

ORIGINAL

IN THE SUPREME COURT OF OHIO

State *ex rel.*, THE HONORABLE
ANGELA R. STOKES,

CASE NO: 14-0467

Relator,

v.

Original Action in
Quo Warranto, Mandamus
And Prohibition

THE HONORABLE RONALD B. ADRINE,

and

THE HONORABLE MABEL M. JASPER,

Respondents.

RELATOR'S MEMORANDUM IN OPPOSITION TO
RESPONDENTS' MOTION TO DISMISS

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SUPREME COURT OF OHIO

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I. INTRODUCTION

Respondents' Motion to Dismiss misses the mark in respect to each argument made. First, the extraordinary writ of *quo warranto* does not have to "seek to oust and replace the Respondents from public office."¹ Instead, it was filed because Respondents' conduct amounts to seeking to oust and replace the Relator from public office. Second, the alleged "administrative remedies" to which Respondents refer are not administrative remedies at all, and at most, such an argument raises an affirmative defense which does not entitle Respondents to Civ.R. 12(B)(6) relief. Further, Respondent Judge Adrine persists in justifying his unprecedented conduct of usurping the role of the Ohio Supreme Court when he asserts that "such orders were necessary to maintain the public's confidence in the legal system."² This is not for Judge Adrine to conclude, but must result from the due process to which Relator is entitled as her discipline matter presently pending before the Board is litigated ultimately resulting in a recommendation to the Ohio Supreme Court. Third, to assert that the Ohio Supreme Court does not have the exclusive authority over the matters to which the purported "Administrative Orders" apply, *i.e.*, only Judge Stokes' right to discharge her elected duties over her criminal docket, *inter alia*, is to ignore the nature and effect of these very orders and their stated purpose.

For the reasons which follow, Respondents' arguments are of no moment and do not in any way require a dismissal of the well-pled and factually supported Complaint in *Quo Warranto*, *Mandamus* and *Prohibition* with Affidavit of The Honorable Angela R. Stokes,

¹ See Motion to Dismiss of Respondents, p. 6.

² One of the stated purposes of the Administrative Orders involved "100 incident reports." It is noteworthy that none of these incident reports have been presented to Judge Stokes, although requested in a public records request, have not been presented to Judge Stokes' counsel, and none of them is characterized or explained beyond the words used in the Administrative Orders. We urge this Court to give no credence to these undefined, alleged "incident reports."

Attached (hereinafter "Complaint").

II. STATEMENT OF FACTS

In the interest of brevity, Relator incorporates the facts as set forth in the Complaint.

III. LAW AND ARGUMENT

A. Relator's Complaint asserts facts entitling her to *Quo Warranto* Relief.

Respondents, in their argument, fail to acknowledge that the purpose and effect of Judge Adrine's Administrative Orders preventing Judge Stokes from presiding over her criminal docket and assigning it to other judges including both Respondents Adrine and Jasper amounts to unlawfully holding, exercising and intruding upon the office bestowed upon Relator. It is beyond argument that each of the judges elected to the Cleveland Municipal Court are entitled, by their office, to preside over **both** criminal and civil matters. *See* Sup.R. 36. To accept Respondents' argument would be tantamount to ignoring the facts even admitted by Respondents in their Brief, *i.e.*, that the criminal docket of Judge Stokes has been presided over by other judges, including Respondents.³

The cases cited by Respondents in support of their position are not persuasive. *State ex rel. Berry v. Tackett*, 60 Ohio St.2d 12, 396 N.E.2d 743 (1979) did not involve an individual taking over a function conferred upon an elected official by law. Instead, the writ of *quo warranto* in *Tackett* was brought to prevent "members of the Board of County Commissioners, Clark County, from exceeding their alleged lawful authority." Here, the facts indicate that Respondents actually took over the lawfully conferred duties of Judge Stokes' office.

