motion for Leave to Proceed, Praecipe and Docketing Statement, in the Court of Appeals pursuant to Rule No. 3 (1) originally filed in the trial court on February 12, 2008, along with the letter issued by Deborah Comery, Rocky River Municipal Court, Clerk of Courts

I sent the attached packet to the Clerk of Courts at 1 Lakeside Avenue as evidence by the Certified Mail Certificate 7003 05Q0 0000 0052 3357 on February 24, 2008 and, also, faxed a copy to the Clerk on February 24, 2008 and it was I believe inadvertently returned to me without reason or signature. I am requesting your assistance in filing these documents before the Clerk of Courts. To clarify, these documents have already been filed in the trial court by fax on February 12, 2008, and again on February 24, 2008 and refused due to the poverty affidavit, pending holding a defense hostage to payment of fees, despite a filed and notarized Court of Appeals Poverty Affidavit, enclosed. I am requesting you order the Clerk of Courts to file these documents and provide a case number or at the very least, issue a signed order denying the filing so that I may proceed in the appeals process. I was told by a Deputy Clerk at the Court of Appeals that it was unlawful for Deborah Comery to refuse the filing of the attached appeal.

I am requesting your intervention.

Sincerely,



Penny L. Sisson  
Box 266  
Spencer, Ohio 44275  
(330-648-2017)

16



DEBORAH F. COMERY, CLERK OF COURT  
ROCKY RIVER MUNICIPAL COURT  
21012 Hilliard Blvd  
Rocky River, OH 44116-3398

Phone 440-885-3300  
Fax 440-885-3301

February 15, 2008

Ms Penny Sisson  
PO Box 226  
7685 Spencer Rd  
Spencer OH 44275

Re: Poverty Affidavit, Motion to Stay, Motion to Proceed in Forma Paupens, Motion for Leave to File, Notice of Appeal, Praecipe, and Docketing Statement

Dear Ms Sisson:

Attached please find your above-captioned filings. Under the Rocky River Municipal Court Rules, the Clerk's Office is not allowed to accept for filing any motion without the appropriate court costs included. As your filings were received without payment, we are required to return them to you.

Also included herewith is a copy of Judge Hagan's Journal Entry of February 14, 2008, setting a hearing regarding the Poverty Affidavit. It is my recommendation that you bring with you on March 17, 2008 any and all filings you would like to file with this court. Until that time, unless you submit proper court costs, we will be forced to continue to return to you all filings submitted until the Poverty Affidavit hearing on March 17<sup>th</sup>.

If you have any further questions or concerns, please feel free to contact me

Very truly yours,

Deborah F. Comery  
Clerk of Court

Encls

COURT JURISDICTION IN THE CITIES OF

BAVINGVILLE • FAIRVIEW PARK • NORTH OLMPSTED • ROCKY RIVER • WESTLAKE • METROPARKS

17

**SENDER: COMPLETE THIS SECTION**

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Deborah Cerny  
 Clerk of Courts  
 Rocky River Municipal Court  
 21012 HILLMIRE Blvd.  
 Rocky River, Oh  
 44116

2. Article Number

7007 0710 0003 1186 0470

(Transfer from service label)

7007 0710 0003 1186 0470

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-11-04

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Rosoff*  Agent  
 Addressee  
 B. Received by (Printed Name) *Rosoff* Date of Delivery *13 FEB 9 2008*

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below  No

3. Service Type

- Certified Mail  Express Mail
- Registered  Return Receipt for Merchandise
- Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Court of Appeals  
 Eighth District  
 1 Lakeside Avenue  
 Cleveland, Ohio 44113

2. Article Number

70030500 0000 0052 3357

(Transfer from service label)

7003 0500 0000 0052 3357

PS Form 3811, August 2001

102595-02-M-11-04

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *[Signature]*  Agent  
 Addressee

B. Received by (Printed Name) *BR. CERTIFIED* Date of Delivery *FEB 9 2008*

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below  No

3. Service Type

- Certified Mail  Express Mail
- Registered  Return Receipt for Merchandise
- Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

