

IN THE SUPREME COURT OF OHIO

CASSANDRA WILTZ

Plaintiff/Appellant,

-vs-

**CLARK SCHAEFER HACKETT &
COMPANY, et al.,**

Defendants/Appellees.

Case No.: 2012-1257 **12-1527**

On Appeal from the Franklin County Court of
Appeals, Tenth Appellate District

Court of Appeals Case No.: 12-AP-000169

**MEMORANDUM IN OPPOSITION TO JURISDICTION
OF DEFENDANTS-APPELLEES**

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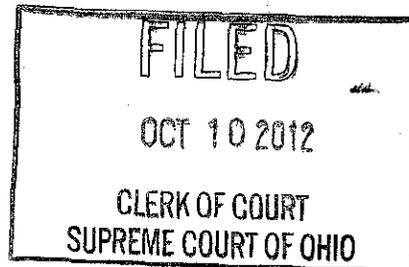
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II. THIS CASE IS NOT OF PUBLIC OR GREAT GENERAL INTEREST AND DOES NOT INVOLVE ANY CONSTITUTIONAL QUESTION

Defendants-Appellees respectfully urge this Court to deny jurisdiction. Plaintiff-Appellant Cassandra Wiltz fails to identify any “debatable constitutional issue” to support an appeal as of right pursuant to Ohio Const. Art. IV, § 2(B)(2)(a)(ii). See *Smith v. Leis*, 106 Ohio St.3d 309, 2005-Ohio-5125, 835 N.E.2d 5, ¶ 14-15. She likewise fails to establish any basis for a discretionary appeal pursuant to Ohio Const. Art. IV, § 2(B)(2)(e).

The Ohio constitution limits discretionary jurisdiction to “special cases” that present “questions of public or great general interest as distinguished from questions of interest primarily to the parties.” *Williamson v. Rubich*, 171 Ohio St. 253, 254, 168 N.E.2d 876 (1960). Ohio law affords “a right to but one appellate review.” *Id.* at 253-254. Thus, this Court accepts a discretionary appeal “to clarify rules of law arising in courts of appeals that are matters of public or great general interest” and “not to serve as an additional court of appeals on review.” *State v. Bartrum*, 121 Ohio St.3d 148, 2009-Ohio-355, 902 N.E.2d 961, ¶ 31 (O’Donnell, J., dissenting).

Ms. Wiltz has not identified any question of public or great general interest. In fact, she has not presented a single legal issue requiring resolution or clarification by this Court. Rather, she merely asks this Court to correct errors she believes the court of appeals made in applying the specific facts of this case, settled law, and its own Local Rules. Her proposed Propositions of Law, once deciphered, claim only an abuse of discretion. This Court has consistently refused discretionary jurisdiction simply to act as a second court of appeals and should refuse to do so in this case.

The instant action represents the second attempt by Ms. Wiltz to invoke this Court’s jurisdiction this year. In Case No. 2012-0922, Ms. Wiltz sought to have this Court review the dismissal of her suit against her former employer and countless others affiliated with it. This

action represents a second action filed subsequently by Ms. Wiltz almost as an afterthought in a different county, and involves claims that Appellees somehow aided her former employer in taking actions Ms. Wiltz deemed wrongful. On September 26, 2012, this Court declined jurisdiction in her main case and dismissed her appeal as not involving any substantial constitutional question. An identical result should obtain herein.

