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IN THE SUPREME COURT OF OHIO

LEA D. SMITH,	:	CASE NO. 10-0809
Plaintiff/Appellant,	:	[Appeal from Franklin County Court of Appeals, Tenth Appellate District Case No 09APE-06-0571]
vs.	:	
VASHAWN L. MCBRIDE, et al.,	:	
Defendants/Appellees.	:	

MEMORANDUM IN OPPOSITION OF JURISDICTION FILED BY DEFENDANTS-APPELLEES

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THE PRESENT REQUEST FOR JURISDICTION DOES NOT INVOLVE ISSUES OF PUBLIC AND GREAT GENERAL INTEREST

As this Court is well aware, Section 6, Article IV of the Ohio Constitution, provides that judgments of the Courts of Appeals of this state shall serve as the ultimate and final adjudication of all cases except those involving constitutional questions, conflict cases, felony cases, cases in which the Court of Appeals has original jurisdiction, and cases of public or great general interest. *Williamson v. Rubick* (1960), 171 Ohio St. 253, 253-254, 168 N.E.2d 876. Except in these special circumstances, a party to litigation has a right to but one appellate review of his cause. Id. Section 2, Article IV of the Constitution, provides in part:

> * * * In cases of public or great general interest the supreme court may * * * direct any court of appeals to certify its record to the supreme court, and may review, and affirm, modify or reverse the judgment of the court of appeals * * *.

The sole issue for determination upon submission of Appellant's memorandum in support of jurisdiction is whether the case presents a question of public or great general interest, as distinguished from questions of interest primarily to the parties. *Williamson*, 171 Ohio St. at 254. Specifically, Plaintiff/Appellant Lea D. Smith ("Appellant") desires to add language to R.C. § 2744.02(A) and (B) to limit immunity only to the geographical boundaries of a political subdivision. Whether this question is, in fact, one of public or great general interest rests within the discretion of the court. Id.

In support of jurisdiction, Appellant contends that this Court is faced with the critical issue of determining a police officer's powers and obligations when responding to situations outside of their own jurisdictions. Appellant's arguments focus primarily on a police officer's authority to make an extra-territorial arrest. While it is true that an officer's ability to make an

arrest outside of his jurisdiction is limited, Appellant ignores that a "call to duty" or professional obligation implies more than just arrest powers.[1] Nevertheless, Appellants demands this Court to create a bright line and well-defined standard with respect to the application of immunity under R.C. § 2744.01 et seq. to such extra-jurisdictional responses. Ultimately, Appellant seeks to have this Court adopt the position that without a Mutual Aid Pact, police officers have no immunity under R.C. § 2744.01, et seq., when responding outside their jurisdiction.[2] Appellant's proposition would have a chilling effect on the ability of police officers to perform the functions of their job, as well as the protections provided to them by R.C. § 2744.01 et seq.

Notwithstanding, courts in Ohio have previously held that nothing within R.C. § 2744.01, et seq. limits the application of immunity to actions that occur within the jurisdictional boundary of the political subdivision. See *Perry v. City of East Cleveland* (Feb. 16, 1996), Eleventh Dist. No. 95-L-111, 1996 WL 200558; *Shalkhauser v. City of Medina* (2002), 148 Ohio App.3d 41, 772 N.E.2d 129, 2002-Ohio-222; *Stover v. Hamilton* (October 15, 1982), Fifth Dist. No. CA-2056, 1982 WL 3083. Furthermore, Chapter 2744 of the Ohio Revised Code is without any statutory provision limiting a political subdivision from acting outside its geographical jurisdiction or requiring a police officer to forego immunity for acts which would have been shielded from tort liability if undertaken within his or her jurisdictional boundaries. See *Perry* at

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[1] The record fails to disclose that Sgt. Travis Carpenter responded outside of his jurisdiction to make an arrest. Rather, he was responding to another jurisdiction's call for assistance. Specifically, Sgt. Carpenter was responding to an officer's call for help in apprehending a fleeing suspect. Sgt. Carpenter's response to provide assistance should not be interpreted to mean that he intended to make an arrest.

