

COVER PAGE

ORIGINAL

In the Supreme Court of Ohio

1) Case name: (State ex rel) James E. Lundeen, Sr., M.D. v. Marsha P. Ryan, Administrator, Ohio Bureau of Workers' Compensation Case number: 2010-1400

2) Nature of the proceeding: Appeal from a court of appeals as a matter of right for a case originating in a court of appeals, to wit, appeal from an original action for Writ of Mandamus from the Franklin County Court of Appeals, Tenth Appellate District

3) Name of Court from which appeal is taken: Franklin County Court of Appeals, Tenth Appellate District, CASE NO. 08AP-601

4) Title of this Document: Merit Brief of Appellant

5) Identification of party on whose behalf this document is filed: James E. Lundeen, Sr., M.D., *Pro Se*

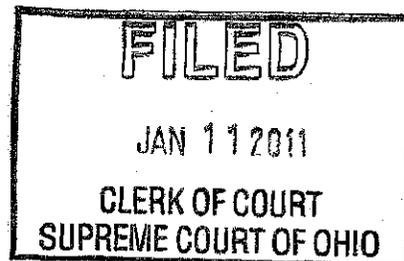
6) Representation of the parties is as follows:

for the Appellant:

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for the Appellee:

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Assistant Attorney General
Richard A. Cordray (0038034)
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7) Name of Appellee: Marsha P. Ryan, Administrator, Bureau of Workers' Compensation, Industrial Commission of Ohio

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Counsel for Appellee:
Marsha P. Ryan, Administrator, Bureau of Workers' Compensation, Industrial
Commission of Ohio

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Statement of Facts

1) This case arises from the expectation that the Ohio Bureau of Workers' Compensation must abide by O.R.C. 3901.381 among a number of other related sections of the Ohio Revised Code and Ohio Administrative Code. To that end, the undersigned filed a motion entitled "Motion for Writ of Mandamus Ordering the Administrator of the Ohio Bureau of Workers' Compensation to Release Wrongfully Withheld Funds and to Process and Pay Claims in Accordance with the Ohio Revised Code and Ohio Administrative Code" on July 16, 2008 with the Franklin County Court of Appeals Tenth District. Said motion was denied.

2) The undersigned subsequently filed this instant appeal as an appeal of right. Appellee has filed four documents in this instant case attempting to have this case dismissed before it could be considered on its merits. As a result, the undersigned appellant has submitted much of what would otherwise be contained in a merit brief in the document entitled "Objection and Response to Motion of Appellee Administrator that the Court Expedite Ruling on Pending Dispositive Motion and Motion in the alternative to remand this case to the Franklin County Court of Appeals, 10th District with a directive to issue a Writ of Mandamus or in the alternative, remand this case to the Franklin County Court of Appeals, 10th District with a directive to re-open the appeal period" so that the undersigned may have an opportunity to correct his modest procedural error" in order to present valid arguments for this case to proceed. Therefore, to avoid unnecessary repetition, the undersigned incorporates the aforementioned document dated December 20, 2010 in its entirety into this instant document.

Argument

Proposition of Law No. 1

The processing of claims must occur within thirty (30)days of receipt, with claims being paid or denied within said thirty days, and if denied, contain a notice which shall state with specificity, why the third-party payer denied the claim pursuant to O.R.C. 3901.381.

1) The relevant section of O.R.C. 3901.381 Third-party payers processing claims for payment for health care services to this instant case is as follows:

(B)(1) Unless division (B)(2) or (3) of this section applies, when a third-party payer receives from a provider or beneficiary a claim on the standard claim form prescribed in rules adopted by the superintendent of insurance under section 3902.22 of the Revised Code, the third-party payer shall pay or deny the claim not later than thirty days after receipt of the claim. When a third-party payer denies a claim, the third-party payer shall notify the provider and the beneficiary. The notice shall state, with specificity, why the third-party payer denied the claim.