**FILED**  
 COURT OF COMMON PLEAS  
 FEB 29 2008  
 GERALD S. FUERST  
 CLERK OF COURT  
 CUYAHOG COUNTY, OHIO

PLEASE CONTACT THE CLERK OF COURT TO THE RIGHT FOR FURTHER INFORMATION

February 24, 2008

Clerk of Courts  
Court of Appeals, Eighth District  
1 Lakeside Avenue  
Cleveland, Ohio 44113

Ms. Deborah F. Comery, Clerk of Courts  
Rocky River Municipal Court  
21012 Hilliard Blvd.  
Rocky River, Ohio 44116-3398

Dear Court of Appeals Clerk of Courts:

I am enclosing the attached Notice of Appeal, Poverty Affidavit, Motion for Leave to Proceed, Praecipe and Docketing Statement, in accordance with the Court of Appeals Rule No. 3 (1) originally filed in the trial court on February 12, 2008, along with the letter issued by Deborah Comery, Rocky River Municipal Court, Clerk of Courts, who has refused to file the appeal and returned same on January 23, 2008 to subvert and obstruct justice, holding a defense hostage to payment of fees, despite a filed and notarized Court of Appeals Poverty Affidavit, enclosed. The Court of Appeals Clerk has told me it was unlawful for Deborah Comery to refuse the attached appeal. I am requesting your office immediately file same.

Defendant/Appellant issues this Notice of Objection to the unlawful and prejudicial conduct of the municipal clerk of courts and begs assistance and intervention of the Court of Appeals in resolving these matters and formally requests an investigation into the financial campaign contributions by the Plaintiff and their attorneys to the Clerk of Courts and the justices of the Rocky River Municipal Court and the unlawful actions of same.

Sincerely,



Penny L. Sisson  
Box 266  
Spencer, Ohio 44275  
(330-648-2017)



DEBORAH F. COMERY, CLERK OF COURT  
ROCKY RIVER MUNICIPAL COURT  
21012 Hilliard Blvd  
Rocky River, OH 44116-3398

[www.rrcourt.net](http://www.rrcourt.net)  
Phone: (440) 895-0044  
Fax: (440) 356-5613

February 15, 2008

Ms. Penny Sisson  
PO Box 226  
7685 Spencer Rd  
Spencer OH 44275

Re: Poverty Affidavit, Motion to Stay, Motion to Proceed in Forma Pauperis, Motion for Leave to File, Notice of Appeal, Praecipe, and Docketing Statement

Dear Ms. Sisson:

Attached please find your above-captioned filings. Under the Rocky River Municipal Court Rules, the Clerk's Office is not allowed to accept for filing any motion without the appropriate court cost included. As your filings were received without payment, we are required to return them to you.

Also included herewith is a copy of Judge Hagan's Journal Entry of February 14, 2008, setting your hearing regarding the Poverty Affidavit. It is my recommendation that you bring with you on March 17, 2008 any and all filings you would like to file with this court. Until that time, unless you submit proper court costs, we will be forced to continue to return to you all filings submitted until your Poverty Affidavit hearing on March 17<sup>th</sup>.

If you have any further questions or concerns, please feel free to contact me.

Very truly yours,

A handwritten signature in cursive script that reads "Deborah F. Comery".

Deborah F. Comery  
Clerk of Court

Encls.

COURT JURISDICTION IN THE CITIES OF

BAY VILLAGE • FAIRVIEW PARK • NORTH OLMSTED • ROCKY RIVER • WESTLAKE • METROPARKS

IN THE COURT OF Appeals

STATE OF OHIO )  
 ) SS  
COUNTY OF CUYABOGA )

CASE NO. \_\_\_\_\_

St. John West Store Plaintiff  
P.O. Box 951073 Appellant/Appellee  
CLEVELAND, OHIO 44193

POVERTY AFFIDAVIT

PRMC # 07CVF0000

-vs-

Penny Sisson, Defendant

Box 266  
Spring C.H. 44275

Penny Sisson, being first duly sworn, says that she  
is the Defendant in the above captioned matter and has not sufficient

funds to pay the security for costs in this action pursuant to Local Rules and submits  
the following information in support of said allegation of poverty:

PLACE OF EMPLOYMENT Self

LENGTH OF TIME EMPLOYED FROM 1995 TO present

GROSS WEEKLY INCOME \$ 0 - \$100 \$271 mth SSD

TOTAL GROSS INCOME FROM ALL SOURCES IN LAST TWENTY-SIX (26) WEEKS \$ less \$2,000.00

TOTAL ASSETS

CASH ON HAND OR ON DEPOSIT \$ 0

REAL ESTATE NOT APPLICABLE MARKET VALUE \$ \_\_\_\_\_ MORTGAGES \$ \_\_\_\_\_

VALUE OF AUTOMOBILE \$ less than \$1,000.00

I hereby represent that the information set forth above concerning my financial condition  
is true and complete to the best of my knowledge and belief.

[Signature]

SWORN TO AND SUBSCRIBED IN MY PRESENCE this 19th day of February, 2008

Mary M. Phillip  
Notary Public

MARY M. PHILLIP  
NOTARY COMMISSION-C. 611  
EXPIRES 6-27-08

BEFORE THE COURT OF APPEALS  
EIGHTH DISTRICT  
FAX: 1-216-443-2044

St. John West Shore Hospital )  
PO Box 951073 )  
Cleveland, Ohio 44193 )  
Plaintiff )

COA CASE NO. \_\_\_\_\_  
Case No. 07 CVF 2250

**Notice of Appeal, Instantner**

Vs. )

**Motion to Stay** the Journal Entries issued  
January 17, 2008 and February 1, 2008  
and February 14, 2008

Penny Sisson )  
P. O. Box 266 (7685 Spencer Road) )  
Spencer, Ohio 44275 )  
Defendant )

**Motion for Leave to File**

Now comes the Defendant/Appellant, Penny Sisson, forced pro se and respectfully files this Notice of Appeal, instantner, and moves the Court of Appeals, Eighth District to stay pursuant to Rule 62 (A) (B) the municipal court's journal entries of January 17, 2008 (see Exhibit 2, hereto), postmarked January 23, 2008 and not received until January 29, 2008 (see exhibit 3, hereto) and February 1, 2008 (see Exhibit 4, hereto) postmarked February 6, 2008 (see Exhibit 5, hereto) and not received until February 9, 2008, and February 14, 2008 postmarked February 19, 2008 and not received until February 23, 2008 denying Defendant's Motion to Dismiss for lack of jurisdiction pursuant to O.C.R.P., Rule 3 and Rule 12 (D) and Rule 12 inclusive over subject matter and failure to state a claim that relief could be granted upon pursuant to Ohio Civil Rules of Procedure, Rule 60 (A, B) and gives Notice of Appeal to the Rocky River Municipal Court and the honorable Court of Appeals, Eighth District pursuant to Rule 3 (A) (B) of the Local Rules of the Eighth Appellare Judicial District, 60B Motion for Relief is pending pursuant to Rule 52 citing the denial of Journal Entry filed January 17, 2008 is absent fact, law, statute or code. Moreover, the Complaint filed September 21, 2008 is absent fact, law, statute or code that relief could be granted upon or defended upon. Defendant moves for leave to file Notice of Appeal, Instantner Defendant complains that the local municipal Rocky River Court Clerk has intentionally prejudiced the municipal court against her by engaging in prejudicial conduct including but not limited to failure to maintain an accurate Record of Proceedings and Docket Entries, attempting to practice law by advising this Defendant not to file certain documents, by attempting to charge Defendant as much as \$10 per page to receive a Record of Proceedings and then complaining that Defendant wanted it certified and by failing to timely file motions, etc. before the honorable court and failing to timely process motions and documents (see original Notice of Appeal, Poverty Affidavit, Pracipe and Docketing Statement filed on February 12, 2008 and returned on Valentine's Day, February 14, 2008 with delayed internal postmarking of February 19, 2008 and delayed mail deposit (see clerk of courts letter dated February 15, 2008 attached hereto) creating a kangaroo court environment and polluting the judicial atmosphere. This Notice of Appeal and Stay are timely filed. Defendant demands full disclosure of any and all campaign contributions by the Plaintiff, their attorneys, etc. To the newly elected Clerk of Courts and to the local municipal court judges. Defendant could not hope to get a fair, impartial trial.

