



Party of interest, Electrical Workers Pension Fund Local 103 I.B.E.W. ("Plaintiff") hereby moves this Court for an order dismissing Relators' Complaint for Writs of Prohibition and Mandamus ("Relators Complaint").<sup>1</sup>

This Motion is made on the grounds that Relators' Complaint does not meet the rigorous standards for a writ of prohibition or mandamus. Through the Relators' Complaint, they improperly seek the extraordinary remedies of prohibition and mandamus to challenge the decisions by the trial judge and administrative judge not to transfer the underlying action to a commercial docket judge. Relators' Complaint is deficient both procedurally and substantively and should be rejected.

This Motion is based upon the instant motion and the accompanying memorandum of law in support thereof.

Dated: April 27, 2010

Respectfully submitted,



Jack Landskroner (0059227)

Drew Legando (0084209)

**LANDSKRONER • GRIECO • MADDEN, LLC**

1360 West 9th Street, Suite 200

Cleveland, Ohio 44113

P: 216/522-9000

F: 216/522-9007

jack@lgmlegal.com

drew@lgmlegal.com

*Counsel for Intervenor*

---

<sup>1</sup> As the party in interest in this extraordinary proceeding, plaintiff Electrical Workers Pension Fund, Local 103, I.B.E.W. has filed, concurrently with this Motion, a motion to intervene.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above *Party of Interest*, *Electrical Workers Pension Fund Local 103 I.B.E.W'S. Motion to Dismiss Relators' Complaint for Writs of Prohibition and Mandamus* was served on April 27, 2010, via electronic mail, upon the following counsel:

Frederick R. Nance  
fnance@ssd.com

John D. Parker  
jparker@bakerlaw.com

Joseph C. Weinstein  
jweinstein@ssd.com

Lora M. Reece  
lreece@bakerlaw.com

Stephen P. Anway  
sanway@ssd.com

*Counsel for Relator  
American Greetings Corp.*

Joseph P. Rodgers  
jrodgers@ssd.com

William D. Mason  
p4wdm@cuyahogacounty.us

*Counsel for the Individual Relators*

*Counsel for Judge Nancy A. Fuerst  
and Judge Peter Corrigan*



---

Drew Legando (0084209)  
LANDSKRONER • GRIECO • MADDEN, LLC  
1360 West 9th Street, Suite 200  
Cleveland, Ohio 44113  
P: 216/522-9000  
F: 216/522-9007  
drew@lgmlegal.com

*Counsel for Intervenor*