³ As pointed out by Respondents, all of the factual allegations contained in Relator's Complaint must be taken as true and construed in a way that all reasonable inferences are made in Relator's favor. Motion to Dismiss, p. 5.

Likewise, *State ex rel. Hogan v. Hunt*, 84 Ohio St. 143, 95 N.E. 666 (1911) is inapposite. In that case, a challenge was made to a supervising judge who assigned judges to criminal cases that were pending before judges who were challenged as biased. The basis of the action was the exercise of a particular duty which by law had been conferred upon the supervising judge, not an argument that one individual was exercising the office lawfully conferred upon another. The holding of the case indicates why this case is inapposite, “[i]t follows that if there be no public office, there can be no intrusion into such alleged office.” *Hunt, supra*, 84 Ohio St. 143, 153. Here, what is alleged is far different.

In this regard, Relator has alleged that Respondents have actually taken over her office and its duties by presiding over her entire criminal docket. As such, the purpose of a writ of *quo warranto* undoubtedly applies to this matter.

B. Relator’s Complaint properly sets forth Relator’s entitlement to a Writ of Mandamus.

While argued in two subsections, Respondents’ essential point in regard to the writ of *mandamus* claim of Relator is that Judge Adrine is empowered to transfer cases in his multi-judge court. Further, his Administrative Orders, which only apply to Judge Stokes, can somehow become the subject of scrutiny and be overturned by a majority vote of the judges of the Municipal Court under Sup.R. 4.02.

Any reasonable interpretation of the facts pled in this matter, which must be taken as true for purposes of this motion, results in the conclusion that Judge Adrine’s Administrative Orders, applicable only to Judge Stokes, amount to more than an exercise of his power to transfer cases as the Administrative Judge. None of the cases cited by Respondents involve facts where a wholesale transfer of an entire genre of cases lawfully within the scope of a judge’s duties, have been transferred. Further, none of the cases cited by Respondents involve Administrative Orders

where the rationale expressed arises from the Preamble to the Code of Judicial Conduct, the application of which being constitutionally within the exclusive jurisdiction of the Ohio Supreme Court.

As it relates to the exhaustion of available administrative remedies argument, it is inaccurate to assert that Sup.R. 4.02 amounts to an administrative remedy. Administrative remedies must meet certain criteria. At a minimum, for a remedy to be one which must be exhausted, the remedy must require notice, the opportunity for a hearing, and the opportunity to introduce evidence. *See, City of Englewood v. Turner*, 168 Ohio App.3d 41, 2006-Ohio-2667, 858 N.E.2d 431 (2d Dist.) *citing State ex rel. McArthur v. DeSouza*, 65 Ohio St.3d 25, 27, 1992-Ohio-18, 599 N.E.2d 268 (1992). Clearly, Sup.R. 4.02 fails to provide these fundamental constituents of an administrative remedy which would have to be exhausted before raising a legal challenge, such as seeking a writ of *mandamus*.

On the contrary, the cases cited by Respondents involve procedures where such rights certainly exist. *State ex rel. Bailey v. Inds. Comm.*, 62 Ohio St.3d 191, 580 N.E.2d 1081 (1991) is a worker's compensation claim where notice of hearing and the opportunity to present evidence existed while *State ex rel. Schindel v. Rowe*, 25 Ohio St.2d 47, 266 N.E.2d 569 involved an application for a zoning variance procedure which likewise provided for notice, a hearing and the opportunity to present evidence.

Further, to repose in the majority of judges in the Cleveland Municipal Court the right to pass on Administrative Orders *only* directed at Judge Stokes, which Orders amount to an usurpation of her duties as a Cleveland Municipal Court judge in regard to criminal cases, not only potentially would permit her office to be occupied by another as a result of majority vote, but also the exercise of discipline within the exclusive constitutional province of the Ohio

Supreme Court by majority vote. This potential result of Respondents' argument is untenable which is exactly why *mandamus* is an appropriate remedy here, as set forth by Relator in her Amended Memorandum in Support of Writs of *Quo Warranto*, *Mandamus* and *Prohibition*, Sec. III(B), pp. 9-15.