III. STATEMENT OF THE CASE AND FACTS

Cassandra Wiltz is a serial litigant. Since 2009 alone she has sued no less than 103 persons or entities in Ohio State Courts or in Federal District Court. After moving to Ohio from New Jersey in 2008 Ms. Wiltz carried on her tradition of filing suit against her employers, her co-workers, and just about anyone else who has the misfortune to cross her path. *See Wiltz v. State of New Jersey*, S.D. Ohio Case No. 2:09-CV-00592, 2010 WL 3659038. No person, entity, or profession is safe from her venomous accusations. *Id.* at *9 (“This case involves Plaintiff’s numerous accusations of impropriety against New Jersey doctors, hospitals, medical centers, lawyers, law firms, prosecutors, judges, and various other state employees”); *Wiltz v. State of New Jersey*, N.J. App. No. A-4542-08T1, 2011 N.J. Super. Unpub. LEXIS 662 (Mar. 16, 2011) (affirming dismissal of claims against allegedly biased Administrative Law Judge who ruled against her employment discrimination claims, allegedly biased appellate judges that affirmed Administrative Law Judge, and numerous others); *Wiltz v. Middlesex County Office of Prosecutor*, 249 Fed. Appx. 944 (C.A.3, 2007) (affirming dismissal of civil action against twenty-nine defendants including former employer, prosecutors, police officials, and others).

As noted in Section I hereof, the instant action in fact represents a second front in an offensive Ms. Wiltz previously commenced in Licking County Common Pleas Court against her former employer, Moundbuilders Guidance Center, and numerous other individuals and entities

affiliated with that entity. The trial court dismissed that action as a sanction because of the refusal by Ms. Wiltz to participate in discovery. On April 12, 2012, the Court of Appeals of Licking County affirmed that dismissal, and this Court has turned away the request by Ms. Wiltz to review that decision. Almost two years after suing in Licking County, but before that case was dismissed, Ms. Wiltz originated the instant litigation in Franklin County Common Pleas Court claiming the Appellees, Moundbuilder's former and current outside auditors, somehow aided and abetted the defendants in the Licking County action.

Over the past two years, Ms. Wiltz's claims have been repeatedly reviewed and rejected by both the Franklin County Court of Appeals and the trial court. Initially, Ms. Wiltz's aiding and abetting claims were dismissed on Clark, Schaefer's motion for summary judgment and Schneider Down's motion for judgment on the pleadings. That decision was followed by the unusual (and improper) simultaneous filing of both a notice of appeal to the court of appeals and a motion for reconsideration/motion to vacate the judgment in the trial court. That motion was denied by the trial court, which led to the filing of a second notice of appeal by Ms. Wiltz. The appeals were consolidated and, late last year, the court of appeals affirmed the trial court's decision in all material respects. Taking particular note of Ms. Wiltz's penchant for making spurious and unwarranted allegations, that court went out of its way to "caution [Ms. Wiltz] that future allegations made without 'good ground' to support them can expose her to Civ. R. 11 sanctions." Not surprisingly, that warning has gone unheeded.

Rather than accept the court's decision, Ms. Wiltz – as she is wont to do – asked the court to reconsider. The court of appeals declined to do so on the merits, but did grant Ms. Wiltz's request to remand the case to the trial court for (re)consideration of her R. 60(B) motion, which

the court of appeals held the trial court was originally without jurisdiction to consider, given Ms. Wiltz's simultaneous filing of a notice of appeal.

The case was then remanded to the trial court where Ms. Wiltz – never one to remain idle – filed multiple R. 60(B) motions, which were denied not once, but twice, by the trial court. Given Ms. Wiltz's repetitive filings and apparent inability to understand the denial of her motions, the trial court's final entry advised that:

Due to apparent confusion on the part of Plaintiff, this Court feels that it is necessary to issue a clarifying entry. It is hereby the Order of this Court that all outstanding motions before this Court in this matter are DENIED. As stated in previous decisions, the Court is not going to vacate its December 20, 2010 decision dismissing Plaintiff's Complaint. The Court will not entertain any further motions from Plaintiff requesting such.

Ms. Wiltz then filed another notice of appeal, constituting her third appeal in this case, and fourth or fifth attempt to vacate the trial court's decision.

