

ORIGINAL

IN THE SUPREME COURT OF OHIO

Akim M. Rahman

Relator :
 v. :
Wells Fargo Bank N.A. :
(Wells Fargo Home Mortgage) :
 (Attorneys for wells Fargo) :
John Kopf :
 Thompson Hine LLP :
 :
Jennifer Schaeffer : (Because it can put a stop to Respondents' ongoing efforts
 LENER SAMPSON & ROTHFUSS : on misusing legal system and it can make efficient use of
 : Judicial resources & for saving time for the Court and for
Respondents : the parties in general); **Pursuant to Civil R. 42 (A) (1)**

Justification:

Despite the fact that Appellate now granted Relator's "Response memo and Motion for Judicial Notice" pursuant Article II of Rule 201 and Article I of Rule 102 of Ohio Rules of Evidence, ruled on December 06, 2013, Respondents now cited the old ruling of Appellate in support of Respondents' memorandum in response filed on December 23 of 2013 with the Court, which is a misleading in one hand. On the other hand, Respondents' this ill effort has further caused an inefficiency in utilizing judicial resources, which will require longer time for the Court as well as for the parties, which will cause carrot of further litigation.

Furthermore, since referred both cases pending before the Court involve common questions of law or fact to be resolved where the Respondents now failed pleading, the "motion to consolidate" will save time & expenses of litigation of the parties.

Therefore, granting the "Motion to Consolidate of cases Gen: 13-1008 and Gen: 13-1700" is justified under the Civil R. 42 (A).

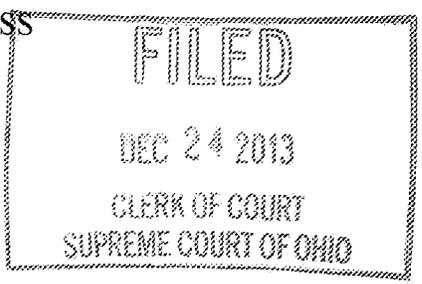
Wells Fargo Home Mortgage
P.O. Box 10335
Des Moines, IA 50306-0335

Akim Rahman
4428 Trailane D rive
Hilliard, OH 43026
Pro Se, Relator

John Kopf,
Attorney on the record for Wells Fargo & John Kopf
Scott A. King and Terry W. Posey, THMPSON HINE LLP
10050 Innovation Drive, Suite 400, Miamisburg, Ohio 45342

Jennifer Schaeffer
Attorney on the record for Jennifer Schaeffer
Adam Fogelman, LENER SAMPSON & ROTHFUSS
P.O. Box 5480, Cincinnati, OH 45201-5480

Respondents



NOW comes Relator and ask Honorable Court to grant the “motion to consolidate cases of Gen: 13-1008 and Gen: 13-1700, pending before the Court for decision *pursuant* to Civil. R. 42 (A) (1). Because despite the fact that Appellate now granted Relator’s “Response memo and Motion for Judicial Notice” *pursuant* Article II of Rule 201 and Article I of Rule 102 of Ohio Rules of Evidence, ruled on December 06, 2013 (See: **Exhibit A**), Respondents now cited the old ruling of Appellate in support of Respondents’ memorandum in response filed on December 23 of 2013 with the Court, which is a misleading in one hand. On the other hand, Respondents’ this ill effort has further caused an inefficiency in utilizing judicial resources, which will require longer time for the Court as well as for the parties in general.

Furthermore, since the referred both cases pending before the Court involve common questions of law or fact to be resolved where Respondents now failed pleading, the “motion to consolidate” will save time & expenses of litigation of the parties as well as of the Ohio Taxpayers in one hand. On the other hand, it can ensure a joint hearing or a trial of any or all the matters in issues as it deems appropriate by the current Court in the actions.

Also since Respondents have chosen “waived responses” in legal action of Gen: 13-1008 and now failed pleading in response to original complaint as well as to amended complaint in legal action of Gen: 13-1700, the consolidation of these cases can facilitate fairness by cross examining issues of any or all matters. It can further show: a) what are missing in Respondents’ recent filing (Memorandum of Respondents, filed on December 23 of 2013) b) what facts are suppressed by the Respondents in these litigations c) how Respondents have been misleading the legal system and how they are causing confusion strategically in these cases.

Also, Appellate latest ruling (December 05, 2013) supersedes the prior ruling (November 15 of 2013), which makes Respondents’ exhibit on which Memorandum Response (filed on

December 23 of 2013) depend on to be defective. Also, it was an ill motivational acts of Respondents, which has caused further inefficiency in using judicial resources. Overall, Respondents has tried to confuse the current Court.