Respondents also assert that because Sup.R. 4.01(A) provides the Administrative Judge the responsibility for the need to exercise control over the administration, docket and calendar of the court, and that such judge has the authority to assign cases to individual judges under Sup.R. 4.01(C), this somehow justifies the exercising of power evidenced by the Administrative Orders in this case directed at Judge Stokes and her docket. Not one of the cases cited by Respondents involves the wholesale transfer of the whole genre of cases for the purpose of discipline.

In *Schucker v. Metcalf*, 22 Ohio St.3d 33, 488 N.E.2d 210 (1986), Respondents only cite footnote 2. However, the facts of *Schucker* demonstrate its inapplicability to the instant matter. There, a court of common pleas judge of the general division, on his own, transferred a civil case to a probate judge. As a result of the filing of a writ of *prohibition*, the court of appeals reversed this action of the non-presiding judge of the common pleas court. The holding did not turn on whether the transferee judge had jurisdiction over the matter which was transferred, but whether the transferor judge had the authority to make the transfer in the first instance.

Likewise, *Brickman & Sons, Inc. v. Nat'l City Bank*, 106 Ohio St.3d 30, 2005-Ohio-3559, 830 N.E.2d 1151 is inapposite. In *Brickman*, the Supreme Court reversed the court of appeals holding, voiding the reassignment of one matter from one common pleas judge to another and did not state the reason for the transfer in the journal entry. After analyzing the facts of that particular case, the Supreme Court held that it was not necessary for the administrative judge to state the reason for the transfer, since it appeared that judge shopping was not an issue.

Importantly, in arriving at its decision, the Court recognized that Sup.R. 36(B)(1) was an appropriate rule to consider in determining whether a reassignment was appropriate.⁴

Equally inapposite to the preceding two cases is *State ex rel. Russo v. McDonnell*, 110 Ohio St.3d 144, 2006-Ohio-3459, 852 N.E.2d 145. In *Russo*, while Respondents seek to provide authority that the only time extraordinary writs have been issued to prevent transfers were in situations where there was a lack of jurisdiction to proceed. Such case did not stand for that proposition at all. Instead, *Russo* stands for the proposition that an administrative judge has no authority to assign cases to a private judge who is retired under R.C. 2701.10 for a jury trial in the county courthouse using county facilities. The case had nothing to do with the authority of the private judge to proceed, but instead, had everything to do with the authority of the administrative judge. Again, what was challenged was the authority of the transferor judge, not solely that of the transferee judge.

Finally, in *State ex rel. Carr v. McDonnell*, 184 Ohio App.3d 373, 2009-Ohio-2488, 921 N.E.2d 251, the Court held that the transfer by the administrative judge of the case to the commercial docket was proper after analyzing that the transfer was in accordance with Sup.R. 4(B)⁵ and Sup.R. 36. This case begs the question raised by Judge Stokes in the present matter; *i.e.*, that any of the transfers made by Judge Adrine were in accordance with Sup.R. 4.01(C) and Sup.R. 36. In the instant matter, Relator is challenging the authority of Judge Adrine under Sup.R. 4.01(C) and Sup.R. 36 as construed in light of the Ohio Constitution reposing the exclusive province to discipline judges in the Ohio Supreme Court.

⁴ The instant Complaint of Relator involves not only the reassignment of cases, but also, the assignment of cases in the first instance according to the draw required under Sup.R. 36.

⁵ Predecessor rule to Sup.R. 4.01(C).

In this connection, the very purpose for these Administrative Orders, as indicated in Respondents' Memorandum in Support of the Motion to Dismiss, is para. 1 of the Preamble of the Code of Judicial Conduct. *See* Motion to Dismiss, p. 3. Resort to his stated justifications in the Administrative Orders themselves, makes Judge Adrine's intent abundantly clear and demonstrates his attempt to discipline Judge Stokes.