On appeal, Ms. Wiltz filed both a motion for leave to file an over length brief and a motion for an extension of time to file her brief. Both motions were denied. In express violation of the Ohio Appellate Rules and the Tenth District's Local Rules, Ms. Wiltz filed her appellant brief out-of-rule on April 18, 2012, without leave to do so, and without serving Appellees. She also filed an addendum containing numerous impertinent materials, and failed to serve any of the addendum's nearly nine-hundred pages on Appellees. Indeed, Ms. Wiltz has a perfect record in that regard. At no time since the inception of this litigation has Ms. Wiltz served *anything* upon Appellees' counsel, up to and including her Notice of Appeal and Memorandum in Support of Jurisdiction in this Court.

On April 25, 2012, Appellees filed a Motion to Strike Appellant's Brief and to Dismiss Appeal, and demonstrated therein the numerous ways Ms. Wiltz had violated the Appellate rules as well as the Local Rules of the Tenth Appellate District. By means of a Journal Entry of

Dismissal filed May 9, 2012, the court of appeals granted Appellees' motion and dismissed Ms. Wiltz's appeal given her "failure to timely file her brief or to adequately explain the basis for her failure to timely file a brief." Not surprisingly, this ruling merely spawned additional filings by Ms. Wiltz, by which she sought reconsideration, *en banc* consideration, and to certify a non-existent conflict pursuant to Section 3(B)(4), Article IV of the Ohio Constitution. After briefing, the court of appeals denied these requests by means of a Memorandum Decision and accompanying Judgment Entry dated July 26, 2012. The instant appeal followed.

IV. ARGUMENT IN RESPONSE TO EACH PROPOSITION OF LAW RAISED IN APPELLANT'S MEMORANDUM IN SUPPORT OF JURISDICTION

Proposition of Law No. I: A timely-filed Motion to Extend the Due Date of an Appeal Brief tolls the time for filing the Appeal Brief (and an Appeal Brief that is filed 'on the date that the extension request motion had proposed as the new due date' and 'while the appellant is waiting for a ruling on the extension request motion' is timely filed).

In the instant case, it is undisputed that Ms. Wiltz failed to file her brief within the time parameters of Ohio R. App. 18(A), and that her belatedly-submitted brief was filed after the court of appeals denied her the extension she sought. The court of appeals, exercising authority expressly granted it by Ohio R. App. 18 and its own Local Rules, determined that her belated submission had not been sufficiently justified and dismissed her appeal. Seeking to excuse herself from the application of these Rules, Ms. Wiltz now urges this Court to rule that, as a matter of law, the filing of her motion with the court of appeals requesting an extension itself and of its own force grants the extension without court approval or acquiescence. Not surprisingly, Ms. Wiltz supplies no legal authority for this remarkable proposition, the adoption of which would emasculate Appellate Rule 18 and numerous Appellate Local Rules. The initial sentence of Appellate Rule 18(C) expressly provides that "[i]f an appellate fails to file the appellate's brief within the time frame as extended, the court may dismiss the appeal." Similarly, at the time in

question¹, Rule 9 of the Local Rules of the Tenth District Court of Appeals provided, in relevant part, that:

Unless the appellant demonstrates that no undue delay and no prejudice to appellee has been caused by the failure to comply with the Rules, the following shall be deemed good cause for dismissal of an appeal pursuant to App.R. 3(A), 11(C), or 18(C):

* * * *

- (D) Failure to timely file the brief and assignment of error.
- (E) Any other noncompliance with the Appellate Rules or the Rules of this Court.

Both Appellate Rule 18 and the Tenth District's Local Rule 9 therefore fully empowered that court, in its discretion, to dismiss the appeal of Ms. Wiltz. Her proposed solution, being the wholesale revising of Rule 18 in the context of her proposed appeal, is both meritless and unnecessary.

That other appellate districts have or could promulgate local rules that treat extension requests differently avails Ms. Wiltz not at all. Pursuant to Appellate Rule 41 the "courts of appeals may adopt rules concerning local rules in their respective courts that are not inconsistent with the rules promulgated by this Court." There is, quite obviously, nothing about the applicable Tenth District Local Rule that is inconsistent with any rule of this Court. The initial Proposition urged by Ms. Wiltz is both meritless and misplaced.

