

ORIGINAL

IN THE SUPREME COURT OF OHIO

<b>WELLS FARGO BANK, N.A.</b>	*	<b>CASE NO. 2013-1534</b>
<b>Appellant</b>	*	<b>On Appeal from the Lorain County</b>
<b>-vs-</b>	*	<b>Court of Appeals, 9<sup>th</sup> District Case</b>
<b>BRIAN HORN, et al.</b>	*	<b>Nos. 12CA010230</b>
<b>Appellee.</b>	*	

**MOTION OF APPELLEE BRIAN HORN FOR NEW BRIEFING SCHEDULE**

Scott A. King (0037582)  
 Terry W. Posey, Jr. (0078292)  
**THOMPSON HINE LLP**  
 Austin Landing I  
 10050 Innovation Drive, Suite 400  
 Dayton, Ohio 45342-4934  
 Telephone: (937) 443-6560  
 Facsimile: (937) 443-6830  
[Scott.King@Thompsonhine.com](mailto:Scott.King@Thompsonhine.com)  
[Terry.Posey@Thompsonhine.com](mailto:Terry.Posey@Thompsonhine.com)

Counsel for Appellant Wells Fargo Bank

Andrew M. Engel (0047371)  
 (Counsel of Record)  
**KENDO, ALEXANDER, COOPER &  
 ENGEL, LLP**  
 7925 Paragon Road  
 Centerville, OH 45459  
 (937) 433-4090/Fax: (937) 433-1510  
[aengel@kacelawllp.com](mailto:aengel@kacelawllp.com)

Christine M. Cooper (0079160)  
 Chad D. Cooper (0074322)  
**KENDO, ALEXANDER, COOPER &  
 ENGEL, LLP**  
 810 Sycamore Street, 3<sup>rd</sup> Floor  
 Cincinnati, OH 45202  
 (513) 579-2323/Fax: (513) 263-9003  
[cmcooper@kacelawllp.com](mailto:cmcooper@kacelawllp.com)  
[cdcooper@kacelawllp.com](mailto:cdcooper@kacelawllp.com)  
 Counsel for Appellee Brian Horn

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Appellee Brian Horn moves the Court for a new briefing schedule for the reasons set forth in the accompanying memorandum.

Respectfully submitted,

*Christine M. Cooper* by *Tom M. Alexander*  
(0072631)  
Andrew M. Engel (0047371)  
**KENDO, ALEXANDER, COOPER &  
ENGEL, LLP**

7925 Paragon Road  
Centerville, OH 45459  
(937) 433-4090/Fax: (937) 433-1510  
[aengel@kacelawllp.com](mailto:aengel@kacelawllp.com)

Christine M. Cooper (0079160)  
Chad D. Cooper (0074322)  
**KENDO, ALEXANDER, COOPER &  
ENGEL, LLP**

810 Sycamore Street, 3<sup>rd</sup> Floor  
Cincinnati, OH 45202  
(513) 579-2323/Fax: (513) 263-9003  
[cmcooper@kacelawllp.com](mailto:cmcooper@kacelawllp.com)  
[cdcooper@kacelawllp.com](mailto:cdcooper@kacelawllp.com)

Counsel for Appellee Brian Horn

#### MEMORANDUM

Appellee recently retained counsel, but for much of these proceedings, he has appeared pro se. And although he prevailed in the Court of Appeals, it was not through his own doing. Although couched within the framework of one of Mr. Horn's assignments of error, the Court of Appeals undertook its standing analysis sua sponte.

This Court has now accepted the case on a proposition of law that will affect thousands of Ohioans, and indeed, will control virtually every civil lawsuit filed in the state. The issue will, on some level, require an analysis of general pleadings standards under the Rules of Civil Procedure. Like any decision of this Court, the outcome of the case will impact not just the

parties to it, but will guide lower courts and litigants well into the future.

Mr. Horn has filed a brief in this case, but it does not address the issues truly before this Court. It is but an attempt by an unsophisticated, pro se party to discuss the issues that he sees as important. Now that he has counsel, he understands that the issues before the Court are quite different from those he has identified as important.

Our judicial system is premised on full discussion of legal principles in an adversarial setting. To ensure a fair hearing of those issues, and protect the interests of all classes of persons impacted by the Court's decision, it is important that the legal arguments which support both sides of a controversy be fully developed. Although he tried, Mr. Horn's brief does not really develop the legal arguments which support the Court of Appeals's decision. The public interest would be well-served to permit Mr. Horn to file a fully developed brief so that the Court can receive the benefit of complete briefing of both sides of the issues presented.

For these reasons, Appellee asks that the Court enter a new briefing schedule that allows Mr. Horn additional time in which to fully brief the issues in this case.

Respectfully submitted,

*Christine M. Cooper by T. M. Alexander*  
(00922631)

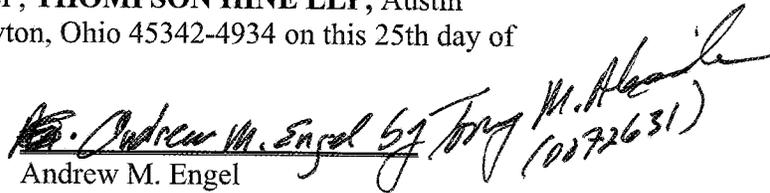
Andrew M. Engel (0047371)  
**KENDO, ALEXANDER, COOPER &  
ENGEL, LLP**  
7925 Paragon Road  
Centerville, OH 45459  
(937) 433-4090/Fax: (937) 433-1510  
[aengel@kacelawllp.com](mailto:aengel@kacelawllp.com)

Christine M. Cooper (0079160)  
Chad D. Cooper (0074322)  
**KENDO, ALEXANDER, COOPER &  
ENGEL, LLP**  
810 Sycamore Street, 3<sup>rd</sup> Floor  
Cincinnati, OH 45202  
(513) 579-2323/Fax: (513) 263-9003  
[cmcooper@kacelawllp.com](mailto:cmcooper@kacelawllp.com)  
[cdcooper@kacelawllp.com](mailto:cdcooper@kacelawllp.com)

Counsel for Appellee Brian Horn

### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon Scott A. King, Esq. and Terry W. Posey, Esq., THOMPSON HINE LLP, **THOMPSON HINE LLP**, Austin Landing I, 10050 Innovation Drive, Suite 400, Dayton, Ohio 45342-4934 on this 25th day of July, 2014.

  
Andrew M. Engel