An order which usurps the disciplinary authority of the Ohio Supreme Court is void. *See State ex rel. Buck v. Maloney*, 102 Ohio St.3d 250, 2004-OH-2590, 809 N.E.2d 20 (in a case where a probate judge's administrative order precluded an attorney from practicing in that court, this action encroached upon the Supreme Court's constitutional power to supervise the lower courts under the Ohio Const., Article IV, Sec. 5(A)(1). Also, citing *Melling, infra*, "the Judge had lacked authority to issue the order because it was, in effect, a Disciplinary Rule limiting the ability of certain attorneys to practice law before the court and Disciplinary Rules were within the exclusive jurisdiction of this court."); *Melling v. Stralka*, 12 Ohio St.3d 105, 107, 465 N.E.2d 857 (1984) (The Ohio Supreme Court upheld the granting of writs of *mandamus* and *prohibition* where a municipal court judge's order barred city solicitors, law directors, assistants thereof, prosecutors, or municipal or county assistants from representing defendants in criminal matters before the municipal court over which he presided. Such provision violated the Ohio Constitution's reposing of authority in the Supreme Court to prescribe rules governing practice and procedure in courts and in disciplining attorneys. "Such rules of general application, which place limits on an attorney's ability to practice law and/or impose 'across-the-board' disciplinary measures on members of the bar, are within the exclusive authority of the Supreme Court, and they may not be promulgated by the trial or appellate courts of this state.")

In responding to specific arguments of Relator, Respondents interestingly assert that “Judge Stokes has not been suspended from serving...” Yet, the Administrative Orders of Judge Adrine prevent Judge Stokes from exercising any jurisdiction whatsoever over her criminal docket, including cases previously assigned to her which have been transferred or new cases which should be assigned to her pursuant to the draw addressed under Sup.R. 36. To the extent that the Administrative Orders of Judge Adrine prevent Judge Stokes from exercising jurisdiction over criminal matters, it is beyond cavil that they are *de facto* disciplinary measures which are properly addressed through a writ of *mandamus*. See e.g., *State ex rel. Buck v. Maloney*, 102 Ohio St.3d 250, 2004-OH-2590, 809 N.E.2d 20.

Mistakenly, Respondents assert that Sup.R. 36 is only a default procedure and “does not trump an administrative judge’s ‘responsibility for’ and ‘control over the administration, docket, and calendar of the court’ pursuant to Sup.R. 4.01...” See Motion to Dismiss of Respondents, p. 10. This assertion is belied by Rule 4.01 itself which expressly incorporates Sup.R. 36 into its subsection (C), requiring that the assignment of cases to individual judges take place according to Sup.R. 36. Respondents’ argument concerning Sup.R. 36 simply ignores the plain language of both and Sup.R.36.

Again, with disdain for the plain language of the rule, Respondents ignore the language of Crim.R. 25(B) which applies to proceedings in addition to post-trial sentencing. The rule itself is not limited to sentencing, but to “duties of the court after a verdict or finding of guilt...” as noted in *State v. Torrestoro*, 8th Dist. No. 97224, 2012-Ohio-601, para. 10 “Crim.R. 25(B) and Sup.R. 4(B) are in place to provide the administrative judge, or acting administrative judge, with powers to promote efficiency within the court when the unavailability of the trial court is prejudicial. Trial courts cannot circumvent the rules out of their own sense of efficiency.”

Certainly, *State v. Calloway*, 1st Dist. No. C-810420, 1982 WL 8454, does not stand for the proposition that Crim.R. 25(B) can be ignored, nor does *State v. Matthews*, 10th Dist. No. 75AP-90, which does not even mention much less provide a holding concerning the applicability of Crim.R. 25(B) to post-trial matters other than sentencing.