Pursuant to Ohio Civil Rules of Procedure, Rule 12 (D), the issue of jurisdiction must be ruled upon before trial on application of any party, any answer to any Complaint or any Pretrial Conference. In defining the extent of judicial power, Law and Equity, Article III provides that "judicial power shall extend to all cases, in States, and Treaties made, or which shall be made, under their Authority and to certain other enumerated cases and controversies. Id. At Section 28 U.S.C., Section 1331. Public Law 109-3, Section 1 and 2. Lack of Jurisdiction is an appealable issue. Jurisdiction is a prerequisite to hypothetically assume jurisdiction to avoid resolving hard jurisdictional questions. See Steel Co. V. Citizens for a Better Env't., 523 U.S. 83, 93-94, 118 S Ct 1003, 1012 (1998); Ex Parte Mc Cardle, 74 U.S. 506, 514 (1869).

**Without jurisdiction, the court cannot proceed at all in any cause, emphasis added.**

The fact remains that the Plaintiff should have afforded the Defendant an exemption under law as mandated by the Hospital Care Assurance Program through federal and state mandates and the municipal court has no jurisdiction over funds allocated by guidelines set forth by the Plaintiff receiving matching federal Medicaid Disproportionate Share Hospital Funds. Plaintiff has failed to follow mandated state and federal guidelines as outlined under stated statute. This case must be dismissed with prejudice.

Defendant states that a stay is necessary to establish proper jurisdiction of matters alleged and that Defendant complains that the local municipal court lacks subject matter jurisdiction over the Federally mandated Hospital Care Assurance Program pursuant to Title 42 of the Code of Federal Regulations, Volume 4 and the Ohio Administrative Code 5101:3-2-07.17 as administered by the Ohio Department of Job and Family Services through the hospitals.

Pursuant to OAC 5101:3-2-07.17, "each hospital that receives payment under the provisions of Chapter 5112 of the Revised Code, shall provide, emphasis added, without charge to the individual, basic, medically necessary hospital-level services to the individual who is a resident of this state, is not a recipient of the Medicaid program and whose income is at or below the federal poverty line. Residence is established by a person who is living in Ohio voluntarily and who is not receiving public assistance in another state. Current recipients of the disability assistance (DA) program as defined in Chapter 5115 of the Revised Code or its successor program, qualify for services under the provisions of this rule." Plaintiff failed to provide such free care for medically necessary hospital level services to an individual, this Defendant, who qualified. No money is owed to the Plaintiff.

Defendant states that the local Rocky River Court has no jurisdiction to rule in subject matter. Jurisdiction for the Hospital Care Assurance Program is established by OAC - 5101:3-2-07.17 (D) (F) and is administered by the Ohio JFS under 5101:3-2-23 of the Ohio Administrative Code. Rocky River municipal court has no jurisdiction to order the Ohio Department of Job and Family Services or the federal Department of Health and Human Services to order free care as mandated under the guidelines set forth. Neither the county, the state, or the federal government, nor this Defendant lie within the jurisdictional area as governed by the Rocky River municipal court. While the Plaintiff is located within its' jurisdiction, the subject matter raised by the Plaintiff is clearly not within the jurisdiction of a municipal court, nor has the Plaintiff or the court listed a statute that establishes jurisdiction. Defendant has never been provided any explanation for denial of care under the Hospital Care Assurance Program.

