

BEFORE THE CHIEF JUSTICE OF THE SUPREME COURT OF OHIO

SOLE JURISDICTION

1-614-387-939

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

SC CASE NO. 08-1083
RR Case No. 07 CVF 2250

vs.)

REPLY TO HAGAN'S AND
COMERY'S MOTION TO DISMISS
AND
REPLY TO RESPONDENT ST. JOHN
WESTHORE HOSPITAL'S MOTION
TO DISMISS

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.)

FILED
JUL 10 2008
CLERK OF COURT
SUPREME COURT OF OHIO

RECEIVED
JUL 10 2008
CLERK OF COURT
SUPREME COURT OF OHIO

Now comes the Plaintiff, Penny Sisson, forced pro se and respectfully files this Reply to Hagan's and Comery's Motion to Dismiss and Reply to Respondent St. John Westshore Hospital's Motion to Dismiss stating that both Respondents have come before this Honorable Supreme Court of Ohio to confuse the issues and to hold this forced Pro Se Plaintiff (Defendant in the court in question) to a higher standard than they have held their licensed practicing selves to, citing unequal protection of the law. Defendants in this case as licensed attorneys/Officers in the lower court case including but not limited to, failed to follow the Ohio Civil Rules of Procedure, failed to follow the Rules of Superintendence of the Court, failed to maintain an accurate Record of Proceedings, failed to abide by the Code of Professional Conduct, attempted to extort fees and overcharged this Plaintiff for a certified record of proceedings/docket entries to the tune of \$10 per page to financially burden and discourage this Plaintiff (lower court Defendant) from obtaining a copy. Plaintiff's Motion for Leave, Instantan for Order/Request for Writ of Mandamus... and Motion to Stay... filed by fax on March 15, 2008 and by certified express mail on March 15, 2008 and received on March 17, 2008 clearly made a claim for relief that this Supreme Court of Ohio has the sole jurisdiction to grant governing the Officers' of its' court. Plaintiff has asked the court to order Plaintiff's Notice of Appeal filed February 12, 2008, along with a notarized poverty affidavit filed with the Court of Appeals, Eighth District, citing the misconduct of the Officers' of its' court and an action to "stay" the lower court proceedings.

The Clerk of the Supreme Court has reviewed Plaintiff's Motion for Leave, Instant for Order/Request for Writ of Mandamus, along with accompanying affidavits and found them to be in order for filing with any deficiencies corrected as requested. Any further deficiencies are the direct fault of the Clerk of Courts of the Rocky River Municipal Court, Judge Brian Hagan and the attorney, Stanley E. Stein, for St. John West Shore for constructing and filing a complaint in the wrong jurisdiction without regard to laws, statutes, etc. and failed to state a claim upon which relief could be granted, and then proceeded to "fix" the court docket/Record of Proceedings and failed to maintain an accurate court docket/Record of Proceedings in Rocky River Case No. 07 CVF 2250.

Further, Plaintiff takes particular exception to Attorney Stein's brief/reply. Plaintiff did prove and provide evidence to the court that she was indigent. Plaintiff provided a notarized affidavit on February 12, 2008, along with her Notice of Appeal. The burden of proof of the lower court case was upon the Plaintiff in that action. The Rocky River Clerk of Courts failed to timely accept or file the poverty affidavit and instead, "ex post facto" in cooperation with the court under Judge Hagan's supervision, decided to hold a hearing on March 17, 2008 after the Notice of Appeal had been filed, lacking continuing jurisdiction and original jurisdiction. This was done to try and force a jurisdictional grab and to cover-up the misconduct within that case. Judge Hagan as a municipal court judge has no jurisdiction to rule on a Court of Appeals poverty affidavit and Notice of Appeal filed February 12, 2008 and has no jurisdiction over the Clerk of Courts, yet held a hearing "ex post facto" on March 17, 2008 to address same, despite a timely appeal being filed. Attorney Stein failed to cite jurisdiction or any statute or law in his complaint and the court failed to cite jurisdiction or any statute or law in their orders. No evidence has been submitted to counter this Plaintiff's (lower court Defendant) claims and there was absolutely no timely reason for the Clerk of Courts of Rocky River to fail to file the Notice of Appeal along with the poverty affidavit. The denial of same occurred "ex post facto" and their failure to timely process this Plaintiff's (lower court Defendant's) Notice of Appeal. Plaintiff states to this Supreme Court of Ohio that Plaintiff was approved for HCAP (hospital care assistance program) by two other hospitals at the same time with the same exact financial information supplied to St. John West Shore. The "only" reason St. John West Shore denied HCAP to this Plaintiff (lower court Defendant) was that they provided treatment for an "intentional" car accident where this Plaintiff's family was assaulted by another vehicle, Cuyahoga County CCP Civil Case CV06-608325, Sisson v. Kelley, Claim Number 35-Y416-736, Date of Loss: December 1, 2004 engineered by Cleveland's racketeering legal system, see Ohio Disciplinary Counsel pending and investigation files, with all the parties yet to be named. Isn't it amazing that the proposed settlement figures between these two cases match almost identically to force a settlement.

Not only have the facts in this case proven to warrant extraordinary relief, it is in the best interest of the public. Even the affidavits submitted to this court that demonstrate their timely filing fail to appear on the docket in Case No. 07 CVF 2250. If this Supreme Court of Ohio has any interest at all in cleaning up the appearances of improprieties that occur throughout its' courts regularly and regaining the trust of the public, it is imperative that this Ohio Supreme Court act to protect the public from the misconduct of the Officers' of its' own court, citing cases of public or great general interest. Plaintiff cites the Rules of Practice of the Supreme Court of Ohio, Introduction, original jurisdiction, citing (2), (6) and (7), the Code of Professional Responsibility, the Code of Judicial Conduct, the Rules of Superintendence of the Courts of Ohio, the Rules of Civil Procedure, etc. If necessary, Plaintiff moves to amend the original Writ of Mandamus to change to wording from motion to petition and the case name to State ex rel Sisson vs. Brian F. Hagan, Deborah Comery, and St. John West Shore. Page 2 of 3

This Honorable Ohio Supreme Court has a duty imposed by law to protect the citizens of the State of Ohio from the misconduct of their own Officers that they license to operate. 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) through their Attorney and Law Director, Andrew D. Berner (fax 1-440-895-3381), 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 7 day of July, 2008.

Without Prejudice and Respectfully

Submitted



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