[2] In support of Appellant's arguments, she relies upon this Court's decision in *Sawicki v. Village of Ottawa Hills* (1988), 37 Ohio St. 3d 222, 525 N.E.2d 468. Appellant misconstrues the decision in *Sawicki* to mean that "when an officer acts *outside* his geographic jurisdiction, absent a "Mutual Aid Pact" he acts without authority as a police officer, and thus, has no professional obligation whatsoever." (Memorandum in Support of Jurisdiction of Appellant p.2.) This Court never addressed the issues of "Emergency Call" and/or "professional obligation to respond" in the *Sawicki* decision. In fact, Appellant recognizes *Sawicki* arose out of events which occurred during a time when the Supreme Court judicially abrogated the application of the doctrine of sovereign immunity as a defense for municipal corporations. (Id. at p.3, FN 2.) The Appellant's reliance upon *Sawicki* in the present matter is misplaced.

*4. By affirming the trial court's decision, the Tenth District Court of Appeals has not ignored certain requirements under Ohio law which are necessary for immunity to apply, rather; the Appellate Court applied the provisions of R.C. § 2744.01, et seq. as drafted by the General Assembly. Appellant is essentially asking this Court to insert additional language into Ohio Political Subdivision Tort Liability Act to benefit her position. Primarily, Appellant demands this Court to add an addendum or additional provision to Chapter 2744 to limit the term "emergency call" to include only those situations that occur within the territorial boundaries of a political subdivision, as well as extra-territorial responses, *only* if a "Mutual Aid Pact" exists. This is not an issue of public or great general interest because Chapter 2744 explicitly sets forth when immunity applies. Rather, this present issue is a question of interest primarily to the Appellant, who seeks a favorable decision so that she may continue to maintain her lawsuit.

Based on the foregoing, jurisdiction over Appellant's appeal should be denied. The present issues are not matters of public and great general interest and represent questions only of interest to Appellant.

ARGUMENTS IN OPPOSITION TO APPELLANT'S PROPOSITIONS OF LAW

Proposition of Law No. 1: The absence or existence of a "Mutual Aid Pact" or equivalent legislative resolution, is not determinative of the issue concerning a police officer's professional obligation to respond to an "emergency call" for purposes of being entitled to immunity under R.C. § 2744.01 et seq.

A. Assuming a "Mutual Aid Pact" did not exist, Sgt. Carpenter remains entitled to immunity under R.C. § 2744.01, et seq.

Pursuant to R.C. § 2744.02(A)(1), a political subdivision is not liable in damages in a civil action for injury allegedly caused by any act or omission of the political subdivision or its employees. However, a *political subdivision* can be liable for injury, death, or loss to person or property caused by the negligent operation of any motor vehicle by its employees when the

employees are engaged with the scope of their employment and authority. R.C. § 2744.02(B)(1) (emphasis added). A *political subdivision* can defend against this exception to immunity by establishing that "a member of a municipal corporation police department or any other police agency was operating a motor vehicle while responding to an emergency call, and the operation of the vehicle did not constitute willful or wanton misconduct." See R.C. § 2744.02(B)(1)(a) (emphasis added).

An "emergency call" is defined in R.C. § 2744.01(A) as meaning "a call to duty, including, but not limited to, communications from citizens, police dispatches, and personal observations by peace officers of inherently dangerous situations that demand an immediate response on the party of the peace officer." The definition of emergency call is not limited by specific geographical boundaries. This Court has also remarked that the definition of "emergency call" is a broad definition, not limited to circumstances where an officer is personally and explicitly instructed to report to the scene of a crime. *McGuire v. Lovell* (1999), 85 Ohio St.3d 1216, 1999-Ohio-296, 709 N.E.2d 841. ("When an officer becomes aware of a crime in progress and is in a position to respond, the officer has a legitimate duty to do so.") In addition, it has been found that an immediate or exigent circumstance is not needed to constitute an emergency call. *Fogle v. Bentleyville* (July 24, 2008) Eighth Dist. No. 88375, 2008-Ohio-3660, ¶40, citing *Rutledge v. O'Toole*, (March 10, 2005), Eighth Dist. No. 84843, 2005-Ohio-1010. Moreover, this Court has held that "an emergency call involves a situation to which a response by a peace officer is required by the officer's professional obligation."