2) Appellee continues to violate O.R.C. 3901.381 in that a number of claims submitted by the undersigned to the Ohio Bureau of Workers' Compensation in the year 2008 remain unprocessed at this time, i.e., have been neither paid nor denied within thirty days of receipt as provided for by O.R.C. 3901.381. While appellee contends in some instances this was done pursuant to a Temporary Restraining Order, appellee has never produced a Temporary Restraining Order dated prior to June 27, 2008 and no such Temporary Restraining Order exists. This matter has been fully discussed in the undersigned appellant's submission to this Court dated December 20, 2010 in Section IV, paragraphs eight (8) through fifteen (15) with relevant evidence included as exhibits, which has been incorporated into this document in its entirety by reference.

3) However, rather than belabor a point which has been well discussed, the undersigned appellant notes that this issue is really quite simple: The case in which appellee claims gave rise to the interruption of processing claims submitted by the undersigned was dismissed in favor of the undersigned on May 28, 2010. Exhibit A

4) Whereas appellee had no basis to interrupt the processing of claims submitted by the undersigned based upon a non-existent TRO or for any other reason, the appellee surely has no basis to continue to do so now that the case in question has been dismissed in favor of the undersigned.

5) The undersigned has a clear legal right to expect the Ohio Bureau of Workers' Compensation to abide by relevant sections of the Ohio Revised Code and Ohio Administrative Code and the Ohio Bureau of Workers' Compensation has a clear legal duty to abide by relevant sections of the Ohio Revised Code and Ohio Administrative Code. Black's Law Dictionary defines Writ of Mandamus as "A writ issued by a superior court to compel a lower court or a government officer to perform mandatory or purely ministerial duties correctly." A Writ of Mandamus is, therefore, the appropriate remedy to compel the Ohio Bureau of Workers' Compensation to abide by the Ohio Revised Code and the Ohio Administrative Code.

Proposition of Law No. 2

Unfair and deceptive acts or practices in business of insurance are

specifically prohibited by O.R.C.3901.20 and O.A.C.3901-8-11(formerly known as 3901-1-60)

6) O.A.C.3901-8-11 (A) states is part:

Sections 3901.20 and 3901.21 of the Revised Code, respectively, prohibit unfair or deceptive practices in the business of insurance and define certain acts or practices as unfair or deceptive. Section 3901.21 of the Revised Code also provides that the enumeration of specific unfair or deceptive acts or practices in the business of insurance is not exclusive or restrictive or intended to limit the powers of the superintendent of insurance to adopt rules to implement that section.

O.R.C. 3901.20 Prohibition against unfair or deceptive acts. states in part:

No person shall engage in this state in any trade practice which is defined in sections 3901.19 to 3901.23 of the Revised Code as, or determined pursuant to those sections to be, an unfair or deceptive act or practice in the business of insurance.

and includes by reference O.R.C. 3901.21 Unfair and deceptive acts or practices in business of insurance defined.

7) The apparent use of computer software by the Ohio Bureau of Workers'

Compensation to mimic human error in order to reject claims has been well discussed in the undersigned's document filed in this Court on December 20, 2010 in Section IV, paragraphs two (2) through seven (7) which has been incorporated into this document in its entirety by reference.

8) The on-going rejection of claims for non-valid reasons in apparent violation of O.R.C. 3901.20 and O.A.C. 3901-8-11 as well as O.R.C. 3901.381 results in a high overhead of administrative staff to write letters and make phone calls to resolve such issues.

9) Exhibit B contains two (2) examples of specious rejections: in one instance stating that "Payment is denied as BWC records indicate that the servicing provider was not

active on the date of service.", despite the fact that the undersigned is and has been a Provider in Good Standing without interruption with the Ohio Bureau of Workers' Compensation. The second example shows a denial claiming "Payment is denied as the diagnosis billed does not match the diagnosis code listed in the accompanying reports." This is also specious as the computer software used in the undersigned's office pulls the data from the same point and cannot list a diagnosis on an accompanying report which is different from that shown on the bill.

10) The foregoing appears to confirm what the undersigned learned from an individual who sat on a House Health Committee which supervised Ohio Medicaid among other issues, i.e., that both Medicaid and the Ohio Bureau of Worker's Compensation utilized what is referred to as "dirty tricks" computer software which was designed to mimic human error for the purpose of rejecting several percent of all claims submitted including clean claims. This individual advised that Medicaid utilized this software to match available funds for a given month. This individual further stated that OBWC utilized the computer software to mimic human error for the purpose of rejecting a few percent of all submitted claims, simply to reduce payouts, knowing that even a few percent represents a large sum.

