

IN THE SUPREME COURT OF OHIO

Anita Kvinta,	:	
	:	Case No. 09-246
Plaintiff-Appellee,	:	On Appeal from the
	:	Richland
	:	County Court of Appeals,
v.	:	Fifth Appellate District
	:	
Charles Kvinta, et al,	:	Court of Appeals
	:	Case No. 08CA36
Defendant-Appellants.	:	

MEMORANDUM OF DEFENDANT-APPELLANT, CHARLES KVINTA

Counsel does not oppose the suggestion that the two matters be considered together. Candidly, the only reason that the second Notice of Appeal was filed to this Court with Memorandum in Support of Jurisdiction was that counsel did not want to be placed in the untenable position that if, in fact, the first appeal is admitted on the merits to this court as sought in the Memorandum in Support of Jurisdiction ignoring the unexplained filing in Case No. 08CA40 by the Richland County Court of Appeals of exactly the same Decision could somehow be considered a final adjudication and not subject to the review.

Respectfully submitted,

**TYACK BLACKMORE & LISTON
CO., L.P.A.**

BY: 
 Thoms M. Tyack (0006476)
 Attorney for Defendant -Appellant, Charles Kvinta

FILED
 APR 15 2009
 CLERK OF COURT
 SUPREME COURT OF OHIO

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon Harold R. Kemp, Esq., Attorney for Plaintiff, Kemp Schaeffer Rowe & Lardiere Co., LPA, 88 West Mound Street, Columbus, OH 43215; and Frank Macke, Esq., Attorney for Defendant, Mary Kvinta, Frank Macke Co., LPA, 400 South Fifth Street, Suite 303, Columbus, OH 43215-5430; Jennifer Short, Esq., Attorney for Defendant, Deloitte & Touche USA, Thompson Hine LLP, 10 West Broad Street, Suite 700, Columbus, OH 43215; and Beth Klugman, Esq., Attorney for Defendant, Charles Schwab & Co., Inc., 101 Montgomery Street, San Francisco, CA 94104; via Regular US Mail, this 15 day of April, 2009.


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