In the present matter, it is undisputed that Sgt. Carpenter received a dispatch call from a Franklin County Sheriff's deputy involved in a foot chase with a fleeing suspect. (Deposition Sgt. Carpenter pp. 20, 63.) At the time of the call, Sgt. Carpenter was at Clinton Township

Police Department headquarters, a short distance from the deputy's location. (Id. at pp. 63, 75-77.) After hearing the call, Sgt. Carpenter made the decision to respond due to (1) the nature of the call, and (2) the fact that the deputy was located in a high crime area known for arrests involving guns and drugs. (Id. at p. 132.) The trial court, as well as the Tenth Appellate District, relied on *VanDyke v. Columbus* (June 3, 2008), Tenth Dist. No. 07AP-0918, 2008-Ohio-2652 to conclude that Sgt. Carpenter possessed a professional obligation to respond and provide assistance. (See also Decision of the Franklin County Court of Appeals [March 25, 2010], attached as an appendix to Appellant's Memorandum in Support of Jurisdiction.) In *VanDyke*, a city of Columbus police officer was on duty and responding to a radio request for assistance from another officer pursuing a suspect who was fleeing on foot. Id. at ¶10. In determining that the city of Columbus was immune, the court in *Van Dyke* found that the officer was responding to an emergency call.

The only difference between *Van Dyke* and this case is that Sgt. Carpenter was responding to a neighboring jurisdiction. Appellant contends that "when an officer acts outside his jurisdiction he acts without authority, and without authority to act, logically there can be no duty or "professional obligation." (Appellant's Memorandum in Support of Jurisdiction p.7.) Appellant attempts to enhance her argument by asserting that the absence of a "Mutual Aid Pact" prevents the application of immunity under R.C. § 2744.01, et seq. However, Appellant's contentions deserve little consideration. First, other than *Sawicki*, which is not applicable, Appellant provides no other statutory or case law support for her position. Moreover, the issue of whether a "Mutual Aid Agreement" existed is inconsequential with respect to the immunity analysis. Ohio Courts have addressed the issue of whether police action taken outside of the territorial boundaries of an officer's jurisdiction is entitled to immunity. See *Perry v. City of*

East Cleveland (Feb. 16, 1996), Eleventh Dist. No. 95-L-111, 1996 WL 200558; *Shalkhauser v. City of Medina* (2002), 148 Ohio App.3d 41, 772 N.E.2d 129, 2002-Ohio-222 (officer entitled to statutory immunity in defense of liability for an automobile accident that occurred during high speed pursuit outside of jurisdiction); *Stover v. Hamilton* (October 15, 1982), Fifth Dist. No. CA-2056, 1982 WL 3083. Specifically, in *Perry* the court addressed the merits of the appellant's contention that an officer acting outside of his or her jurisdictional limits is not protected by the immunity provisions of R.C. 2744, et seq. *Perry* at *4. The court stated:

> Nothing within the statute limits those governmental or proprietary functions to actions which occur within the jurisdictional boundaries of the political subdivision. Furthermore, this court is unable to locate any statutory provision limiting a political subdivision from acting outside its geographic boundaries or requiring them to forego immunity for acts which would be shielded from tort liability if undertaken within its boundaries. * * * Applying the foregoing, we conclude that acts or decisions relating to or occurring in part on extra-territorial property, would be entitled to the same immunity provisions as lands within the borders of the municipality subject to the exceptions enumerated in R.C. 2744 *et seq.*, so long as such function is otherwise within the fulcrum of proper police activity.

Id. In addition, the Eleventh District's decision in *Perry* is buttressed by the language contained in R.C. § 2744.02(A)(2). Pursuant to this section, "[t]he defenses and immunities conferred under this chapter apply in connection with all governmental and proprietary functions performed by a political subdivision and its employees, *whether performed on behalf of the political subdivision or on behalf of another political subdivision.*" (emphasis added.) The implication of the italicized language is that the immunity afforded under Chapter 2744 travels with the employee when he is on neighboring soil acting on behalf or assisting another political subdivision.

Furthermore, in *Stover*, supra, Officer Stover responded to an automobile fire outside the jurisdiction of his employer, the Village of Plymouth. *Stover*, at *1. While responding, Officer

Stover was involved in a motor vehicle accident. Id. The record revealed that Officer Stover was answering an emergency call issued from outside the Village limits. Id. In addition, there was no formal agreement by which the village police department answered calls or provided services outside the village limits. Id.

The single issue in *Stover* concerned whether Officer Stover was entitled to immunity from personal liability as a result of the accident. Id. at *2. Specifically, under former R.C. § 701.02, "Policemen shall not be personally liable for damages for injury or loss to persons or property and for death caused while engaged in the operation of a motor vehicle while responding to an emergency call."[3] In ruling that Officer Stover was entitled to immunity, the court was unpersuaded that the absence of a mutual aid agreement precluded the protection of R.C. § 701.02. Further, the court ruled that R.C. § 701.02 was a "full defense to an action for damages for personal injury against a policeman for negligence while engaged in the operation of a motor vehicle while responding to an emergency call" and that a "policeman is entitled, as a matter of law, to accept the call (from fellow officer or dispatcher) at face value and has no duty to independently determine whether an actual emergency exists." Id. Accordingly, Officer Stover was immune from liability.

