

IN THE SUPREME COURT OF OHIO

Sharon Wilborn, et al.

Plaintiffs-Appellants,

vs.

Case No. 07-0558

Bank One Corporation,

Defendant-Appellees

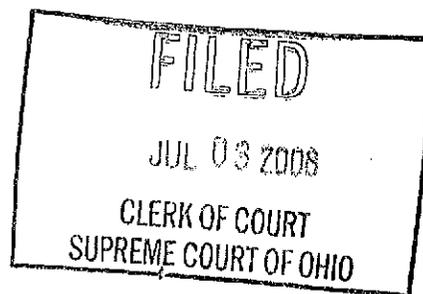
ON APPEAL FROM THE SEVENTH
DISTRICT COURT OF APPEALS,
MAHONING COUNTY
CASE NO. 04 MA 182.

PLAINTIFFS-APPELLANTS' MOTION TO CONSOLIDATE

Now comes the Plaintiffs-Appellants, by and through their counsel, and respectfully moves this Court to consolidate this case with *HomEq v. Schwamberger*, Supreme Court Case No. 2008-1284 (an appeal from the Court of Appeals decision in *HomEq v. Schwamberger*, which can be found at 2008-Ohio-2478, was recently filed, but this Court has not yet decided whether to accept jurisdiction).

The legal issue in both of these cases is the same: are contractual provisions, whether in the underlying mortgage, or a separate "reinstatement" or "forbearance" agreement, that require a borrower to pay the lender's attorney fees in connection with a residential mortgage, enforceable?

It is respectfully submitted, however, that the facts in *HomEq v. Schwamberger*, as detailed in the Memorandum In Support of Jurisdiction, more dramatically demonstrate the inequity of enforcing such provisions.



Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing *Plaintiffs-Appellants' Motion to Consolidate*, was served upon the following, by regular first class U.S. mail, postage prepaid, on this 3rd day of July, 2008:

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