



Respondent Mercy St. Anne Hospital (“St. Anne”) respectfully joins co-Respondent Toledo Hospital in moving this Court for sanctions against Rene Mays (“Petitioner”) pursuant to S.Ct.Prac. R. 14.5. Petitioner has now initiated not one but two frivolous appeals to this Court, each arising from a suit alleging medical negligence filed in the Lucas County Common Pleas Court, subjecting Respondents to ongoing baseless litigation and requiring them to incur significant and ongoing attorney’s fees and expenses defending a meritless and frivolous claim. Respondent St. Anne incorporates by reference co-Respondent Toledo Hospital’s motion for sanctions filed September 9, 2011, including the procedural history provided in that motion, and provides the following additional memorandum in support of the imposition of sanctions against Petitioner.

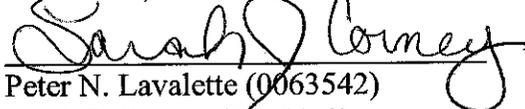
Since filing her Notice of Appeal in Case No. 2011-1457, Petitioner has filed in this Court no fewer than six (6) additional motions in that appeal, and another three (3) motions in Case No. 2011-1485, each seeking some form of relief (to which she is not entitled). These briefings follow no fewer than twenty-three (23) separate motions filed in the Lucas County Court of Appeals initiated by Petitioner (as opposed to responsive briefings to motions initiated by either Respondent), and thirty-nine (39) filings initiated by Petitioner in the trial court, since her complaint was filed in April of this year.

The only dismissal of any claim filed by Petitioner in the trial court was that of July 27, 2011, which was without prejudice. Accordingly, and consistent with the Court of Appeals’ prior determinations, there remains no final and appealable order warranting either intermediate review by the Sixth District Court of Appeals or

discretionary review by this Court. In light of Petitioner's repeated and ongoing frivolous conduct to the grave prejudice of Respondents, sanctions under S. Ct. Prac. R. 14.5(A) and/or (B) are appropriate, including dismissal of both appeals and an award of attorney's fees in favor of Respondents.

Respectfully submitted,

ROBISON, CURPHEY & O'CONNELL



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**MEMORANDUM IN SUPPORT OF MOTION FOR SANCTIONS**

The instant appeals arise out of a lawsuit alleging medical negligence filed in the Lucas County Common Pleas Court on April 19, 2011, asserting claims of wrongful death and survivorship. At no time has Petitioner supported her claim with an affidavit of merit as required under Ohio Civ. R. 10(D)(2).

The only rulings potentially subject to this Court's appellate review would be the following (notwithstanding Petitioner's bald assertions otherwise):

- (1) Decision and Judgment of the Lucas County Court of Appeals, entered July 20, 2011, holding that the trial court's June 7, 2011 entry denying Petitioner's motion for extension to file an affidavit of merit was not a final and appealable order; and

(2) Decision and Judgment of the Lucas County Court of Appeals entered August 18, 2011, denying Petitioner's Motion for Reconsideration of the July 20, 2011 ruling.

Neither ruling, however, involves a final appealable order subject to this Court's review, as a matter of law – as the Sixth District Court of Appeals has already determined.

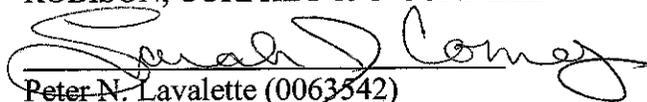
On July 27, 2011, the trial court dismissed Petitioner's suit without prejudice on the grounds that she, as a pro se litigant, was not permitted to practice law in pursuit of an estate's wrongful death and survivorship claims. Petitioner would also seek this Court's direct review of that dismissal. Because however, Petitioner's claims satisfy neither the requirements of S. Ct. Prac. R. 2.1(C)(1) (for death penalty appeals) nor those of S. Ct. Prac. R. 2.1(C)(2) (for contested elections), the instant appeal of that determination can only be deemed frivolous.

Since neither the orders of the Lucas County Court of Appeals nor the order from the trial court falls within this Court's appellate jurisdiction, these appeals are "not reasonably well-grounded in fact or warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law." S.Ct.Prac. R. 14.5(A); *see also State ex rel. Howard v. Doneghy*, 102 Ohio St.3d 355, 2004-Ohio-3207. As such, they are frivolous, and patently demonstrate Petitioner's abuse of the justice system.

Accordingly, Respondent Mercy St. Anne Hospital respectfully requests that this Court impose sanctions on Rene Mays, including dismissal of her appeals to this Court and an award of reasonable expenses, attorney's fees, costs or double costs, and any other sanction this Honorable Court considers just.

Respectfully submitted,

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### CERTIFICATE OF SERVICE

Toledo, Ohio  
September 22, 2011

I hereby certify that copies of the foregoing Respondent Mercy St. Anne Hospital's Motion for Sanctions were this day mailed to Rene Mays, 328 East Central Avenue, Toledo, Ohio 43608, Petitioner, and to Kristen A. Connelly, Stephen A. Skiver & Assoc., LLC, 28350 Kensington, Ste. 200, Perrysburg, OH 43551, Attorneys for Defendant-Respondent Toledo Hospital.