Although Sgt. Carpenter testified as to his belief that a "Mutual Aid Pact" existed, he remains immune even without a mutual aid agreement. Just as the Fifth District found in *Stover*, the absence of such agreement with a contiguous entity does not bar the application of R.C. § 2744.01, et seq. Nothing within R.C. §§ 2744.01, et seq. limits those governmental or proprietary functions to actions which occur within the jurisdictional boundaries of the political subdivision. Further, the clear and express language of R.C. § 2744.02(A)(2) provides immunity

[3] R.C. § 701.02 was replaced by R.C. § 2744.02 of the Political Subdivision Tort Liability Act which closely mirrors the previous immunity statute for police officers.

to police officers when assisting another jurisdiction in need of assistance. As such, Appellant's assertion that the protections of R.C. § 2744.01, et seq. only apply to "contracting political subdivisions" is incorrect. The absence of a "Mutual Aid Agreement" does not preclude a finding that Sgt. Carpenter possessed a professional obligation to respond, and thus cannot prevent the application of immunity under Chapter 2744 of the Ohio Revised Code. To accept Appellant's position would effectively create an exception to immunity which does not exist. Thus, even in the absence of a mutual aid agreement, Appellees remain entitled to immunity.

B. It is irrational to suggest a bright-line standard for determining an officer's ability to respond to an extra-jurisdictional emergency.

Appellant's position, if adopted, would have the effect of limiting a police officer's decision to assist a fellow officer. Appellant wants a concrete rule of law stating that an officer has no professional obligation to respond to an extra-jurisdictional request for assistance without an identifiable and clearly outlined Mutual Aid Pact. (Appellant's Memorandum in Support of Jurisdiction p.9.) Appellant's request imparts an attempt to force political subdivisions to engage in legislative efforts this Court is without authority to enforce.

Although Appellees agree that every conceivable situation cannot constitute an "emergency call," when a professional obligation exists police officers should not be confronted with the fear of being deprived of their immunity. The simple facts are that a nearby officer received a police dispatch to assist a neighboring jurisdiction in process of apprehending a fleeing suspect. Instead of evaluating the possible ramifications of responding or choosing not to respond, Sgt. Carpenter was available and willing to provide the assistance necessary to a police officer in need. As discussed above, Ohio Courts have determined that a request for assistance by a fellow officer demonstrates the necessary professional obligation to create an emergency situation. In the absence of a statutory provision in R.C. § 2744.01 et seq. conveying that

immunity is not available to an officer involved in a extra-jurisdictional response, immunity remains applicable.

Furthermore, Appellant ignores the restraints preventing political subdivisions from engaging in mutual aid agreements; i.e., sharing financial resources and staffing concerns, competing political opinions, etc. The foregoing represent examples, but are in no way exhaustive of the road blocks that may prevent contiguous jurisdictions from agreeing in writing to mutually provide aid. Many political and financial concerns dictate whether jurisdictions enter into mutual aid agreements.

Moreover, Appellant's arguments imply that an officer should never cross jurisdictional boundaries when evidence of a crime exists. In support, Appellant provides an absurd hypothetical (See Appellant's Memorandum in Support of Jurisdiction pp.10-11) as an illustration of her arguments. However, a more realistic situation would be as follows; a police officer becomes aware of the commission of a crime within a neighboring jurisdiction near his location. Although the officer is in close proximity, and is otherwise capable of responding, he chooses not to due to the absence of a Mutual Aid Pact and the fear of being deprived of immunity. As a result, a member of the public is seriously injured and/or victimized by the successful commission of crime which could have been prevented.

Should this Court develop a bright line rule which would effectively remove the immunity afforded to the officer in the above illustration, it would create a scenario where officers would simply ignore a request for help. The concerns for public safety and effective / efficient law enforcement services greatly outweigh Appellant's request for a clear cut rule.

To a certain extent, officers are required to use their discretion in responding to emergency situations. Such discretion is determined by the specific circumstances of the call for

assistance. Obviously, if Sgt. Carpenter overheard a call for assistance by a Dayton dispatcher, logic would dictate that he could not timely respond to assist. However, that is not to say that the dispatch fails to convey an emergency situation. Although a professional obligation would exist, the officer's discretion would dictate that any assistance would be futile given the large distance separating the distress call and his location. Unlike Appellant's illustration, Sgt. Carpenter was located within a short distance from the officer in need of assistance. His professional obligation as a law enforcement officer mandated his response.