Finally, as it relates to the denial of motions to disqualify by the Administrative Judges of the Cuyahoga County Court of Common Pleas in specific matters, suffice it to say, the two Administrative Judges making rulings decided that Judge Stokes was not to be removed from those cases based on any asserted bias and prejudice. In fact, they each found to the contrary. Judge Adrine's orders usurp the authority of the Administrative Judges conferred upon them under R.C. 2701.031 by removing those cases from Judge Stokes.⁶

Finally, as it relates to possessing case files and the Administrative Order requiring her to seek them through Judge Adrine, such argument is pertinent to the writ of *prohibition* brought by Judge Stokes, not the writ of *mandamus*. The reason for this is, as will be discussed in the next section, Judge Adrine has taken over power conferred upon judges to request and obtain case files from the clerk of court. *See* R.C. 1901.31(E)

This Administrative Order is particularly egregious in this context because Judge Adrine is the primary grievant in the discipline matter presently pending. *See* Ex. A to Motion to Dismiss of Respondents and any of Judge Stokes' preparation for her defense and that of her attorney will now be monitored by the grievant. This intrudes upon Judge Stokes' right to prepare her defense in such disciplinary matter. That Judge Adrine has interfered or not with her

⁶ It is noteworthy that Judge Stokes has also been prevented from responding to any Motions to Recuse her that were pending at the time of the illegal transfers. *See* Amended Memorandum in Support of Writs of *Quo Warranto*, *Mandamus* and *Prohibition*, p. 15.

receiving case files is not a prerequisite to establishing a right to a writ of *prohibition* in connection with this aspect of the Administrative Orders issued by Judge Adrine.

C. **Relator has established the right to obtain a Writ of Prohibition, since she continues to be prevented from exercising judicial authority over her criminal docket, and her access to court files has been restricted.**

Respondents are in agreement with Relator as to the elements which support the entitlement to a writ of *prohibition*. See Amended Memorandum in Support of Writs of *Quo Warranto, Mandamus and Prohibition*, Section III(C), p. 16

It is beyond argument that Judge Adrine's Orders operate into the future by design. On their face, each of these Orders remains in effect while the Certified Complaint is pending. Thus, they apply to all future activities. It is uncontroverted that Judge Stokes is being prevented from exercising the jurisdiction which had properly been conferred upon her when cases were originally assigned to her to perform duties in connection with those cases. She is no longer being assigned any criminal matters to which she is entitled pursuant to Sup.R. 37.

As explained above, there is no administrative remedy available to her, including an appeal, which should preclude the granting of any of the writs, including the writ of *prohibition*.

To claim, as Respondents do, that Judge Adrine did not patently and unambiguously lack jurisdiction to issue the Administrative Orders,⁷ totally ignores the purpose and effect of those orders as it relates to the jurisdiction of Judge Stokes to preside over criminal matters. There can be no other interpretation of this conclusion, since it is the express objective of the Administrative Orders. The only question which remains is whether it is the exclusive province

⁷ In a letter dated October 28, 2013, Judge Adrine admitted he did not have jurisdiction to rule on the request made by Public Defender Tobik's letter dated October 28, 2013 to transfer all cases. See Amended Memorandum in Support of Writs of *Quo Warranto, Mandamus and Prohibition*, p. 5. Of course, when Judge Adrine did rule on Tobik's Motion to Transfer Criminal Cases filed on March 7, 2014 holding it moot, he failed to afford Judge Stokes an opportunity to respond.

of the Ohio Supreme Court to remove a judge from presiding over an entire genre of cases otherwise properly within the duties of her elected office. It is this question to which *Buck v. Maloney, supra* and *Melling v. Stralka, supra* relate. Each of these cases demonstrates that when the effect of a judge's order usurps constitutional authority exclusively granted to the Ohio Supreme Court, such order is void and properly addressed through a writ of *prohibition*.