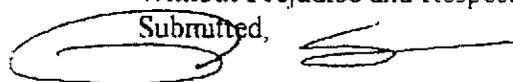
Defendant states that the Plaintiff has not set forth an establishment of jurisdiction under any stated guidelines, statutes, codes, etc., nor has the local municipal court. Defendant's Motion to Dismiss for lack of subject matter jurisdiction which was well set forth in law was denied without explanation or any stated statute that established jurisdiction and then sent an untimely served journal entry demanding an answer on the same day served of January 29, 2008 (see Exhibits 2 and 3 hereto) Envelope with journal entry was not even mailed until January 23, 2008 and not delivered until January 29, 2008, almost twelve days after its' issue and in violation of the Ohio Rules for Superintendence of the Courts. The journal entry issued February 1, 2008 was internally postmarked February 6, 2008 and not received until February 9, 2008 or nine days after its' issuance.

For all of the above reasons, Defendant moves for a stay of the Journal Entry issued January 17, 2008, February 1, 2008 and February 14, 2008 and issues this Notice of Appeal, citing the lack of subject matter jurisdiction of a municipal court over a Federal and State mandate administered by the Ohio Job and Family Services and failure to state a claim upon which relief could be granted or defended and admonish the abhorrent and prejudicial behavior of the municipal court in this action.

Defendant under duress, protest and without prejudice, requests the broadest leeway and interpretation of the contents within as a matter of precedence.

Certificate of Service. I certify that I have served a copy of this instrument on Attorney Stanley E. Stein, Stanley E. Stein & Associates Co., L.P.A., 75 Public Square, Suite 714, Cleveland, Ohio 44113-2078, (fax 1-216-621-5633 by regular U.S. Mail on this 24 day of February 2008.

Without Prejudice and Respectfully  
Submitted,



Penny Sisson  
Box 266,  
Spencer, Ohio 44275  
(330-648-2017)

### ROCKY RIVER MUNICIPAL COURT

State of Ohio )  
 ) SS.  
Cuyahoga County )

Case Number 27 CVF 2008

### POVERTY AFFIDAVIT

Penny Sisson  
(PLEASE PRINT)

being first duly sworn, says that he/she is the plaintiff/defendant (circle one) in the above-captioned matter and has not sufficient funds to pay the court costs in this action, and submits the following information in support of said allegation of poverty:

PLACE OF EMPLOYMENT Self

LENGTH OF TIME: FROM \_\_\_\_\_ TO \_\_\_\_\_

GROSS WEEKLY INCOME none

TOTAL GROSS INCOME FROM ALL SOURCES IN LAST 26 WEEKS 271.00 mth

**TOTAL ASSETS:**

CASH ON HAND OR ON DEPOSIT - 0 -

*SOCIAL SECURITY  
\$100-400 HIGH INTEREST  
CHECKS 3 MONTH*

REAL ESTATE: (a) MARKET VALUE \_\_\_\_\_ (b) MORTGAGES \_\_\_\_\_

VALUE OF AUTOMOBILE less \$1,000

VALUE OF STOCKS, BONDS, NOTES - 0 -

LIST OTHER ASSETS OR VALUE OF SAME none

I hereby represent that the information set forth above concerning my financial condition is true and complete to the best of my knowledge and belief.

Date JAN. 29, 2008

Signature

Box 266  
Street Address

Spencer, Oh 44275  
City, State, Zip

330-648-2017  
Telephone

Sworn to and subscribed in my presence this 29 day of JANUARY, 2008



WILLIS L. PEET  
Notary Public, State of Ohio  
My Commission Expires  
March 26, 2008

Willis L. Peet  
Notary Public



**ROCKY RIVER MUNICIPAL COURT**  
21012 Hilliard Blvd., Rocky River, Ohio 44116  
(440) 333-0066 Fax (440) 356-5613 [www.rrcourt.net](http://www.rrcourt.net)

January 17, 2008

St John West Shore Hospital,  
Plaintiff(s)

VS

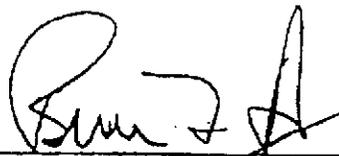
Penny Sisson,  
7685 Spencer Rd  
Spencer OH 44275  
Defendant(s)

**Journal Entry** Case No. 07 CVF 2250

01/15/2008 Defendant's Motion to Dismiss denied. Defendant's Motions to Strike is denied as moot. Plaintiff's objections overruled. Defendant shall file Answer by January 29, 2008.