¹ The Tenth Appellate District's Local Rules have been amended effective October 1, 2012, with the above-quoted language now appearing at Local Rule 10.

Proposition of Law No. II: It is an error, a denial of a due-process right to be heard, and an abuse of discretion, for a Court of Appeals to fail to rule (before the due date for an Appeal Brief passes) on a timely-filed Motion for an Extension of the Due Date of the Appeal Brief, to deny the extension-request motion only after the original due date has lapsed, to fail to provide an explanation for the denial of the extension-requested motion (which was unopposed and was supported with evidence of good causes for the request), to strike from the Record an Appeal Brief that was filed ‘on the date that the extension-request motion had proposed as the new due date’ and ‘when the appellant was waiting for a ruling on the extension-request motion’, and to make a decision that dismisses the Appeal, strikes the Appeal Brief Instanter (which was filed after the Court denied the extension-request motion) “when the appellant has meritorious claims” and “on the basis of claims that the Appeal Brief was filed late and without leave of Court and that the explanation for the alleged late-filing (which the Court refuses to identify and which concerns the fact that the appellant was awaiting a ruling on the extension-request motion) is inadequate and insufficient”.

Shorn of its accusations and windy fulminations, Ms. Wiltz’s second proposition of law is that the court of appeals abused its discretion in not ruling fast enough for her taste on her request for an extension and then ultimately denying her request. As Appellees demonstrated in response to her initial proposition, the court of appeals was fully empowered to address and dismiss her appeal in the manner it did pursuant to both the Rules of Appellate Procedure and the Appellate Court’s Local Rules. That the court below chose to do so hardly presents “questions of public or great general interest”; indeed, given the discretionary and fact-specific nature of the determination made by the court of appeals, this action presents merely an issue “of interest primarily to the parties”. *Williamson v. Rubich, supra*.

Again, there is no question but that Ms. Wiltz did not submit her brief timely. In this Proposition, she simply condemns the court of appeals for not having ruled on her request for an extension on a schedule and in a manner to her liking, and then ultimately denying the request when it came on for decision. These are plainly matters committed to the sound discretion of the appellate court. And, as this Court has stated on numerous occasions, “...the term ‘abuse of discretion’ connotes more than an error of law or of judgment; it implies that the court’s attitude

is unreasonable, arbitrary or unconscionable.” *Huffman v. Hair Surgeon, Inc.*, 19 Ohio St.3d 83, 87 (1985) (citations omitted). “An abuse of discretion involves far more than a difference in opinion. The term discretion itself involves the idea of choice, of an exercise of the will, of a determination made between competing considerations. In order to have an ‘abuse’ in reaching such determination, the result must be so palpably and grossly violative of fact and logic that it evidences not the exercise of will but perversity of will, not the exercise of judgment but defiance thereof, not the exercise of reason but rather of passion or bias.” *Id.*, citing *State v. Jenkins*, 15 Ohio St.3d 164, 222 (1984).

Finally, the reliance by Ms. Wiltz on the Ninth Appellate District’s decision in *GMAC Mortgage, LLC v. Jacobs*, 9th Dist. Summit No. 24984, 2011-Ohio-1780, is wholly misplaced. Indeed, upon closer inspection the *Jacobs* decision argues against her. *Jacobs* involved a trial court’s decision to grant summary judgment after the non-movant sought an extension of time to respond to the motion. This was simply not deemed error by the *Jacobs* court given the discretion courts maintain over their dockets. Moreover, the *Jacobs* court noted that a failure to rule gives rise to the presumption that a motion is overruled. *Jacobs*, 2011-Ohio-1780, ¶ 9. The *Jacobs* decision provides no support whatsoever for Ms. Wiltz’s contentions or her proposed Proposition of Law No. 2.