Finally, the consolidation of these cases can be helpful avoiding miscarriages of justice as it was produced in the Common Plea Court ruling as well as in Appellate initial rulings, where the Appellate now ruled for *judicial notice* under Ohio Rules of Evidence correcting errors so that justice can be served (**See: Exhibit-A**).

Brief history of the foreclosure case

Abusive actions of the Respondents

In January 2011, Wells Fargo filed for foreclosure commencement. The Court record will show that case was motivationally delayed by the Respondent for so long by replacing attorneys. The evidence further shows that Respondent had returned Relator's mortgage payment checks to justify its artificial late fees of the mortgage account, which has been used undermining Relator's creditability in financial market and then to justify its action for foreclosure where Relator was forced to stop mailing out mortgage payment checks to the Wells Fargo.

Trespassed home, replaced door lock etc.

Respondent entered the home while the foreclosure case was pending before the Court. The door lock was replaced, caused damages on hardwood flooring etc. on March 14 of 2012 (See: Police Report). A motion was filed with the Court on March 16 of 2012 along with police reports; on March 19 of 2012 a motion on counter claim was filed.

The settlement efforts outside the Court, which was sabotaged by John Kopf

Immediately after trespassed, then new attorney, Elizabeth Fuller, of Respondent, was assigned and had proposed for settlement outside the Court in a conference hearing under the Court guardianship where Mr. Richard Peck, FCCC was monitoring the progress (See: earlier exhibits). In email communications with Elizabeth Fuller, the demanded damage cost was \$600,000 dollars (counter claim). The copies of the email communications were filed with the Court of Common Plea. Then Respondent had replaced Elizabeth Fuller by the Respondent, John Kopf who denied the progress of settlement outside the Court and sabotage settlement process.

Despite Relator's demand for jury trial and despite paid jury trial fees on time, the case was assigned for bench trial. In the Magistrate trial on March 11 of 2013 where the Respondents had presented its evidences; however, the Relator was barred presenting it evidences including Relator's own witness under oath (See: excerpt transcript). Furthermore, Relator was barred cross-examining witness, Ms. Susan Rowel of Wells Fargo in this case (See: excerpt transcript) where Magistrate and Respondent (John Kopf) worked together for its private interests. Here defendant/ Relator had dual rights / roles, presenting case as a defense counsel in one hand; on the other hand, the defendant had right to be witness under oath so that defense side's can be presented to its fullest in trial, were both denied. Despite, "objection to Magistrate trial ruling, Lower Court ruled on foreclosing.

Appeal and Appellate rulings (ruling of December 05 supersede ruling of November 15)

Lower Court ruling was appealed on time along with supporting documentations including copies of trial transcript. , however, immediately, Appellate ruled on securing a bond of \$250,000.00, which was appealed as jurisdictional appeal, which is currently pending on

reconsideration. Appellate ruled on November 15 of 2013 and denied the appeal. Subsequently, motion for reconsideration was filed along with motion for judicial notice under Ohio Rules of Evidence, which was granted by Appellate on December 05 of 2013, which is pending. Therefore, Appellate ruling of December 05 supersedes ruling of November 15 of 2013. However, by suppressing this fact, Respondent now misled the Court in one hand; on the other hand, the ruling of December 05 of 2013 makes the basis (Respondent Exhibit-1) of Respondents' recent Memorandum Response defective.

The history of filings including *Motion for alternative Writ* with current Court

The original complaint was filed with the Court on October 29 of 2013. On November 4th of 2013, an affidavit along with exhibits was filed with the Court by Relator. *Subsequently*, "motion to dismiss" was filed on November 14 of 2013 by Wells Fargo and John Kopf thru attorneys. On November 19th of 2013, Respondent Jennifer Schaeffer filed "motion to dismiss" thru attorney. *Subsequently*, on the same day, Relator filed "motion for leave" along with Amended Complaint under the S.Ct.R. 3.13 and Civil. R. 15(A) with the Court. Therefore, the answers to amended complaint were due on November 10th of 2013 permits by S.Ct.R. 12.04(A) (2). However, as of today, Respondents failed answering to amended complaint as required by S.Ct.R. 3.13 and Civil. R. 15 (A). Respondents have chosen not to file responses to Relator's motions. Therefore, as a whole, the complaint is established without contest by Respondents.

