

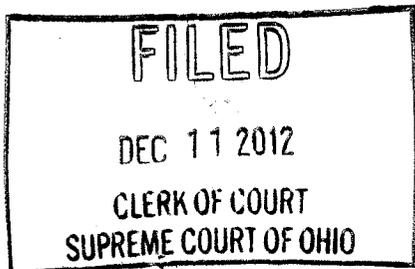
ORIGINAL



1 State of Ohio ex rel. :
 2 Chance Catudal, :
 3 2783 Martin Road # 353 :
 4 Dublin, Ohio 43017, :
 5 :
 6 Relator, :
 7 vs. :
 8 :
 9 Judge Kim A. Browne, :
 10 373 South High Street :
 11 6th Floor, Courtroom 66, :
 12 Columbus, Ohio 43215, :
 13 :
 14 and :
 15 :
 16 Franklin County Common Pleas Court, :
 17 Domestic Relations Division, :
 18 373 South High Street :
 19 Columbus, Ohio 43215, :
 20 :
 21 Respondents. :

Case # 12-1795

Original Action in Mandamus



24 **RELATOR'S MOTION TO STRIKE**
 25 **RESPONDENTS' RESPONSE**

28 Relator moves the Court to Strike Respondents' Response to Relator's
 29 Motion to Strike Respondents' Motion to Dismiss.

31 Relator's Motion is more fully supported by the Memorandum in Support
 32 that is attached and incorporated herein.

Respectfully submitted,

36 *Chance Catudal*
 37 Chance Catudal, Plaintiff
 38 2783 Martin Road # 353
 39 Dublin, Ohio 43017
 40 ccatudal@ymail.com

MEMORANDUM IN SUPPORT

I. SUPREME COURT RULES OF PRACTICE

Pursuant to S.Ct. Prac. R. 14.4. (B), “If a party files a motion with the Supreme Court, any other party may file a memorandum opposing the motion within ten days from the date the motion is filed . . .” Respondents filed a Response to Relator’s initial Motion to Strike, not a *Memorandum in Opposition*. The words *Memorandum in Opposition* were not used anywhere in said filing.

II. RELATOR’S REPLY TO RESPONDENTS’ RESPONSE

Relator attempted to file a Reply to Respondents Response (See Exhibit W); however, Justin T. Kudela rejected Relator’s filing claiming that Relator cannot file a Response/Reply to a Memorandum in Opposition. Relator indicated to Case Management Counsel that it was a *response* that he was replying to, not a Memorandum in Opposition. The Court is well aware of how difficult it is for a *pro se* litigant to get anyone to acknowledge a mistake of this sort.

III. CONCLUSION

It is inappropriate and prejudicial to incorrectly code a pleading in favor of Relator’s opposition. Furthermore, it is inappropriate and prejudicial not to allow Relator to file a *Reply* to a *Response*.

IV. PRAYER FOR RELIEF

WHEREFORE, Relator prays for the Court to Strike *Respondents’ Response to Relator’s Motion to Strike Respondents’ Motion to Dismiss*. In the alternative, Relator prays for the Court to allow him to file a reply/response to such. Relator prays for any other such relief that the interests of justice may require.

Respectfully submitted,


Chance Catudal, Relator

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V. CERTIFICATE OF SERVICE

Plaintiff hereby certifies that a true and accurate copy of the foregoing was served upon all parties or their counsel via Regular Mail or in person on the 11th day of December, 2012.


Chance Catudal, Relator

IN THE SUPREME COURT OF OHIO

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State of Ohio ex rel.
Chance Catudal,
2783 Martin Road # 353
Dublin, Ohio 43017,

Relator,

vs.

Judge Kim A. Browne,
373 South High Street
6th Floor, Courtroom 66,
Columbus, Ohio 43215,

and

Franklin County Common Pleas Court,
Domestic Relations Division,
373 South High Street
Columbus, Ohio 43215,

Respondents.

Exhibit W

Case # 12-1795

Original Action in Mandamus

RELATOR'S REPLY
TO RESPONDENTS' RESPONSE
TO RELATOR'S MOTION TO STRIKE
RESPONDENTS' MOTION TO DISMISS

I. SUPREME COURT RULES OF PRACTICE

Per S.Ct. Prac. R. 14.2. (D); Respondents do not have any legal basis or argument to oppose Relator's Motion to Strike.

Per S.Ct. Prac. R. 14.2. (D)(2), "If the Supreme Court determines that service was not made as required by this rule, it may strike the document or, if the interests of justice warrant, order that the document be served and impose a new deadline for filing any responsive document."

II. RELATOR'S REPLY

1 Relator's Response to Respondents' Motion to Dismiss, Exhibit V, was put
2 forth only as an exhibit to show the Court that his oppositional intent had been
3 thwarted by malfeasance. Had that not happened, Relator would have filed a
4 Memorandum in Opposition per S.Ct. Prac. R. 14.4. (B).

5
6 Respondents' confirmed on Page 3, Paragraph 1, Line 1 of their Response,
7 "Relator was not served with a copy of the underlying Motion to Dismiss..."

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9 **III. MALFEASANCE**

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11 Paul Thies (0074641) has served Relator previously in another case using
12 the correct address. See Service Exhibit (attached). It is impossible to confuse
13 Dublin and Chillicothe. Furthermore, considering Respondents' argument (i.e., the
14 Magistrate did it), adversarial misconduct is evident.

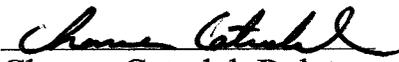
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16 **IV. CONCLUSION**

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18 Respondents' Motion to Dismiss should be stricken from the record.

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20 **V. PRAYER FOR RELIEF**

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22 WHEREFORE, Relator prays for the Court to Strike Respondents' Motion
23 to Dismiss. Relator prays for any other such relief that the interests of justice may
24 require.

25 Respectfully submitted,

26
27 
28 Chance Catudal, Relator
29 2783 Martin Road # 353
30 Dublin, Ohio 43017
31 ccatudal@ymail.com

32
33 **VI. CERTIFICATE OF SERVICE**

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35 Plaintiff hereby certifies that a true and accurate copy of the foregoing
36 Motion was served upon all parties or their counsel via Regular Mail or in person
37 on the 10th day of December, 2012.

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39 
40 Chance Catudal, Relator

Service Exhibit

/s/ Brian McAllum Spiess

Brian McAllum Spiess (0085049)
MONTGOMERY, RENNIE & JONSON
36 East Seventh Street, Ste. 2100
Cincinnati, Ohio 45202
(513) 241-4722
Fax (513) 241-8775
email: bspiess@mrjlaw.com

/s/ A. Paul Thies

A. Paul Thies (0074641)
Assistant Prosecuting Attorney
373 S. High Street, 13th Floor
Columbus, Ohio 43215
(614) 525-3520
Fax (614) 525-6012
email: pathies@franklincountyohio.gov

CERTIFICATE OF SERVICE

I hereby certify that on June 12, 2012, a copy of the foregoing was filed electronically. The Court's electronic filing system will send notice to all parties. The parties may access this filing through the Court's system. In addition, I served a copy of this document via regular U.S. Mail, postage prepaid, on June 12, 2012, to the following:

~~Chance Catudal
2783 Martin Road #353
Dublin, Ohio 43017
Pro Se Plaintiff~~

/s/ Matthew S. Teetor
Matthew S. Teetor