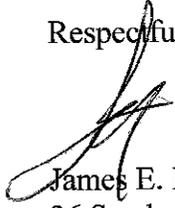
11) The undersigned has a clear legal right to expect the Ohio Bureau of Workers' Compensation to abide by relevant sections of the Ohio Revised Code and Ohio Administrative Code and the Ohio Bureau of Workers' Compensation has a clear legal duty to abide by relevant sections of the Ohio Revised Code and Ohio Administrative Code. Black's Law Dictionary defines Writ of Mandamus as "A writ issued by a superior

court to compel a lower court or a government officer to perform mandatory or purely ministerial duties correctly." A Writ of Mandamus is, therefore, the appropriate remedy to compel the Ohio Bureau of Workers' Compensation to abide by the Ohio Revised Code and the Ohio Administrative Code.

Conclusion

The undersigned has a clear legal right to expect the Ohio Bureau of Workers' Compensation to abide by relevant sections of the Ohio Revised Code and Ohio Administrative Code and the Ohio Bureau of Workers' Compensation has a clear legal duty to abide by relevant sections of the Ohio Revised Code and Ohio Administrative Code. Black's Law Dictionary defines Writ of Mandamus as "A writ issued by a superior court to compel a lower court or a government officer to perform mandatory or purely ministerial duties correctly." A Writ of Mandamus is, therefore, the appropriate remedy to compel the Ohio Bureau of Workers' Compensation to abide by the Ohio Revised Code and the Ohio Administrative Code.

Respectfully submitted,

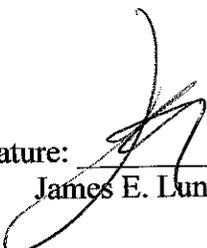


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CERTIFICATE OF SERVICE

A copy of the foregoing document, Appellant's Merit Brief, has been sent to the party shown below via U.S. mail postage prepaid on January 11, 2011

Gerald H. Waterman (0020243), attorney of record
Assistant Attorney General
Richard A. Cordray (0038034)
Ohio Attorney General
Workers' Compensation Section
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phone: 614-466-6696
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Signature: 

James E. Lundeen, Sr., M.D., *pro se*

APPENDIX

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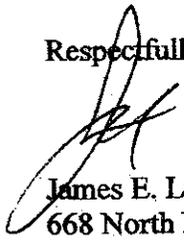
Counsel for Appellee:
Marsha P. Ryan, Administrator, Bureau of Workers' Compensation, Industrial
Commission of Ohio

Notice of Appeal of Appellant James E. Lundeen, Sr., M.D.

1) Appellant James E. Lundeen Sr., M.D. hereby gives notice of appeal to the Supreme Court of Ohio from the judgment of the Franklin County Court of Appeals, Tenth Appellate District, entered in Court of Appeals case No. 08AP-601 on June 30, 2010, a copy of the aforementioned judgment entry being incorporated with this notice of appeal as Attachment A.

2) The nature of this proceeding is an appeal from a court of appeals as a matter of right for a case originating in a court of appeals, to wit, an appeal from an original action for Writ of Mandamus from the Franklin County Court of Appeals, Tenth Appellate District, CASE NO. 08AP-601.

Respectfully submitted,



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CERTIFICATE OF SERVICE

A copy of the foregoing document, NOTICE OF APPEAL OF APPELLANT JAMES E. LUNDEEN, SR, M.D. , has been sent to the party shown below via U.S. mail postage prepaid as well as via certified U.S. mail 7006 0810 0001 9597 3884 on August 9, 2010 .

Gerald H. Waterman (0020243), attorney of record
Assistant Attorney General
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Signature: _____

James E. Lundeen, Sr., M.D., *pro se*

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IN THE COURT OF APPEALS OF OHIO
TENTH APPELLATE DISTRICT

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COURT OF APPEALS
FRANKLIN CO. OHIO
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CLERK OF COURTS

[State ex rel]
James E. Lundeen, Sr., M.D.,

Relator,

v.

Marsha P. Ryan, Administrator, Ohio
Bureau of Workers' Compensation,

Respondent.

