

ORIGINAL

IN THE SUPREME COURT OF OHIO

BRIAN WALLACE, ADMINISTRATOR :
 OF THE ESTATE OF NORMAN E. :
 WALLACE, :
 :
 Plaintiff-Appellant, :
 v. :
 :
 BISWANATH HALDER, ET AL. :
 :
 Defendants-Appellees. :

On Appeal from the Cuyahoga County
 Court of Appeals, Eighth Appellate District

Court of Appeals
 Case No. CA-10-095324 and
 CA-10-095341

Ohio Supreme Court Case No. _____

11-0708

**NOTICE OF APPEAL OF APPELLANT BRIAN WALLACE,
ADMINISTRATOR OF THE ESTATE OF NORMAN E. WALLACE**

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 Pro-se Defendant-Appellee

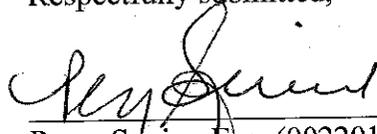
FILED
 APR 28 2011
 CLERK OF COURT
 SUPREME COURT OF OHIO

NOTICE OF APPEAL OF APPELLANT BRIAN WALLACE

Appellant Brian Wallace hereby gives notice of appeal to the Supreme Court of Ohio from the Decision of the Cuyahoga County Court of Appeals, Eighth Appellant District, entered in the Court of Appeals, Case Nos. CA-10-095324 and CA-10-095341 on March 14, 2011, Exhibit "1" which denied Halder's motion to add third party defendants, Plaintiff's motion to add John Does and determined that its appellate jurisdiction had not been properly invoked.

This case is of public or great general interest for the reason the Eighth District Court of Appeals has misconstrued Ohio App. R. 3(D).

Respectfully submitted,



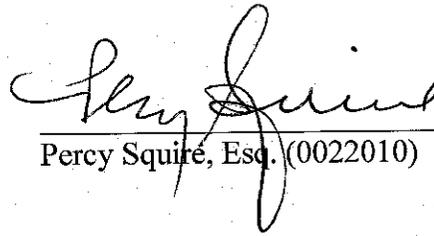
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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been served April 28, 2011, to the following via regular mail:

Biswanath Hadler, Inmate #A501980
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PO Box 788
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Court of Appeals of Ohio, Eighth District

Wallace
Docketed
(TH)

County of Cuyahoga
Gerald E. Fuerst, Clerk of Courts

BRIAN WALLACE, ADMIN.

Appellant

COA NO.
95324
95341

LOWER COURT NO.
CP CV-591169
CP CV-591169

COMMON PLEAS COURT

-vs-

BISWANATH HALDER, ET AL.

Appellee

MOTION NO. 442361

RECEIVED FOR FILING

MAR 14 2011

Date 03/14/11

Journal Entry

GERALD E. FUERST
CLERK OF THE COURT OF APPEALS
BY *C. Prusch* DEP.

MOTION BY APPELLANT/CROSS APPELLEE, BRIAN WALLACE, ADMINISTRATOR OF THE ESTATE OF NORMAN WALLACE, FOR RECONSIDERATION IS DENIED.

APPELLANT ARGUES THAT THE "NOTICE OF APPEAL INDICATED THAT IT WAS FROM THE MAY 27, 2010 FINAL JUDGMENT INTO WHICH ALL INTERLOCUTORY ORDERS WERE MERGED." TO THE CONTRARY, THE NOTICE OF APPEAL INDICATED THAT THE APPEAL WAS TAKEN FROM THE MAY 27, 2010 JOURNAL ENTRY DENYING APPELLANT'S MAY 25, 2010 MOTION TO ADD JOHN DOES 6-8, WHICH WAS THE JOURNAL ENTRY ATTACHED TO THE NOTICE OF APPEAL.

FURTHERMORE, APPELLANT MADE NO ARGUMENT ON APPEAL THAT THE TRIAL COURT ERRED IN DENYING HIS MAY 25, 2010 MOTION. INSTEAD, APPELLANT'S ARGUMENTS CONCERNED APPELLEE/CROSS-APPELLANT, BISWANATH HALDER'S 2007 MOTION FOR LEAVE TO JOIN THIRD-PARTY DEFENDANTS.

FINALLY, CONTRARY TO APPELLANT'S ASSERTION IN HIS MOTION FOR RECONSIDERATION THAT THE TWO MOTIONS TO ADD PARTIES WERE "ESSENTIALLY" THE SAME AND SOUGHT TO JOIN THE SAME PERSONS, WE FIND THAT ONLY ONE PARTY WAS SIMILAR TO BOTH HALDER'S AND APPELLANT'S MOTION.

ACCORDINGLY, APPELLANT'S MOTION FOR RECONSIDERATION IS DENIED.

Presiding Judge SEAN C. GALLAGHER,
Concurs

Judge KENNETH A. ROCCO, Concurs

Kathleen Ann Keough
Judge KATHLEEN ANN KEOUGH

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AT 11:48 AM ON 03/14/11

EXHIBIT "1"