cc: Plaintiff Atty/Defendant

**JOURNALIZED**  
Rocky River Municipal Court  
JAN 18 2008  
DEBORAH F. COMERY  
CLERK OF COURT

  
\_\_\_\_\_  
Judge Brian F. Hagan

Journal Book # 2007  
Journal Page # 2250

EXHIBIT 2

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12

William E. Gareau, Clerk of Court  
Rocky River Municipal Court  
21012 Hilliard Boulevard  
Rocky River, Ohio 44116-3398



EXHIBIT 3

Penny Lison  
PO Box 266  
7685 Spencer Rd  
Spencer, Ia  
44275

4427530266 8002

3306482017

3306482017

03/15/2008 17:47



**ROCKY RIVER MUNICIPAL COURT**  
21012 Hilliard Blvd., Rocky River, Ohio 44116  
(440) 333-0066 Fax (440) 356-5613 [www.rrcourt.net](http://www.rrcourt.net)

February 1, 2008

St John West Shore Hospital,  
Plaintiff(s)

VS

**Journal Entry**

Case No. 07 CVF 2250

Penny Sisson,  
7685 Spencer Rd *Po Box 2140*  
Spencer OH 44275  
Defendant(s)

DEFENDANT'S MOTION TO EXTEND TIME TO ANSWER COMPLAINT TO 2-28-08 IS GRANTED. CASE IS SCHEDULED FOR PRETRIAL AND ORAL HEARING ON DEFENDANT'S NUMEROUS MOTIONS ON 3-17-08 AT 9:00 AM IN COURTROOM 2.

CC: STANLEY STEIN, ATTY FOR PLTF  
PENNY SISSON, DEFT PRO SE

**JOURNALIZED**  
Rocky River Municipal Court  
FEB 05 2008  
DEBORAH F. COMERY  
CLERK OF COURT

*Brian F. Hagan*  
\_\_\_\_\_  
Judge Brian F. Hagan

Journal Book # 2007  
Journal Page # 2250

*EXHIBIT 4*

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PLATE

William E. Gareau, Clerk of Court  
**Rocky River Municipal Court**  
21012 Hilliard Boulevard  
Rocky River, Ohio 44116-3398

3306482017

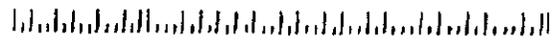
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03/15/2008 17:47



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**ROCKY RIVER MUNICIPAL COURT**  
21012 Hilliard Blvd., Rocky River, Ohio 44116  
(440) 333-0066 Fax (440) 356-5613 [www.rrcourt.net](http://www.rrcourt.net)

**February 14, 2008**

St John West Shore Hospital,  
Plaintiff(s)

VS

**Journal Entry**

Case No. 07 CVF 2250

Penny Sisson,  
7685 Spencer Rd  
Spencer OH 44275  
Defendant(s)

02/14/2008 Case is set for Evidentiary Hearing regarding Poverty Affidavit on Monday,  
March 17, 2008 at 9:00 a.m. in Courtroom 2.

cc: Plaintiff Atty/Plaintiff/Deft

**JOURNALIZED**  
Rocky River Municipal Court  
FEB 14 2008  
DEBORAH F. COMERY  
CLERK OF COURT

\_\_\_\_\_  
Judge Brian F. Hagan

Journal Book # 2007  
Journal Page # 2250

EXHIBIT 6

Rocky River Municipal Court  
21012 Hilliard Boulevard  
Rocky River, Ohio 44116-3398

Ms. Percy Nisnon  
PO Box 226  
7655 Spencer Rd  
Spencer OH 44275

BEFORE THE COURT OF APPEALS  
EIGHTH DISTRICT  
FAX: 1-216-443-2044

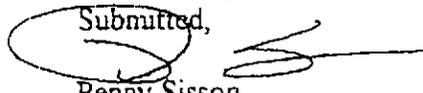
St. John West Shore Hospital )  
PO Box 951073 )  
Cleveland, Ohio 44193 )  
Plaintiff )  
  