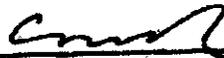
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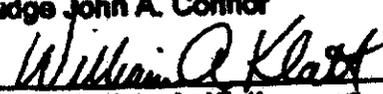
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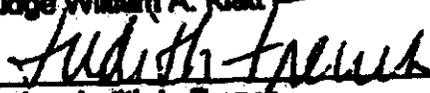
JUDGMENT ENTRY

For the reasons stated in the decision of this court rendered herein on June 29, 2010, the decision of the magistrate is approved and adopted by this court, and it is the judgment and order of this court that the requested writ of mandamus is denied. Costs assessed against relator.

Within three (3) days from the filing hereof, the clerk of this court is hereby ordered to serve upon all parties not in default for failure to appear notice of this judgment and its date of entry upon the journal.



Judge John A. Connor


Judge William A. Klatt


Judge Judith L. French

IN THE COURT OF APPEALS OF OHIO
TENTH APPELLATE DISTRICT

FILED
COURT OF APPEALS
FRANKLIN CO. OHIO

230 JUN 30 PM 3: 25
CLERK OF COURTS

[State ex rel]
James E. Lundeen, Sr., M.D.,

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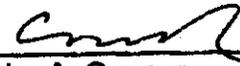
No. 08AP-601

(REGULAR CALENDAR)

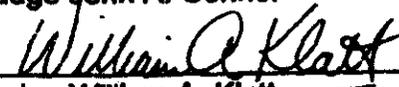
JUDGMENT ENTRY

For the reasons stated in the decision of this court rendered herein on June 29, 2010, the decision of the magistrate is approved and adopted by this court, and it is the judgment and order of this court that the requested writ of mandamus is denied. Costs assessed against relator.

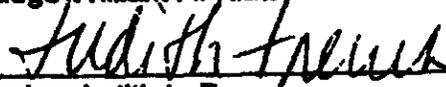
Within three (3) days from the filing hereof, the clerk of this court is hereby ordered to serve upon all parties not in default for failure to appear notice of this judgment and its date of entry upon the journal.



Judge John A. Connor



Judge William A. Klatt



Judge Judith L. French

Dwi

✓ 8

IN THE COURT OF APPEALS OF OHIO
TENTH APPELLATE DISTRICT

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CLERK OF COURTS

[State ex rel]
James E Lundeen, Sr., M.D.,

Relator,

v.

Marsha P. Ryan, Administrator, Ohio
Bureau of Workers' Compensation,

Respondent.

No. 08AP-601

(REGULAR CALENDAR)

MEMORANDUM DECISION

Rendered on June 29, 2010

James E. Lundeen, Sr., M D , pro se

Richard Cordray, Attorney General, and Gerald H Waterman,
for respondent.

IN MANDAMUS

CONNOR, J.

{¶1} Relator, James E. Lundeen, Sr., commenced this original action requesting a writ of mandamus ordering respondent, Administrator of the Ohio Bureau of Workers' Compensation ("bureau"), to pay his medical provider claims, which were allegedly a part of an order issued by the United States Bankruptcy Court, Northern District of Ohio, Eastern Division ("bankruptcy court") in case No. 07-19423.

{¶2} This court referred the matter to a magistrate pursuant to Civ.R. 53(C) and Loc.R 12(M) of the Tenth District Court of Appeals. The magistrate issued a decision, including findings of fact and conclusions of law, which is appended to this decision. In the decision, the magistrate recommended that this court deny the requested writ. No objections have been filed to the magistrate's decision.

{¶3} Finding no error of law or other defect on the face of the magistrate's decision and after an independent review of the evidence, we adopt the decision as our own, including the findings of fact and conclusions of law contained therein. In accordance with the appended decision, the requested writ is denied

Writ of mandamus denied.

KLATT and FRENCH JJ., concur.

APPENDIX

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

[State ex rel.]
James E. Lundeen, Sr., M.D.,

Relator,

v.

Marsha P. Ryan, Administrator, Ohio
Bureau of Workers' Compensation,

Respondent.