Proposition of Law No. III: It is an error and an abuse of discretion, for a Court of Appeals to make a decision that denies a Motion for Leave to File and Appeal Brief Instantly, strikes the Appeal Brief from the Record, and dismisses the Appeal ‘all on the basis of a claim that the Brief was filed late’, when accepting the Brief that was filed would not cause prejudice to appellees, the decision did not address the subjects of ‘prejudice to the appellees’ and ‘undue delay’, and the Court has a history of ruling that “The Court prefers to hear cases on their merits and, when an intent to prosecute an Appeal has been demonstrated, a late-filed Brief should be accepted and a Motion for Leave to File a Brief should be granted “if there is no apparent prejudice to the appellee’ and ‘even if there has been undue delay”’.

The Third Proposition of Law urged by Ms. Wiltz is similar to her others in that it simply denounces how the court of appeals exercised its discretion in her case. Again, this hardly rises to the level of being a matter of “public or great general interest”. This Court’s role “is not to serve as an additional court of appeals on review, but to clarify rules of law arising in the court of appeals that are matters of public or great general interest.” *State v. Bartrum*, 121 Ohio St.3d 148, 2009-Ohio-355 (O’Donnell, J., dissenting). “Public” or “great general” interest are not generic terms; they define specific parameters that recognize a second appellate review is not appropriate where the interests are primarily narrow and private. *Williamson v. Rubich, supra*.

Here, Ms. Wiltz denounces the court of appeals for not having accepted her belatedly-filed brief. But no amount of denunciation, however vehement, alters the fact that the court below had discretion to rule as it did. The court of appeals, in passing on her Motion for Reconsideration, considered and rejected Ms. Wiltz’s accusations of unconscionable conduct on its part, noting:

Relying on *Perry v. Perry*, 7 Ohio App.3d 318 (10th Dist.1982), Wiltz contends that this court should have denied the motion to dismiss filed by defendants-appellees, Schneider Downs and Co., Inc.; Clark Schaefer Hackett & Co.; Joe Patrick; Roy Lydic; Bradley Tobe; and Kent Pummel. In *Perry*, we held that the grant of an appellant’s motion to file her brief out of rule is justified when there is no apparent prejudice to the appellee from undue delay attributable to the appellant’s failure to file a timely brief. *Id.* at syllabus. Although the circumstances described in *Perry* justify the decision to allow an appellant to file an untimely brief, nothing in *Perry* requires this court to accept a late-filed

appellant's brief. Generally, this court has the discretion to dismiss an appeal when an appellant fails to timely file a brief. App.R. 18(C); Loc.R. 9. We appropriately exercised that discretion in this case. Therefore, we deny Wiltz's application for reconsideration.

That Ms. Wiltz disagrees with this assessment of the court of appeals simply does not warrant this Court's involvement.

Proposition of Law No. IV: It is an error and an abuse of discretion, for a Court of Appeals to dismiss an Appeal 'on the basis of an appellee's claim about non-service of an Appeal Brief', when the appellee did not support the claim with evidence, the Record shows that the appellant complied with Court rules regarding service, the order that dismissed the Appeal did not address the subject of 'presumption of service', and a hearing was not held.

The Fourth Proposition of Law urged by Ms. Wiltz is simply false and misstates the record. In it, Ms. Wiltz accuses the court of appeals of having dismissed her appeal "...because the appellees averred that they were not served with my Appeal Brief." (Memorandum in Support of Jurisdiction at 10). The court of appeals did no such thing. Instead, in the course of ruling, the court of appeals simply took note of Appellees' complaint of non-service, but did not premise or base its ruling on that ground. The court's May 9, 2012 Journal Entry of Dismissal specifically states as grounds for dismissal the "...failure of appellant to timely file her brief or to adequately explain the basis for her failure to timely file a brief." Ms. Wiltz's current attempt to rewrite the record simply evidences the lengths she will go to concoct issues where none exist to achieve her goals; a less appetizing scenario warranting review by this Court is difficult to envision.

