

IN THE SUPREME COURT OF OHIO

STATE OF OHIO EX REL.

Case No. 12-1128

WILLIAM D. MASON, CUYAHOGA
COUNTY PROSECUTOR,

Relator,

v.

Original Action in Prohibition

HONORABLE NANCY MARGARET
RUSSO, JUDGE, CUYAHOGA COUNTY
COURT OF COMMON PLEAS,

Respondent.

**RESPONDENT'S MOTION TO DISMISS RELATOR'S PETITION FOR IMMEDIATE
ALTERNATIVE WRIT AND MEMORANDUM IN SUPPORT**



WILLIAM D. MASON, CUYAHOGA
COUNTY PROSECUTING ATTORNEY
The Justice Center, Courts Tower
1200 Ontario St., Ninth Floor
Cleveland, Ohio 44113

Relator

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*Counsel for Respondent The Honorable
Nancy Margaret Russo*

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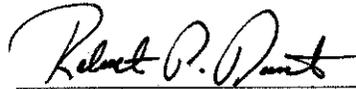
*Counsel for Amicus Curiae
Ohio Attorney General Mike DeWine*

**RESPONDENT'S MOTION TO DISMISS APPLICATION FOR IMMEDIATE
ALTERNATIVE WRIT**

Pursuant to Ohio Rule of Civil Procedure 12(B)(6) and Ohio Supreme Court Rule X, the Honorable Nancy Margaret Russo, respondent, hereby moves to dismiss Relator William Mason's Application for an Immediate Alternative Writ. The grounds for the motion are that there is no need for an immediate alternative writ because, as set forth more fully below, a stay has been entered in the cases at issue in the Court of Common Pleas of Cuyahoga County.

Dated: July 12, 2012

Respectfully submitted,



ROBERT P. DUCATMAN (0003571)
(Counsel of Record)
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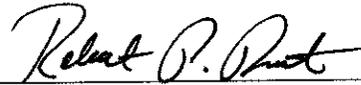
MEMORANDUM IN SUPPORT

On July 3, 2012, Relator William Mason (“Relator”) filed a Complaint in Prohibition and an Application for an Immediate Alternative Writ with this Court.¹ The Application sought a stay of two cases pending before Respondent Nancy Margaret Russo in the Cuyahoga Court of Common Pleas: Case No. 12-CV-785188 captioned *AMA Ventures Inc., et al. v. Mason* and Case No. 12-CV-784234 captioned *J&C Marketing v. Mason*. On July 9, 2012, Relator filed a motion to stay the two cases at issue in the Cuyahoga County Court of Common Pleas. (*See* Exhibit A). On July 10, 2012, the Parties in the two cases at issue reached an agreement regarding a stay in the Court of Common Pleas and the stay was entered. (*See* Exhibit B).

In view of the stay entered by the Cuyahoga Court of Common Pleas, the Relator’s Application for an Immediate Alternative Writ should be dismissed.

¹ Respondent will address the Complaint in Prohibition within the time permitted by Supreme Court Rule X.

Respectfully submitted,



ROBERT P. DUCATMAN (0003571)

(Counsel of Record)

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E-mail: rducatman@jonesday.com

*Counsel for Respondent The Honorable
Nancy Margaret Russo*

CERTIFICATE OF SERVICE

I hereby certify that on July 12, 2012, a copy of the foregoing was served on the following by First Class U.S. Mail, postage prepaid:

William D. Mason
Cuyahoga County Prosecuting Attorney
The Justice Center, Courts Tower
1200 Ontario St., Ninth Floor
Cleveland, Ohio 44113

Relator

Mike DeWine
Ohio Attorney General
Michael J. Schuler
Assistant Attorney General
Ohio Attorney General's Office
Constitutional Offices Section
30 E. Broad St., 16th Floor
Columbus Ohio, 43215

Brian Mooney
Christopher A. Wagner
Susan A. Choe
Assistant Attorneys General
Charitable Law Section, Gambling Unit
150 E. Gay St., 23'd Floor
Columbus, Ohio 43215

*Counsel for Amicus Curiae
Ohio Attorney General Mike DeWine*



Attorney for Respondent

EXHIBIT A



74555740

**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

J&C MARKETING LLC
Plaintiff

WILLIAM D MASON
Defendant

Case No: CV-12-784234

Judge: NANCY MARGARET RUSSO

JOURNAL ENTRY

AT THE TELEPHONIC REQUEST OF THE PLAINTIFFS, SERVED THIS DAY WITH THE MOTION TO STAY FILED BY THE DEFENSE, THE COURT SETS A HEARING ON THE MOTION TO STAY FOR 7/10/12 AT NOON. ALL COUNSEL WHO WISH TO BE HEARD ON THE MOTION TO STAY TO BE PRESENT; CLIENTS NEED NOT APPEAR. ANY DISCOVERY DUE TO BE DELIVERED TO OPPOSING COUNSEL ON 7/9/12 IS HELD IN ABEYANCE UNTIL THE COURT ISSUES A RULING ON THE MOTION TO STAY.

Judge Signature

07/09/2012

07/09/2012

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74555742

**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

AMA VENTURES INC. ETAL
Plaintiff

WILLIAM D. MASON ETAL
Defendant

Case No: CV-12-785188

Judge: NANCY MARGARET RUSSO

JOURNAL ENTRY

AT THE TELEPHONIC REQUEST OF THE PLAINTIFFS, SERVED THIS DAY WITH THE MOTION TO STAY FILED BY THE DEFENSE, THE COURT SETS A HEARING ON THE MOTION TO STAY FOR 7/10/12 AT NOON. ALL COUNSEL WHO WISH TO BE HEARD ON THE MOTION TO STAY TO BE PRESENT; CLIENTS NEED NOT APPEAR. ANY DISCOVERY DUE TO BE DELIVERED TO OPPOSING COUNSEL ON 7/9/12 IS HELD IN ABEYANCE UNTIL THE COURT ISSUES A RULING ON THE MOTION TO STAY.

Judge Signature

07/09/2012

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EXHIBIT B



74574642

**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

J&C MARKETING LLC
Plaintiff

WILLIAM D MASON
Defendant

Case No: CV-12-784234

Judge: NANCY MARGARET RUSSO

JOURNAL ENTRY

88 BANKRPT/C.O.A. STAY - FINAL

PER AGREEMENT OF PARTIES, THE MOTION TO STAY IS UNOPPOSED AND GRANTED. SEE PRIOR ORDERS.

Judge Signature

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74574644

**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

AMA VENTURES INC. ETAL
Plaintiff

WILLIAM D. MASON ETAL
Defendant

Case No: CV-12-785188

Judge: NANCY MARGARET RUSSO

JOURNAL ENTRY

88 BANKRPT/C.O.A. STAY - FINAL

PER AGREEMENT OF PARTIES, THE MOTION TO STAY IS UNOPPOSED AND GRANTED. SEE PRIOR ORDERS.

Judge Signature

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