Vs )  
  
Penny Sisson )  
P. O. Box 266 (7685 Spencer Road) )  
Spencer, Ohio 44275 )  
Defendant )

COA CASE NO. \_\_\_\_\_  
RRC Case No. 07 CVF 2250  
**Notice of Poverty Affidavit Filed**  
**Motion to Proceed in Forma**  
**Pauperis**  
**Motion for Leave to Proceed**

Now comes the Defendant, Penny Sisson, forced pro se before the Court of Appeals, Eighth District and this document accompanies the Poverty Affidavit (see Poverty Affidavit thereto, separately filed herewith) filed on January 29, 2008, in municipal court pending ruling and subsequently returned by municipal Clerk of Courts in error pursuant to Rule 3 (1) of the Eighth District Local Appellate Rules and moves for leave to proceed in forma pauperis without prepayment of docket fees, costs, etc, citing Defendant is not able to pay the costs of litigation to defend herself and has attached the financial affidavit in support of same. This Affidavit of Indigency is filed by the Defendant and moves that Defendant be allowed to proceed and is filed in lieu of docket fees, costs or security deposits. Defendant requests that she be allowed to file one document for each motion, brief, etc. in lieu of any number of documents required citing the cost of same

Defendant states that the failure of the local Rocky River Municipal Court Clerk has prejudiced the local court by failure to file poverty affidavit and appeal and has engaged in prejudicial conduct by failure to maintain an accurate Record of Proceedings and Docket Entries Defendant under duress, protest and without prejudice, requests the broadest leeway and interpretation of the contents within as a matter of precedence.

Certificate of Service: I certify that I have served a copy of this instrument on Attorney Stanley E Stein, Stanley E. Stein & Associates Co., L.P.A., 75 Public Square, Suite 714, Cleveland, Ohio 44113-2078, (fax 1-216-621-5633 by regular U.S. Mail on this 24 day of Feb. 2008. FAX

Without Prejudice and Respectfully  
Submitted,  
  
Penny Sisson  
Box 266,  
Spencer, Ohio 44275  
(330-648-2017)

33

BEFORE THE COURT OF APPEALS  
EIGHTH DISTRICT

FAX: 1-216-443-2044

COA Case No. \_\_\_\_\_

COA Judge(s) \_\_\_\_\_

Rocky River MC Case No. 07 CVF 2250

Judge Brian F. Hagan

**DOCKETING STATEMENT**

pursuant to COA Local Rule 9 and

App. R. 10(A)

St. John West Shore Hospital  
PO Box 951073  
Cleveland, Ohio 44193  
Plaintiff

Vs

Penny Sisson  
P O Box 266 (7685 Spencer Road)  
Spencer, Ohio 44275  
Defendant (Appellant)

**DOCKETING STATEMENT**

Now comes the Defendant/Appellant, Penny Sisson, to file the Docketing Statement. The appropriate designation for this case is the

A. Accelerated Calendar as no transcript is required.

B. No, the trial court has not disposed of all claims by and against all parties. The Rocky River Municipal Court has not made an express determination.

C. The judgment or order is subject to interlocutory appeal under R.C. 2505.02 and affects a substantial right in an action and prevents a judgment pursuant to Ohio Revised Code 2505.02 (B)(1) and the order denies a provisional remedy and meets the other criteria of Ohio Revised Code 2505.02 (B)(4) and Ohio Civil Rule 12 inclusive.

