

IN THE SUPREME COURT OF OHIO

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**CASE NO. 2010-1965**

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EDWARD C. HARRISON, JR.,  
Plaintiff-Appellee,

-vs.-

JAMES J. DOERNER, JR.,  
Defendant-Appellant.

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**PLAINTIFF-APPELLEE'S MOTION TO STRIKE  
DEFENDANT-APPELLANT'S MOTION FOR STAY OF PROCEEDINGS**

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Appeal from the Court of Appeals, Eighth Appellate District  
Court of Appeals Case No. 94270

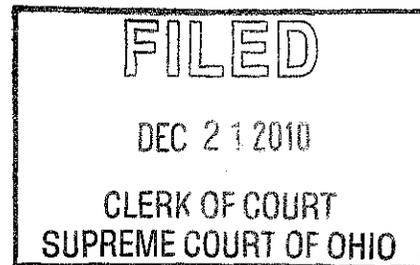
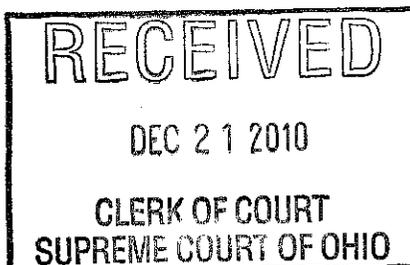
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**PLAINTIFF-APPELLEE'S MOTION TO STRIKE**  
**DEFENDANT-APPELLANT'S MOTION FOR STAY OF PROCEEDINGS**

On or about November 12, 2010, Defendant – Appellant James J. Doerner, Jr. (“Appellant”) filed his Motion for Stay of Proceedings (the “Motion”). The Motion consists of two sentences, wherein Appellant requests a stay of execution “of the Order of the 8<sup>th</sup> District Court of Appeals dated September 20, 2010 upholding the lower court’s denial of Appellant’s Civ. R. 60(B)(5) motion,” and wherein Appellant vaguely asserts that he is seeking “to prevent foreclosure of Appellant’s property while this matter is pending before this Court.” (Motion, pg. 2.)

The Motion should be stricken for at least four (4) reasons.

First, as this Court has not accepted jurisdiction in this case, and, as such, the Motion is premature.

Second, the Motion should be stricken because it does not satisfy the clear, unambiguous requirements of S. Ct. Prac. R. 14.4(A), which expressly requires the movant to “state with particularity the grounds on which it is based,” and which also requires the movant to “include relevant information regarding bond.” In the Motion, Appellant has stated no basis for a stay, and Appellant has made no mention of any bond.

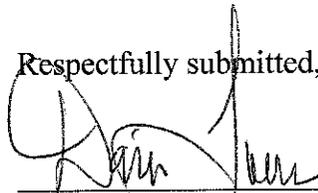
Third, the Motion should be stricken because Appellant is seeking collateral relief. Specifically, while Appellant provides no specific reference to it, Appellant is clearly seeking a stay of the proceedings in the foreclosure action entitled, *First Horizon Home Loans v. Joy E. Doerner, et al.*, Case No. CV 09 682385 in the Court of Common Pleas, Cuyahoga County, Ohio. The *First Horizon* case is presently proceeding, with

numerous parties and claims. Those other parties have received no notice of the Motion, and they have been given no opportunity to respond to it. If Appellant wants a stay of the *First Horizon* case, Appellant should seek a stay from the court in those proceedings.

Fourth, the Motion should be stricken because Appellant has stated no factual or legal basis for it.

For the foregoing reasons, Plaintiff-Appellee respectfully requests this Court to strike the Motion.

Respectfully submitted,



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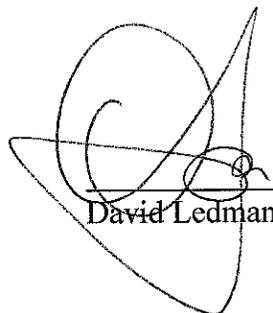
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Attorney for Plaintiff-Appellee  
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**CERTIFICATE OF SERVICE**

A copy of the foregoing Motion to Strike has been sent by ordinary U. S. mail, postage prepaid, this 20<sup>th</sup> day of December 2010, to the following:

Joel Nash, Esq.  
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David Ledman