Proposition of Law No. 2: R.C. § 2744.01 et seq. does not require the existence of a "Mutual Aid Pact" between political subdivisions in order for a police officer to be protected by immunity when acting outside of his or her geographic jurisdiction.

Chapter 2774 of the Ohio Revised Code is unambiguous with regards to the immunity under R.C. § 2744.03(A)(6). The immunity and exceptions enumerated under this section is not predicated on the existence of a Mutual Aid Pact when an officer provides extra-jurisdictional assistance. Appellant concedes that the immunity statutes contemplate employees of one political subdivision acting on behalf of another political subdivision (Appellant's Memorandum in Support of Jurisdiction p. 11). R.C. § 2744.02(A)(2). Yet, the General Assembly refused to mandate the existence of an agreement between contiguous jurisdictions before immunity should apply.

Appellant fails to recognize that Sgt. Carpenter's immunity under R.C. § 2744.03(A)(6), as opposed to the political subdivision, is not conditioned upon the existence of an "emergency call." Pursuant to this section, a police officer is immune unless his acts are outside the scope of employment or are committed with a malicious purpose, in bad faith, or in a wanton or reckless manner. R.C. § 2744.03(A)(6). Considerations for whether a professional obligation exists to respond to an extra-territorial request for assistance are inconsequential to the officer's

immunity. It is illogical to suggest that an officer responding to the call of neighboring jurisdiction in need is acting outside the course and scope of his or her employment. Appellant's position would have this Court find that a police officer is immune when acting beyond his territorial boundaries without a Mutual Aid Pact, but the political subdivision remains exposed to liability. Such an inconsistent interpretation of R.C. § 2744.02 and R.C. § 2744.03 cannot be upheld. Accordingly, Appellant's position that immunity is directly dependent on the existence of a Mutual Aid Pact is refuted by the plain and ordinary language found in R.C. § 2744.01, et seq.

A. Immunity is not conditioned upon the existence of a Mutual Aid Pact.

Immunity is not confined to territorial boundaries. To adopt such position would expose police officers to infinite situations in which they may be personally liable for the acts they commit in the line of duty. Police officers are trained to provide effective and efficient law enforcement service. They exist to inject themselves into dangerous situations where their assistance is required by society. Citizens expect and rely upon police officers to provide assistance when such need is apparent. In essence, police officers are trained to act. In the absence of a Mutual Aid Pact, police officers will be left to second-guess their decisions to provide assistance. For instance, imagine a large scale occurrence, i.e. terrorist threat, occurring in the City of Columbus and requiring the assistance of many more officers than employed by the municipality. Under the logic of the Appellant, neighboring officers would not be permitted to respond and provide any assistance necessary unless a duly authorized and executed agreement with the city existed permitting them to traverse across territorial boundaries. To do otherwise would expose an officer to personal liability for acts committed within the course and scope of his employment. Moreover, imagine the situation of an officer from a neighboring

jurisdiction witnessing a crime in progress outside of his territorial boundaries. Although the officer may only be within feet of the criminal circumstances, he would choose to respond at his own peril. Appellant's position would advocate for the officer to ignore his professional obligation to provide help to the victim.

Appellant's arguments contravene the purpose of providing immunity to police officers. Police officers are entitled to immunity so that they can be free to act without the apprehension of liability. In essence, R.C. § 2744.01, et seq., was enacted to prevent the underlying issues presented in *Sawicki* (supra). The safeguards protecting the public at-large from law enforcement officers who attempt to abuse their immunity is set forth in the statutory provisions. Specifically, police officers and the political subdivisions that employ them can be liable when:

> (a) a member of a municipal corporation police department or any other police agency was operating a motor vehicle while responding to an emergency call and the operation of the vehicle did not constitute willful or wanton misconduct;

or,

> (6) In addition to any immunity or defense referred to in division (A)(7) or this section and in circumstances not covered by that division or sections 3314.07 and 3746.24 of the Revised Code, the employee is immune from liability unless one of the following applies:
>
> (a) The employee's acts or omissions were manifestly outside the scope of the employee's employment or official responsibilities;
>
> (b) The employee's acts or omissions were with malicious purpose, in bad faith, or in a wanton or reckless manner.