No. 08AP-601

(REGULAR CALENDAR)

MAGISTRATE'S DECISION

Rendered on October 13, 2009

James E. Lundeen, Sr., M.D., pro se

*Richard Cordray, Attorney General, and Rena A. Ina, for
respondent.*

IN MANDAMUS

{¶4} In this original action, relator, James E. Lundeen, Sr., M.D., requests a writ of mandamus ordering respondent, Administrator of the Ohio Bureau of Workers' Compensation ("bureau"), to pay his medical provider claims that were allegedly the

subject of an order of the United States Bankruptcy Court, Northern District of Ohio, Eastern Division ("bankruptcy court") in case No. 07-19423.

Findings of Fact

PROCEDURAL CHRONOLOGY OF THIS ACTION

{¶5} 1. The focus of relator's complaint is an exhibit attached thereto. The exhibit is an order filed in the bankruptcy court on June 27, 2008. Respondent has also submitted to this court an identical copy of the above-described bankruptcy order. Captioned "Order Vacating Bench Ruling on Temporary Restraining Order and Setting Preliminary Injunction Hearing," the June 27, 2008 bankruptcy court order states:

Plaintiff-chapter 7 trustee Lauren Helbling moves to vacate the June 17, 2008 bench ruling on her motion for a temporary restraining order because one of the defendants, James Lundeen, Sr., M.D., was not served with the complaint or notice of the hearing, as required by the court's order of June 11, 2008 * * * The motion states good cause and is granted

The Ohio Bureau of Workers' Compensation has frozen the funds at issue. As a result, it is not necessary to reschedule a hearing on the motion for a temporary restraining order. The court will, therefore, hold a hearing on the plaintiff's motion for a preliminary injunction on July 8, 2008 at 10:00 a.m. The parties are to confer immediately to discuss whether the hearing on the preliminary injunction should be combined with the final hearing on the merits and are to file a joint notice advising the court of their decision on or before July 1, 2008.

(Emphases sic.)

{¶6} 2. According to the complaint, when the bankruptcy court issued its June 27, 2008 order, respondent failed to release funds owed to relator. Relator requests that a writ order respondent to release the funds allegedly owed to him.

{¶7} 3 Following respondent's answer to the complaint, the magistrate issued a schedule for the filing of stipulated or certified evidence and briefs.

{¶8} 4. In response to the magistrate's scheduling order, respondent filed the affidavit of Dora West, executed April 9, 2009:

1 I have been employed by the Ohio Bureau of Workers' Compensation for over 17 years and presently hold the position of Director of HPP Systems Support.

2 Creditors of James E. Lundeen, Sr., M.D., Inc filed an involuntary chapter 7 case against that corporation in the United States Bankruptcy Court for the Northern District of Ohio on December 13, 2007

3 Under that litigation, the Bureau of Workers' Compensation was subject to a Temporary Restraining Order. See attached Exhibit A.

4 The Temporary Restraining Order was vacated on June 27, 2008. See attached Exhibit B

5 On July 14, 2008, the United States Bankruptcy Court for the Northern District of Ohio issued an order stating that the Bureau is preliminarily enjoined from disbursing the funds currently in its possession which it has categorized as being due to Lundeen Medical Group, Lundeen Physical Therapy Akron Inc., and Lundeen Therapy and Pain Management. See attached Exhibit C.

6 Following that, funds owed to Dr. Lundeen billed under his personal social security number were released, and continue to be paid. However, funds due to Lundeen Medical Group, Lundeen Physical Therapy Akron Inc., and Lundeen Therapy and Pain Management were frozen pursuant to the court order.

{¶9} 5. As the West affidavit indicates, three exhibits are submitted by the affidavit. Exhibit B is the June 27, 2008 bankruptcy court order quoted above at findings of fact number one

{¶10} 6. Exhibit C referenced in the West affidavit is an order filed in the bankruptcy court on July 14, 2008. Captioned "Order Imposing Preliminary Injunction," the order states:

For the reasons stated in the memorandum of opinion entered this same date, the plaintiff trustee's motion for a preliminary injunction requiring the Ohio Bureau of Workers' Compensation (Bureau) to freeze funds pending a decision on the merits of this adversary proceeding is granted in part and denied in part. (Docket 2) Pending further order, the Bureau is preliminarily enjoined from disbursing the funds currently in its possession which it has categorized as being due to Lundeen Medical Group, Lundeen Physical Therapy Akron Inc., and Lundeen Therapy and Pain Management. Within five days after the date on which this order is entered, the Bureau is to file a notice stating the amounts being held in the names of Lundeen Medical Group, Lundeen Physical Therapy Akron Inc., and Lundeen Therapy and Pain Management. The notice is also to state the amount that the Bureau has accounted for under Dr. Lundeen's social security number only.