Proposition of Law No. V: The Court of Appeals erred and abused its discretion, by denying the appellant's Application for En Banc Consideration and failing to allow the majority of the en banc Court to decide if the Application would be considered en banc.

In her Fifth Proposition of Law, Ms. Wiltz assails the court of appeals for having denied her request for *en banc* consideration. In denying her request, the court of appeals noted

correctly that its May 9, 2012 journal entry dismissing her appeal did not conflict with its prior decisions, such that *en banc* consideration was not warranted.

Appellate Rule 26(A)(2)(b) placed a mandatory burden upon Ms. Wiltz to “explain how the panel’s decision conflicts with a prior panel’s decision on a dispositive issue and why consideration of the court *en banc* is necessary to secure and maintain uniformity of the court’s decision.” She was unable to do this, as no conflict existed.

The court of appeals’ Judgment Entry of May 9, 2012 announced no overarching rule of law. It represented instead the straightforward application of powers reserved to the Court by Appellate Rule 18(C) and Local Rule 9 to the facts and circumstances before it. That the application of these powers under the facts and circumstances before the court led the court to dismiss the appeal hardly constitutes the kind of “dispositive issue” *en banc* consideration was designed to address. *See, e.g., McFadden v. Cleveland State University*, 120 Ohio St.3d 54, 2008-Ohio-4914 (*en banc* proceedings useful where “schisms have developed in districts as different panels announce conflicting opinions on identical issues of law, leaving litigants to guess which decision controls”). The Tenth District’s Local Rule 9 itself eschews broad pronouncements in favor of case-specific ones, calling upon the appellant in each case to demonstrate the inappropriateness of dismissal for failing to follow applicable time limitations and rules. That a panel of that court dismissed the appeal of Ms. Wiltz while opting not to do so in a case thirty (30) years ago in *Perry v. Perry*, 7 Ohio App.3d 318 (1982), is simply insufficient as a matter of law to merit *en banc* consideration, nor does Ms. Wiltz’s current protestation concerning how the Tenth Appellate District construes its own prior decisions constitute an issue of public or great general interest.

Proposition of Law # VI: When a Court of Appeals denies Applications for Reconsideration and En Banc Consideration and a Motion to Certify a Conflict, while erroneously stating that there are no inconsistencies between decisions and while failing to ‘identify the cases’ and to ‘acknowledge and address the issues’ that were subjects of the Applications and Motion and to correct its obvious errors that were brought to its attention, the Court has erred, denied the movant’s due process right to be heard, and abused its discretion and App.R. 25, App.R. 26, and the Appeal process have been rendered meaningless.

In her Sixth Proposition of Law, Ms. Wiltz castigates the court of appeals for not having granted her Motion for Reconsideration and other relief she filed with that court following the dismissal of her appeal. Unsurprisingly, the inconvenient fact that Ms. Wiltz supplied the court with no valid basis upon which to reconsider does not find expression in her argument. As she is wont to do, Ms. Wiltz simply disagreed with the court’s reasoning and conclusions. But as the court of appeals noted in the course of addressing a similar motion from Ms. Wiltz in her prior appeal:

When presented with an application for reconsideration filed pursuant to App.R. 26, an appellate court must determine whether the application calls to the court’s attention an obvious error in its decision or raises an issue that the court should have, but did not, fully consider. *Columbus v. Hodge* (1987), 37 Ohio App.3d 68, 69. An appellate court will not grant an application for reconsideration merely because a party disagrees with the logic or conclusions of the underlying decision. (internal citations omitted).

Wiltz v. Clark, Schaefer Hackett & Co., 2011-Ohio-6664, ¶2.

Or, as recently stated by the Court of Appeals of Mahoning County, “an application for reconsideration is not designed for use in instances where a party simply disagrees with the conclusions reached and the logic used by an appellate court. App.R. 26 provides a mechanism by which a party may prevent miscarriages of justice that could arise when an appellate court makes an obvious error or renders an unsupported decision under the law”. *Genhard v. David*, 7th Dist. No. 10 MA 144; 2012-Ohio-433, ¶ 2.

