

ORIGINAL

IN THE SUPREME COURT OF OHIO

ORIX CAPITAL MARKETS, LLC, AS)
SPECIAL SERVICER FOR U.S. BANK)
NATIONAL ASSOCIATION, AS)
TRUSTEE, AS SUCCESSOR-IN-)
INTEREST TO BANK OF AMERICA,)
N.A., AS TRUSTEE FOR THE)
REGISTERED HOLDERS OF)
PRUDENTIAL SECURITIES SECURED)
FINANCING CORPORATION,)
COMMERCIAL MORTGAGE PASS-)
THROUGH CERTIFICATES, SERIES)
2001-C1,)

Plaintiff-Appellee,)

v.)

STERLING TELECOM OFFICE)
BUILDING, LLC, *et al.*,)

Defendants-Appellants.)

On Appeal from the Cuyahoga County)
Court of Appeals, Eighth Appellate)
District 13-1512)

Court of Appeals Case No. CA-13-100211

FILED
SEP 23 2013
CLERK OF COURT
SUPREME COURT OF OHIO

NOTICE OF APPEAL OF APPELLANTS,
STERLING TELECOM OFFICE BUILDING, LLC AND MARK MUNSELL

Robert R. Kracht (#0025574)
rrk@mccarthylebit.com
John E. Moran (#0087272)
jem@mccarthylebit.com
McCARTHY, LEBIT, CRYSTAL
& LIFFMAN CO., L.P.A.
101 West Prospect Avenue
1800 Midland Building
Cleveland, Ohio 44115
(216) 696-1422
(216) 696-1210 (facsimile)

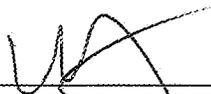
Attorneys for Defendants-Appellants

Michael P. Shuster (#0064518)
mshuster@porterwright.com
PORTER WRIGHT MORRIS
& ARTHUR, LLP
925 Euclid Avenue
1700 Huntington Building
Cleveland, Ohio 44115-1483
(216) 443-9000
(216) 443-9011 (facsimile)
Attorney for Plaintiff-Appellee

RECEIVED
SEP 23 2013
CLERK OF COURT
SUPREME COURT OF OHIO

Appellants, Sterling Telecom Office Building, LLC and Mark Munsell, hereby give notice of appeal to the Supreme Court of Ohio from the judgment of the Cuyahoga County Court of Appeals, Eighth Appellate District, entered in Court of Appeals Case No. CA-13-100211 on August 8, 2013, a copy of which is attached hereto as Exhibit "A". This case presents issues that are of public or great general interest.

Respectfully submitted,



Robert R. Kracht (#0025574)

rrk@mccarthylebit.com

John E. Moran (#0087272)

jem@mccarthylebit.com

McCARTHY, LEBIT, CRYSTAL

& LIFFMAN CO., L.P.A.

101 West Prospect Avenue

1800 Midland Building

Cleveland, Ohio 44115

(216) 696-1422

(216) 696-1210 (facsimile)

Attorney for Defendants-Appellants,
Sterling Telecom Office Building, LLC and
Mark Munsell

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing Notice of Appeal of Appellants, Sterling Telecom Office Building, LLC and Mark Munsell has been served upon the following; via regular U.S. Mail, postage prepaid; this 23rd day of September, 2013:

Michael P. Shuster, Esq.
Porter Wright Morris & Arthur LLP
925 Euclid Avenue
1700 Huntington Building
Cleveland, Ohio 44115-1483
Attorneys for Plaintiff-Appellee

Mr. Frank L. Pschirer, Senior Director REMS
Colliers International
200 Public Square
2005 BP America Building
Cleveland, Ohio 44114
Court-Appointed Receiver

Michael A. Kenney, Jr., Esq.
Cuyahoga County Prosecutor's Office
1200 Ontario Street, Ninth Floor
Cleveland, Ohio 44113

Attorney for Defendant, Richard W. Sensenbrenner, Treasurer of Cuyahoga County, Ohio



Robert R. Kracht (#0025574)
John E. Moran (#0087272)

AUG X 8 2013

Court of Appeals of Ohio, Eighth District

County of Cuyahoga
Andrea Rocco, Clerk of Courts

ORIX CAPITAL MARKETS, LLC.

Appellee

COA NO.
100211

LOWER COURT NO.
CV-11-771372

COMMON PLEAS COURT

-vs-

STERLING TELECOM OFFICE BLDG., ET AL

Appellant

MOTION NO. 467253

Date 08/08/13

Journal Entry

Sua sponte, the appeal is dismissed per R.C. 2505.02. See Matteo v. Principe, 8th Dist. No. 92894, 2010-Ohio-1204.

COPIES MAILED TO COUNSEL FOR ALL PARTIES. COSTS TAXED

FILED AND JOURNALIZED
PER APP.R. 22(C)

AUG X 8 2013

CUYAHOGA COUNTY CLERK
OF THE COURT OF APPEALS
By [Signature] Deputy



Judge MARY J. BOYLE, Concur

[Signature]
MELODY J. STEWART
Administrative Judge