{¶11} 7 On April 13, 2009, in response to the magistrate's scheduling order, relator filed a document captioned "Submission of Certified Evidence" ("SCE") which submits documents in a three-ring binder preceded by a table of contents. However, the only certification on the SCE is the signature of relator. There is no certification by any governmental agency or institution. See Loc.R 12(G) of the Tenth District Court of Appeals.

{¶12} Some of the SCE documents purport to be filed in the bankruptcy court in case No. 07-19423 For example, there is the June 10, 2008 verified complaint of "Lauren A Helbling, duly appointed and acting Chapter 7 Trustee of James E. Lundeen Sr., M.D., Inc." There are also copies of various e-mails to which relator was a party.

{¶13} 8. On April 28, 2009, relator filed his brief. On May 18, 2009, respondent filed its brief. On May 26, 2009, relator filed a reply brief

{¶14} 9. On September 10, 2009, this magistrate issued an order that relator show cause why this mandamus action should not be dismissed on grounds that relator has an adequate remedy for equitable relief in the Franklin County Court of Common Pleas, see *Henley Health Care v. Ohio Bur. of Workers' Comp.*, (Feb 23, 1995), 10th Dist. No. 94AP-1216, or an adequate remedy in the Ohio Court of Claims, see *State ex rel. Barbee v. Ohio Bur of Workers' Comp.*, 10th Dist No. 01AP-1266, 2002-Ohio-6279.

{¶15} 10. On September 24, 2009, relator filed his written response to the magistrate's show cause order.

{¶16} 11. On September 29, 2009, respondent filed its reply to relator's September 24, 2009 response.

Conclusions of Law

{¶17} It is the magistrate's decision that this court deny relator's request for a writ of mandamus, as more fully explained below.

{¶18} In order for a writ of mandamus to issue, the relator must demonstrate. (1) that he has a clear legal right to the relief prayed for, (2) that respondent is under a clear legal duty to perform the act, and (3) that relator has no plain and adequate remedy in the ordinary course of the law. *State ex rel. Berger v. McMonagle* (1983), 6 Ohio St 3d 28.

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{¶19} It is also well settled that, in mandamus, the relator has the burden of proof with respect to demonstrating the prerequisite elements of the writ. *Id.*

{¶20} Relator has presented no evidence showing that funds held by respondent are owed to him. Contrary to relator's suggestion, the bankruptcy court orders are not evidence that funds held by respondent are owed to him

{¶21} The West affidavit avers at paragraph six that "funds owed to Dr. Lundeen billed under his personal social security number were released, and continue to be paid " Significantly, even though the complaint suggests otherwise, relator has presented no evidence countering the paragraph six averment of the West affidavit.

{¶22} Based upon the above analysis, this magistrate must find that relator has failed to prove that he is owed any amount of money or funds from respondent.

{¶23} Thus, even if relator's complaint was properly brought as a mandamus action—an issue this magistrate need not determine—relator cannot prevail in this mandamus action because he has failed to meet his burden of showing that funds held by respondent are actually owed to him

{¶24} Accordingly, for all the above reasons, it is the magistrate's decision that this court deny relator's request for a writ mandamus.

/s/ Kenneth W. Macke

KENNETH W. MACKE
MAGISTRATE

NOTICE TO THE PARTIES

Civ R. 53(D)(3)(a)(iii) provides that a party shall not assign as error on appeal the court's adoption of any factual finding or legal conclusion, whether or not specifically designated as a finding of fact or conclusion of law under Civ.R 53(D)(3)(a)(ii), unless the party timely and specifically objects to that factual finding or legal conclusion as required by Civ.R. 53(D)(3)(b).

EXHIBIT A

This document has been electronically entered in the records of the United States Bankruptcy Court for the Southern District of Ohio.

IT IS SO ORDERED.