The nature of the case is an Civil Appeal. Defendant does not know of another case pending before the court that raises the same issue or issues and does not turn on interpretation or application of a particular case or statute. There were no settlement discussions prior to the Case being filed or prior to journal entries filed. There have been no settlement discussions at all. A pre hearing conference may be helpful and assist the resolution of these matters. The assignments of error are that on September 21, 2007, the Plaintiff filed an action against this Defendant demanding payment for services rendered in improper jurisdiction without reference to fact, law, code, statute that relief could be granted upon or defended upon. The local municipal Rocky River Court has assumed jurisdiction by denying Motion to Dismiss without reference to fact, law, code or statute and journal entries are pending a Motion for Relief of Findings and Fact and Stay pursuant to Rule 60 (B) pending and Rule 52 pending and Rule 62, pending. Appellant complains that Clerk of Courts Deborah Comery has failed to keep an accurate Record of Proceedings/Docket Entries filed in these matters and efforts to correct and proceed have been ignored and that Deborah Comery has prejudiced the local municipal court by engaging in prejudicial conduct including but not limited to failure to timely process poverty affidavit, failure to maintain an accurate Record of Proceedings, attempting to charge exorbitant fees at \$10 per page for a certified copy of the docket, etc. The Rocky River Municipal Clerk of Courts has refused to timely file this appeal as was originally presented on February 12, 2007 for failure to provide fees, despite a poverty affidavit presented and was inappropriately returned.

Defendant/Appellant under duress, protest and without prejudice, requests the broadest leeway and interpretation of the contents within as a matter of precedence.

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Certificate of Service: I certify that I have served a copy of this instrument on Attorney Stanley E. Stein, Stanley E. Stein & Associates Co., L.P.A., 75 Public Square, Suite 714, Cleveland, Ohio 44113-2078, (fax 1-216-621-5633 by ~~regular U.S. Mail~~ on this 24 day of February, 2008

FAX

Without Prejudice and Respectfully  
Submitted,



Penny Sisson  
Box 266,  
Spencer, Ohio 44275  
(330-648-2017)

35

BEFORE THE COURT OF APPEALS  
EIGHTH DISTRICT  
FAX: 1-216-443-2044

St. John West Shore Hospital  
PO Box 951073  
Cleveland, Ohio 44193  
Plaintiff

) COA Case No. \_\_\_\_\_  
)  
) COA Judge(s): \_\_\_\_\_  
) Rocky River MC Case No. 07 CVF 2250  
) Judge Brian F. Hagan

Vs.

) **PRAECIPE**

)  
) Penny Sisson  
) P. O. Box 266 (7685 Spencer Road)  
) Spencer, Ohio 44275  
) Defendant (Appellant)

) pursuant to COA Local Rule 9 and  
) App. R. 10 (A)

**PRAECIPE**

Now comes the Defendant/Appellant, Penny Sisson, to file the praecipe and stating the Notice of Appeal is filed timely in Compliance with Appellate Rule 4 (A) or within 30 days of the entry of judgment which was January 17, 2008 and February 1, 2008, both which were delayed internal postmarking five days after entry of judgment and not received until twelve days and nine days respectively. This docketing statement was erroneously returned by the local municipal Clerk of Courts and has engaged in conduct to prejudice the local court against this Defendant and has failed to maintain an accurate Record of Proceedings/Docket Entries

TO THE CLERK OF THE TRIAL COURT:

Appellant requests that the clerk immediately prepare and assemble all of the original papers and exhibits filed in the trial court and a certified copy of docket and journal entries, including those motions filed by the Appellant and refused for processing by the Clerk of Courts citing the pending ruling of the Poverty Affidavit obstructing a defense pursuant to Local Rule 3 (1).

TO THE CLERK OF THE COURT OF APPEALS:

Appellant requests notification when the record has transferred and a copy of the transferred certified docket and journal entries for review and editing and supplementation, if necessary pursuant to Local Rule 3 (1).

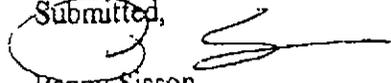
Defendant/Appellant under duress, protest and without prejudice, requests the broadest leeway and interpretation of the contents within as a matter of precedence.

Certificate of Service: I certify that I have served a copy of this instrument on Attorney Stanley E. Stein, Stanley E. Stein & Associates Co., L.P.A., 75 Public Square, Suite 714, Cleveland, Ohio 44113-2078. Ifax 1-216-621-5633 by ~~regular U.S. Mail~~ on this 24 day of February, 2008.

FAX

Without Prejudice and Respectfully

Submitted,



Penny Sisson  
Box 266,  
Spencer, Ohio 44275  
(330-648-2017)