Much like her Sixth Proposition of Law to this Court, the post-dismissal motion of Ms. Wiltz to the court of appeals consisted of accusations that the court “overlooked” or “ignored” her arguments. The July 26, 2012 Memorandum Decision of the court of appeals demonstrates, however, that each form of relief requested by Ms. Wiltz was considered by the court of appeals, and found to be wanting. That Ms. Wiltz feels to the contrary does not warrant review by this Court.

Proposition of Law # VII: It is an error and abuse of discretion, for a trial Court to refuse ‘to docket’ and ‘to comply with’ an order that remands a case to the trial Court (which was made because an error had occurred that was prejudicial to the appellant) and for the Court of Appeals to have knowledge of the non-compliance and to (instead of compelling compliance) erroneously dismiss the Appeal ‘without hearing the Appeal on its merits’.

To the extent Appellant’s Proposition of Law No. 7 is understood or is understandable, it is baseless, supplies no grounds for review by this Court, and is in fact a by-product of Ms. Wiltz’s penchant for accusing all who do not agree with her of wrongdoing, including judicial officers and court personnel. At a superficial level, Ms. Wiltz’s final proposition simply adds one more reason why she believes her appeal should not have been dismissed, being that the dismissal meant a *prior* complaint she lodged against the court system – identified in her Memorandum as Assignment of Error No. 4 – went unaddressed. This earlier grievance *itself*, however, was baseless as that Assignment of Error accused the court of appeals and the Clerk of Court’s office of denying Ms. Wiltz “due process” by somehow impeding or impairing the trial court’s ability to hear and consider motions filed by Ms. Wiltz. The materials Ms. Wiltz herself has placed of record, however, demonstrate the falsity of her accusations. Following the remand from her earlier appeal, Ms. Wiltz in fact filed successive motions seeking various forms of relief. On January 30, 2012, the trial court overruled her Motion for Relief from Judgment. Then, to be solicitous to Ms. Wiltz and to eliminate any uncertainty as to the disposition of the

varying motions filed by her, the trial court took the further step of journalizing an Entry denying *all* outstanding motions on February 23, 2012. (See discussion *supra* at 4). This latter Entry was journalized for the express purpose of “clarifying” the record for the benefit of Ms. Wiltz. Ms. Wiltz then appealed. How Ms. Wiltz can claim the trial court was prevented from ruling under these circumstances is a mystery she makes no cogent effort to solve. That this proposition of law arises from an accusation by Ms. Wiltz of impropriety by the court of appeals and court personnel and an Entry by the trial court made for the express purpose of clarifying matters for Ms. Wiltz speaks volumes about her willingness to grasp even at straws she herself manufactured. Like her others, Ms. Wiltz’s final Proposition supplies no basis warranting review.

V. CONCLUSION

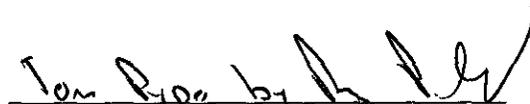
Defendants/Appellees respectfully request this Court to deny jurisdiction. It is clear beyond peradventure that the issues raised by Ms. Wiltz are simply not of public or great general interest, and that her attacks upon valid exercises of discretion by the court of appeals lack merit.

Respectfully submitted,



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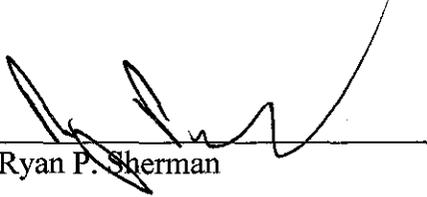
VI. CERTIFICATE OF SERVICE

This is to certify that a true and exact copy of the foregoing has been duly served upon Plaintiff Cassandra Wiltz via ordinary mail and upon counsel for Defendant, as set forth below, this 10th day of October, 2012.

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