See R.C. §§ 2744.02(B)(1)(a) and 2744.03(A)(6). Conspicuously absent from the above-referenced exceptions to immunity is any suggestion that the protections afforded by R.C. § 2744.01, et seq. are conditioned upon the existence of a Mutual Aid Pact. In fact, as discussed above, nothing within the R.C. § 2744.01, et seq., limits the provision of police services to

actions which occur within the jurisdictional boundaries of the political subdivision. Thus, Appellants overreaching attempt to expand the limitations of statutory immunity is without merit.

Notwithstanding, Appellant ignores that certain provisions of the Ohio Revised Code allow for extra-jurisdictional arrests in the absence of a Mutual Aid Pact. In particular, R.C. § 2935.03(E) allows for a police officer to arrest a suspect outside of his or her territorial boundaries. Pursuant to R.C. § 2935.03(E)(3):

> (3) A police officer or village marshal appointed, elected, or employed by a municipal corporation may arrest and detain, until a warrant can be obtained, any person found violating any section or chapter of the Revised Code listed in division (E)(1) of this section on the portion of any street or highway that is located immediately adjacent to the boundaries of the municipal corporation in which the police officer or village marshal is appointed, elected, or employed.

This section of the Ohio Revised Code makes no reference nor mandates the existence of a Mutual Aid Pact prior to engaging in an extra-jurisdictional arrest. Consequently, Appellant's argument that a police officer has no authority to act outside his jurisdiction fails.

A Mutual Aid Pact is nothing more than a written agreement where two or more political subdivisions agree to share in the expense and or provision of law enforcement services. While it may be true that in certain situations a police officer's ability to make an extra-jurisdictional arrest is limited, it is beyond debate that an officer's extra-jurisdictional response to an officer involved in a foot chase in an area synonymous with violence and illegal narcotics fits within the definition of an "emergency call." Moreover, neither Courts in Ohio, nor the clear and express language of R.C. § 2744.01 et seq., condition a police officer's statutory immunity on the existence of such agreement. See R.C. § 2744.02(A)(2), *Perry v. City of East Cleveland* (Feb. 16, 1996), Eleventh Dist. No. 95-L-111, 1996 WL 200558; *Shalkhauser v. City of Medina*

(2002), 148 Ohio App.3d 41, 772 N.E.2d 129, 2002-Ohio-222; *Stover v. Hamilton* (October 15, 1982), Fifth Dist. No. CA-2056, 1982 WL 3083. Accordingly, Appellant has failed to present an issue of public or great general interest and the decision of the Tenth District Court of Appeals should remain in effect.

B. The evidence necessary to prove the existence of a Mutual Aid Pact is not an issue of public or great general interest.

As discussed herein, a police officer's immunity for responding to an emergency call outside of his or her jurisdiction is not dependent on the existence of a Mutual Aid Pact. Accordingly, Appellant's request for this Court to accept jurisdiction and establish a rule that requires such agreements to be substantiated in writing is trivial and insignificant. Appellant's arguments in this regard are not concerned with the public's general interest, rather the Tenth Appellate District's reliance on Sgt. Carpenter's testimony in the record. Appellant contends that the Appellate Court improperly relied upon the self-serving testimony of Sgt. Carpenter discussing his belief of the existence of Mutual Aid Pact. However, as the Tenth District Appellate Court noted in its Memorandum Decision on Appellant's application for reconsideration, Appellant failed to produce any evidence contrary to the evidence in the record. (Memorandum Decision on Application for Reconsideration Rendered on May 11, 2010, p.2). Appellant's frustrations with the Tenth District's decision upholding summary judgment in favor of Sgt. Carpenter and the Clinton Township Police Department are personal to her and not a concern of the general public. Accordingly, jurisdiction before the Court must be denied.

CONCLUSION

For the reasons stated herein, this case does not involve issues of public and great general

interest, nor a substantial constitutional question. The Appellees Sgt. Travis D. Carpenter and the Clinton Township Police Department hereby request that this Court deny jurisdiction in this case.

Respectfully submitted,

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CERTIFICATE OF SERVICE

A copy of the foregoing has been forwarded via U.S. Mail to the following on June 3, 2010:

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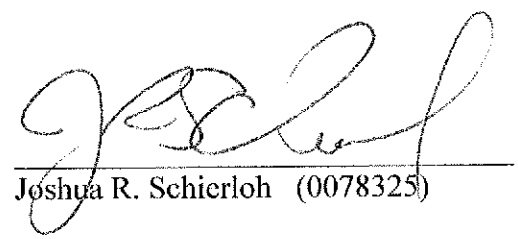

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