Charles M. Caldwell
Charles M. Caldwell
United States Bankruptcy Judge

Dated: May 13, 2010

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re:

JAMES E. LUNDEEN, SR.,
M.D., INC.

Debtor.

Case No. 09-51285

Chapter 7 Involuntary
Judge Caldwell

Susan L. Rhiel, Trustee

Plaintiff,

v.

Ohio Bureau of Workers'
Compensation, *et al.*

Defendants.

Adv. Pro. No. 09-2092

**ORDER REGARDING IMMINENT
DISMISSAL OF ADVERSARY PROCEEDING**

Pursuant to Fed. R. Civ. P. 41(b) (made applicable to adversary proceedings by Fed. R. Bankr. P. 7041), a court may dismiss an adversary proceeding for failure to prosecute. No action in prosecution of this adversary proceeding has been taken since the trustee filed a response on May

7, 2009 (Doc. 48) to a motion to dismiss filed by defendant James E. Lundeen, Sr., M.D. Unless a party in interest objects to dismissal within 14 days of the date of this order, therefore, this adversary proceeding shall be dismissed without further notice or hearing.

IT IS SO ORDERED.

Copies to:

Attorneys for Plaintiff

Attorneys for Defendants

Susan L. Rhiel, Esq., 394 E. Town Street, Columbus, OH 43215

James E. Lundeen, Sr., 2280 Lee Road, Cleveland Heights, OH 44118

#

DISMISSED, CLOSED

**U.S. Bankruptcy Court
Southern District of Ohio (Columbus)
Adversary Proceeding #: 2:09-ap-02092**

Assigned to: Charles M Caldwell
Lead BK Case: 09-51285
Lead BK Title: James E Lundeen Sr MD Inc
Lead BK Chapter: 7
Demand:

Date Filed: 06/10/08
Date Terminated: 05/28/10
Date Dismissed: 05/13/10
Date Transferred: 01/09/09

Nature[s] of Suit: 11 Recovery of money/property - 542 turnover of property
91 Declaratory judgment
72 Injunctive relief - other
02 Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy)

Plaintiff

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V.

Defendant

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Filing Date	#	Docket Text
05/28/2010	*	Adversary Case 2:09-ap-2092 Closed (2ks) (Entered: 05/28/2010)
05/28/2010		Disposition of Adversary 2:09-ap-2092 (2ks) (Entered: 05/28/2010)
05/15/2010	50	BNC Certificate of Mailing - PDF Document (RE: related documents(s) 49 Order of Proposed Dismissal) Service Date 05/15/2010. (Admin.) (Entered: 05/16/2010)
05/13/2010	49	Order Regarding Imminent Dismissal Of Adversary Proceeding. Objections Due: 5/27/2010. (2ks) (Entered: 05/13/2010)
05/07/2009	48	Response to (related document(s): 45 Motion to Dismiss Adversary Proceeding filed by Defendant James E Lundeen) Filed by Trustee Susan L Rhiel (Rhiel, Susan) (Entered: 05/07/2009)
		BNC Certificate of Mailing - PDF Document (RE: related documents(s) 46 Order on Motion to Dismiss Adversary

05/06/2009	47	Proceeding) Service Date 05/06/2009. (Admin.) (Entered: 05/07/2009)
05/01/2009	46	Order Denying Motion to Dismiss Adversary Proceeding Due To Noncompliance With Rules (Related Doc # 45) (2ks) (Entered: 05/04/2009)
04/29/2009	45	Motion to Dismiss Adversary Proceeding Filed by Defendant James E Lundeen Sr (2ks) (Entered: 04/30/2009)
01/30/2009	43	Notice of order transferring case with certificate of service Filed by (RE: related document(s) 42 Amended order transferring adversary case signed on 1/27/09.). (entered 1/31/09) (2bm) (Entered: 02/25/2009)

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01/10/2011 17:44:27			
PACER Login:	lp1782	Client Code:	
Description:	Docket Report	Search Criteria:	2:09-ap-02092 Fil or Ent: filed From: 1/9/2009 To: 1/10/2011 Doc From: 0 Doc To: 99999999 Term: included Format: html
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EXHIBIT B

**DOCUMENT NOT SCANNED
PURSUANT TO SUPERINTENDENCE
RULE 45**