

ORIGINAL

IN THE SUPREME COURT OF OHIO

Francesca Steinhart, )  
)  
and )  
)  
Legacy Home Care, Inc. )  
)  
Relators, )  
)  
v. )  
)  
Ohio Department of Job )  
and Family Services, )  
)  
and )  
)  
Ohio Attorney General )  
)  
Respondents )

CASE NO. 13-0102

RELATORS' MOTION TO EXPEDITE  
EMERGENCY HEARING ON ORIGINAL  
ACTION IN MANDAMUS

RECEIVED  
JAN 25 2013  
CLERK OF COURT  
SUPREME COURT OF OHIO

FILED  
JAN 25 2013  
CLERK OF COURT  
SUPREME COURT OF OHIO

Now come the Relators, Francesca Steinhart, and Legacy Home Care, Inc., by and through counsel, Richard H. Drucker, and move this Court to EXPEDITE the requested emergency hearing on Relators writ of mandamus. Failure to hold an emergency hearing on the matter by January 28, 2013 will result in irreparable harm to Relators. Specifically, failure to grant relief will cause Legacy Home Care, Inc. to cease operations for lack of funds. Legacy Home Care, Inc. has been operating on Miss Francesca Steinhart's personal funds since the Ohio Department of Jobs and Family Services issued the "Hold and Review" order.

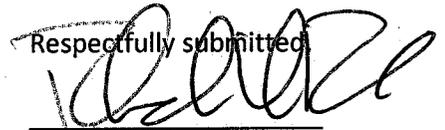
Because the Department's "Hold and Review" has barred the business from billing, or otherwise having an income for over six months, the enterprise can no longer operate, as Francesca Steinhart has depleted her personal funds to provide the business an operating budget over the last several months. Because the business employs over 30 individuals, the Department of Job and Family Services has placed Legacy Home Care, Inc. in an untenable position. Specifically, the delay in adjudication, in conjunction

with the "Hold and Review" order has prevented the business from functioning, and maintaining an operating budget while the Department's review process is underway.

The Department of Job and Family Services has maintained the restriction on Legacy Home Care, Inc. for well over the 120 maximum period for claim adjudication enumerated in the Ohio Administrative Code § 5101:3-1-27(G).

WHEREFORE, Relators pray for relief from this Court in the form of a hearing be held as soon as possible to adjudicate the Complaint for an Original Writ of Mandamus. Failure to do so by January 25, 2013 will cause Legacy Home Care, Inc. to liquidate and financially ruin Francesca Steinhart, who has single handedly borne the weight of this burden the Department of Jobs and Family Services has imposed.

Respectfully submitted

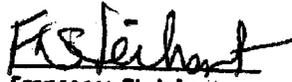


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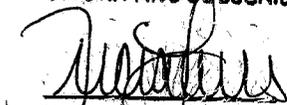
State of Ohio                    )  
  ) SS:  
County of Cuyahoga            )

I, Francesca Steinhart, after first being duly cautioned and sworn according to lawm depose and say that.

1. I am one of the relators in the foregoing action and that I am over the age of 18 years and am legally competent to give sworn testimony, and,
2. I am the manager of Legacy Home Care, Inc.
3. Since the Department of Job and Family Services issued the order mandating "Hold and Review", Legacy Home Care, Inc. has been unable to take in any money or other income.
4. I have been using my personal funds to finance Legacy Home Care, Inc.'s operating expenses for over four months sine the "Hold and Review Order".
5. My personal funds have covered payroll for thirty-plus employees, which per month amounted to over \$160,000.
6. These thirty-plus workers will be unemployed if Legacy Home Care, Inc. is forced to liquidate because of the "Hold and Review" order.
7. Because of the standing "Hold and Review", Legacy will be run out of business within a month, and I will be forced to assume debt.
8. The Department of Job and Family Services issued this order almost six months ago, and has failed to adjudicate the claim.

  
Francesca Steinhart

SWORN AND SUBSCRIBED IN MY PRESENCE, this 22nd day of January, 2013.

  
Notary Public

TRICIA N. LEWIS  
NOTARY PUBLIC • STATE OF OHIO  
Recorded in Cuyahoga County  
My commission expires Sept. 24, 2017

**Certificate of Service**

I certify that a copy of this Motion to Expedite Emergency Hearing was sent by ordinary United States Mail to the Ohio Department of Job and Family Services at 30 East Broad Street, 32<sup>nd</sup> Floor, Columbus, Ohio 43215, and the Ohio Attorney General at 30 East Broad Street, 14th Floor, Columbus, Ohio 43215 on this 29<sup>th</sup> day of January, 2013.

A handwritten signature in black ink, appearing to read 'Richard H. Drucker', written over a horizontal line.

Richard H. Drucker (0002466)