In response to Respondents' "motion to dismiss" on November 21st of 2013, Relator filed "memorandum in response" *pursuant* to S.Ct.R. 12.04(B) (2) along with motion for pleadings. Since Respondents failed pleadings in "motion to dismiss", and failed addressing issues of utilization of government resources & offices for private gains and since Relator did have

standing the foreclosure sale (as claimed of Respondents' exhibit), the claimed foreclosure sale is invalid for lack of record evidence in the chain of title (*Dungan v Chase Home Finance*, Case No. 10-cv-14549, Doc. No. 14, District Court, Eastern). It makes "motion to dismiss" to be further defective. *Later*, "motion for judicial notice" was filed. Here pattern of failures and violations of legal rules of S.Ct.Prac.R & of Civil R by Respondents have devalued Ohio legal system. Since Respondents failed filing answers, Civil R. 56 (A) permits Relator filing for summary judgment with the Court. However, S.Ct.R. 12.04(B) (3) conflicts with provision of Civil R. 56(A). Therefore, Motion for alternative writ was filed, which is justiciable under S.Ct.R. 12.05 where the complaints of Relator are established with no contest of Respondent.

Legal arguments in support of Consolidation of Cases

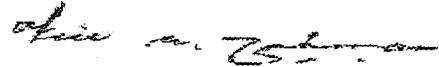
Since Appellate latest ruling (December 05, 2013) supersedes prior ruling (November 15 of 2013), which makes Respondents' exhibit on which Memorandum Response (filed on December 23 of 2013) to be defective. Therefore, granting motion to consolidate can enhance efficiency of using judicial resources, which will save time of the Honorable Judges as well as of the parties. Since with ill motive, Respondents tried to justify its Memorandum response, consolidating cases by the Court can prevent a miscarriage of justice.

Furthermore, since both cases are similar and deems one to be lead case and the other the member case where both cases are arose from Respondents' abusive actions and violations of Constitutional rights, laws and provisions, the request for consolidation is justiciable.

Conclusion and prayer for relief

Therefore, thru this motion, I ask the Court to consolidate the cases of Gen: 13-1008 and Gen: 13-1700. And then I ask the Court to grant the motion for alternative writ because of Respondents failures and of willful actions that have caused damaged to the Relator. It will set an example as it was set by New York Supreme Court decision where Wells Fargo Bank was the Plaintiff in a foreclosure case where the Plaintiff was penalized by the Court for it trespass offense (Wells Fargo, *Plaintiff* v. Steven E. Tyson, SUSAN TYSON, LEITH TYSON, LINDSAY TYSON and KYRA TYSON, *Defendants*) and Court of Suffolk County (SUPREME COURT OF NEW YORK, SUFFOLK COUNTY 2010 NY Slip Op 20079; 2010 N.Y. Misc. LEXIS 410 March 5, 2010).

Respectfully submitted



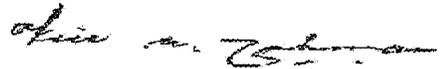
Akim Rahman, Ph.D.

Exhibit-A

Appellate latest ruling that supersede the November 15 of 2013 ruling
(Franklin County Ohio Court of Appeals Clerk of Courts- 2013 Dec 05 8:45 PM-13AP000376)

Certificate of Service

I here certify that a copy of this “motion to consolidate” was served onto Respondents thru their attorneys accordingly as named above on this day of 24th of December 2013 *via* US postal mail with paid postage.



Akim Rhman, Ph.D.

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

Exhibit - A

Wells Fargo Bank, N.A., :
Plaintiff-Appellee, :
v. : No. 13AP-376
Akim Rahman, : (REGULAR CALENDAR)
Defendant-Appellant. :

JOURNAL ENTRY

Appellant's December 4, 2013 motion for leave to file, instanter, a corrected response to appellee's motion to take judicial notice is granted.

/S/ JUDGE
Judge Julia L. Dorrian

cc: Administrative Support Specialist
Court Assignment Commissioner

Tenth District Court of Appeals

Date: 12-05-2013
Case Title: WELLS FARGO BANK NA -VS- AKIM M RAHMAN
Case Number: 13AP000376
Type: COURT ENTRY

So Ordered

A circular seal of the Tenth District Court of Appeals, State of Ohio, is centered behind a handwritten signature in cursive script that reads "Julia L. Dorrian". The seal contains the text "TENTH DISTRICT COURT OF APPEALS" and "STATE OF OHIO".

/s/ Judge Julia L. Dorrian

Court Disposition

Case Number: 13AP000376

Case Style: WELLS FARGO BANK NA -VS- AKIM M RAHMAN

Motion Tie Off Information:

1. Motion CMS Document Id: 13AP0003762013-12-0499980000
Document Title: 12-04-2013-MOTION FOR LEAVE TO FILE
Disposition: 3201