Additionally, as stated in *Buck, supra*, as well as Respondents' cited case of *Fogel v. Steiner*, 74 Ohio St.3d 158, 1995-Ohio-278, 656 N.E.2d 1288 "where an inferior court patently and unambiguously lacks jurisdiction over the cause, prohibition will lie to prevent any future, unauthorized exercise of jurisdiction and to correct the results of prior jurisdictionally unauthorized actions." This is precisely what is sought by Judge Stokes here.

D. Just as Judge Stokes is entitled to a Writ of Quo Warranto concerning Judge Adrine's assumption of jurisdiction over her criminal docket, she is entitled to that writ as it applies to Judge Jasper's exercise of jurisdiction.

For the reasons expressed in Section II (A), *supra*, *quo warranto* properly lies here as it relates to Respondent Jasper since she admittedly has exercised jurisdiction over criminal cases improperly removed from Judge Stokes by Judge Adrine. To the extent that Judge Adrine's actions through his Administrative Orders usurp the authority of the Ohio Supreme Court in connection with its power to regulate the bar and the activities of trial courts and their judges, that Judge Jasper exercised jurisdiction over Judge Stokes' criminal matters, supports Judge Stokes' writ of *quo warranto* directed at Judge Jasper.

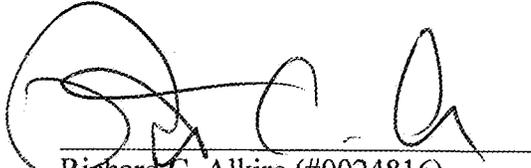
While Respondents assert that Judge Jasper was properly appointed by Order of the Chief Justice of the Ohio Supreme Court, Respondents failed to bring to the attention of this Court the request made by Judge Adrine which resulted in such Order.

In this regard, Judge Adrine's request of March 21, 2014 directed to the Judicial Assignment Officer of the Supreme Court of Ohio (one week after the Administrative Orders were issued in this matter) requested that retired judges, including Judge Jasper, be appointed as "acting 'on call' judges" given the "volume of cases at the Cleveland Municipal Court continuing to escalate, having these judges available facilitates covering scheduled dockets when there is a temporary absence of a judge due to illness, vacation or other unforeseen events." This statement does not specify that judges are required to take over Judge Stokes' criminal docket and criminal cases which should be assigned to her by draw. By that date, Judge Adrine already had Judge Jasper hearing the cases previously assigned to the docket of Judge Stokes for the purported reasons he expressed in his Administrative Orders. It is important to note that these reasons were not brought to the attention of the Ohio Supreme Court in order for Judge Adrine to obtain the services of Judge Jasper or anyone else to hear the cases previously assigned to Judge Stokes. See March 21, 2014 letter and December 16, 2013 letter received by Relator's counsel in a public records request directed to the Supreme Court of Ohio by Relator's counsel. (App. A and B)

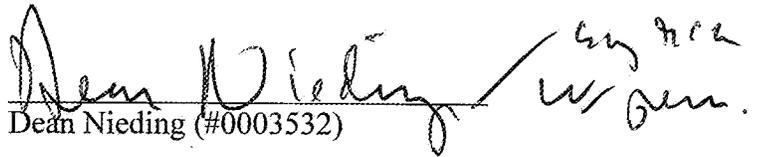
IV. CONCLUSION

Accordingly, for the foregoing reasons and those previously expressed in her Amended Memorandum in Support of Writs of *Quo Warranto*, *Mandamus* and *Prohibition*, expressly incorporated herein by reference, Relator respectfully requests that this Honorable Court deny the Motion to Dismiss of Respondents and issue the writs requested.

Respectfully submitted,



Richard C. Alkire (#0024816)



Dean Nieding (#0003532)

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Attorneys for Relator
The Honorable Angela R. Stokes

APPENDIX

- A. Judge Adrine's letter dated December 16, 2013 to Diane Hayes, Judicial Assignment Officer, Judicial Court Services, The Supreme Court of Ohio.

- B. Judge Adrine's letter dated March 21, 2014 to Diane Hayes, Judicial Assignment Officer, Judicial Court Services, The Supreme Court of Ohio.



Cleveland Municipal Court

JUSTICE CENTER
1200 ONTARIO STREET
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RONALD B. ADRINE
ADMINISTRATIVE AND
PRESIDING JUDGE

(216) 664-4975
FAX (216) 664-6737

December 16, 2013

Diane Hayes, Judicial Assignment Officer
Judicial and Court Services
The Supreme Court of Ohio
65 South Front Street
Columbus, Ohio 43215-3431

Dear Ms. Hayes:

I would like to thank the Supreme Court of Ohio for appointing retired Cleveland Municipal Court Judges Mabel M. Jasper and Ralph J. Perk Jr., Court and retired Cuyahoga County Common Pleas Court Judge R. Patrick Kelly as acting "on call" judges for the Cleveland Municipal Court for the months of October, November and December 2013.

I am requesting that retired Judges Mabel M. Jasper, Ralph J. Perk Jr., and R. Patrick Kelly be appointed as acting "on call" judges for the Cleveland Municipal Court for January, February and March 2014.

With the volume of cases at the Cleveland Municipal Court continuing to escalate, having these judges available facilitates covering scheduled dockets when there is a temporary absence of a judge due to illness, vacation or other unforeseen events.

I understand these blanket appointments are valid for three (3) months after which time they must be renewed.

Thank you for your continued consideration.

Very truly yours,

Ronald B. Adrine
Administrative & Presiding Judge

RBA:cmr

cc: Judge Mabel M. Jasper
Judge Ralph J. Perk Jr.
Judge R. Patrick Kelly
Russell R. Brown III

App A.

1 Jasper
Perk
5 Kelly



Cleveland Municipal Court

JUSTICE CENTER
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RONALD B. ADRINE
ADMINISTRATIVE AND
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March 21, 2014

Diane Hayes, Judicial Assignment Officer
Judicial and Court Services
The Supreme Court of Ohio
65 South Front Street
Columbus, Ohio 43215-3431

Dear Ms. Hayes:

I would like to thank the Supreme Court of Ohio for appointing retired Cleveland Municipal Court Judges Mabel M. Jasper and Ralph J. Perk Jr., Court and retired Cuyahoga County Common Pleas Court Judge R. Patrick Kelly as acting "on call" judges for the Cleveland Municipal Court for the months of January, February and March 2014.

I am requesting that retired Judges Mabel M. Jasper, Ralph J. Perk Jr., and R. Patrick Kelly be appointed as acting "on call" judges for the Cleveland Municipal Court for April, May and June 2014.

With the volume of cases at the Cleveland Municipal Court continuing to escalate, having these judges available facilitates covering scheduled dockets when there is a temporary absence of a judge due to illness, vacation or other unforeseen events.

I understand these blanket appointments are valid for three (3) months after which time they must be renewed.

Thank you for your continued consideration.

Very truly yours,

Ronald B. Adrine
Administrative & Presiding Judge

RBA:cmr

4 cc: Judge Mabel M. Jasper
5 Judge Ralph J. Perk Jr.
4 Judge R. Patrick Kelly
Russell R. Brown III

MAR 24 2014

App. B

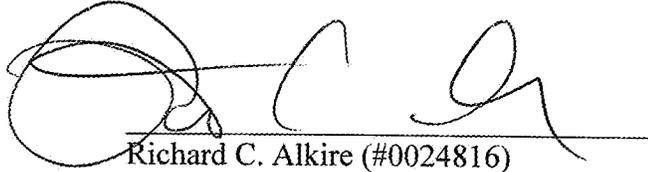
SUPREME COURT OF OHIO

CERTIFICATE OF SERVICE

A copy of the foregoing **RELATOR'S MEMORANDUM IN OPPOSITION TO RESPONDENTS' MOTION TO DISMISS** has been mailed, postage prepared, this 10th day of May, 2014 to:

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