

ORIGINAL

The Clerk of the Supreme Court

Verlean E. Macon,
Relator,

vs.

Toledo Municipal Court

James Keisser

Progressive Insurance.

USAA Insurance co.

Rotary Man LTD,

Respondent,

) Case No.:
) Race Gender Bias
) Breach of Contract
) Negligence
) Insurance fraud

14-1492

Dated this August 22, 2014

Verlean E. Macon Pro Se
2801 Midwood Ave
Toledo, Ohio 43606

Attorney's Addresses Respondents
Toledo Municipal Court
555 North Erie Street
Toledo, Ohio 43604

Rotary Man LTD.
Matthew L. Weisenberger,
300 Madison Avenue, Suite 300
Toledo, Ohio 43604

Progressive Insurance and James Keisser
Attorney Douglas A. Spidel
2270 Levis Commons Blvd
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USAA Insurance
9800 Fredericksburg Road
San Antonio Texas 78288

FILED
AUG 26 2014
CLERK OF COURT
SUPREME COURT OF OHIO

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SUPREME COURT OF OHIO

I, Verlean Everett Macon under penalty of perjury declare that the allegations in this complaint are made on personal knowledge, setting forth facts admissible in evidence, and showing affirmatively that the affiant is competent to testify to all matters stated in the affidavit. Now comes Relator, Verlean E. Macon in Pro Se and for her complaint against the Respondents, states a follows.

ADMINISTRATIVE PROCEEDINGS

On two occasions Relator filed complaints in the small claims court. Each time the case was awarded to the Respondents due to race and gender biases within the court system. Relator filed timely objections to the Magistrates decisions they were not responded to. Courts did not follow Civil Procedure in responding to each case. The Court race and gender biases caused mental stress and loss of pray for damages.

JURISDICTION

The Supreme Court has original jurisdiction in the case Mandamus and Admission to the practice of law, the discipline of persons admitted to the practice of laws and all other matters relating to the practice of law.

PARTIES

James Keisser intentionally and negligently caused damage to Relator vehicle to cause her mental distress. Progressive Insurance and USAA casualty Insurance conspired to defraud the Relator because on her race and gender. Rotary Man LTD breached a verbal contract caused the flooding of Relator property and loss of items. Toledo Municipal Court discriminated against Relator rights to equal treatment and subjected Relator to be a victim of race gender bias. As well as deprived the Relator of fair and equal rights to justice and financial compensations.

COMPLAINT

On October 10, 2012, I Verlean E. Macon (female African American) was hit while driving by the Respondent James Keisser (Male Caucasian) intentionally. I was traveling down west Sylvania Ave a four way street two lanes running in both directions. I was required to merge left I did so successfully. I heard a horn blasting and looked in my review mirror to see Respondent James Keisser barreling up behind. I put my attentions back ahead and suddenly I felt my vehicle began to move from the back end. As I looked in my side mirror I saw Mr. Keisser on the left side of my vehicle. I pulled over to the right and he pulled over behind me. I got out of my vehicle accessed my damage then went over to Mr. Keisser and said you are driving in Road Rage. His reply was, "You should have given me the right of way." I called 911 an officer came out stopped and talked to Mr. Keisser first. He approached my vehicle and said that he could not cite anyone because he did not see the incident. Mr. Keisser called him over to his vehicle several times Mr. Keisser won over him that I was at fault. The officer Han Kestlof (male Caucasian) of the Sylvania police department approached me and said, "If I gave anyone a citation it would be you because you had the obligation to yield to ongoing traffic." I said to him it is like you said earlier you were not here so you can't cite anyone. The final word from the officer was that we allow the insurance companies to settle it.

When Relator called her insurance company Mr. Keisser had already called and stated it was her fault. The Progressive insurance agent was a man and made several calls to the Relator on Mr. Keisser behalf. Plaintiff's USAA insurance agent was a man he requested that she take her vehicle to a particular paint and body shop. There were many photo's taken to be sent to the insurance company revealing what had happened. The Relator insurance agent also had Mr. Keisser to take his vehicle to the same body and paint shop. The Relator insurance company

agent Timothy G. Siebert repaired Mr. Keisser vehicle. Relator was told that she was at fault in the incident and that the Insurance Company would use the accident to raise her premium. Relator wrote a brief, sent pictures and diagrams to her insurance company giving them proof they had made an error against her. After numerous contacts to the insurance company they refused to correct their error Relator filed the case with the Small Claims Court. Relator believed that when the case was won by presenting the truth and evidence her Insurance Company would have no other choice than to correct their record.

On 10/15/2013, Relator entered the Small Claims Division of the Toledo Municipal Court Lucas County, Ohio seeking justice. The nature of the proceedings was Intentional act of negligence to cause vehicle damage, mental distress, Insurance providers' intentional act to defraud and victimize by discrimination. The Magistrate David Smith (male Caucasian) obstructed the case from being ruled on by default, as the Respondent's failed to appear. Attorney Douglas Spidel (male Caucasian) stated to Court that that the case was in the wrong venue. Magistrate Smith instantly accepted what was said dismissing the case without prejudice telling the Relator to file her case in another court. Relator knew the case was not in the wrong venue and sought a higher official the case was reopened. A request was made that Magistrate Smith not rule over the case. Magistrate Smith had knowledge of Respondent Mr. James Keisser criminal traffic violation history. He had found him guilty in the court of law to at least one of his numerous criminal traffic violations. Relator had also sought justice in the Municipal Court where Magistrate Smith decision was of race gender bias.

On 11/19/2013, Relator was heard by Magistrate John Blaufuss (male Caucasian). He asked that the Relator be sworn in. As the Relator affirmed to tell the truth Magistrate Blaufuss asked, "what did she say," after he was told she confirmed, he said, "I thought she said Ah Ha." That

comment in the transcript was changed to, "I thought she said no problem." Again there were no actual Respondents present only Attorney Douglas Spidel said to be representing Progressive Insurance and Mr. James Keisser. The Relator presented the Court with verbal testimony, written evidence such as a seven page brief written to her insurer, 8/10 photos of the scene and at the incident, two extra photos taken later, one showing the damage to her vehicle for clarity in seeing the damage and one depicting the only way the damage could have been obtained as the Respondent turned his tires against the Relator vehicle and a diagram. Magistrate's decision was for the Respondent stating the Relator did not give a preponderance of evidence. He attempted to undermine the Relator position as a Christian giving his personal opinion without cross examination to her credibility and trustworthiness. The Relator objected to the Magistrate's decision within the fourteen day time limit. Relator asked the personal in the Small Claim Court Division if anything further would be written to end the case and she was told that the Court had done all it would do. That she had a final appealable order to file an appeal with the Court of Appeals.

On 6/3/2014, In the Court of Appeals Of Ohio Sixth Appellate District Lucas County made this decision. The Trial court did not rule on Relator timely filed pre-judgment objections. Because the trial court has not ruled on Macon's timely pre-judgment objections there is no final order before us to consider in this case and the appeal is premature. Accordingly, we dismiss the appeal for lack of a final, appealable order Macon is ordered to pay the costs of this appeal pursuant to App. R. 24. Relator filed an objection to the Court of Appeals decision objecting to the fact that the appeal was not premature as she followed Civil R 4 (A). That the court should be responsible for the appeal cost.

On 6/24/2014, the appeal courts response was that the objections were not well taken.

7/3/2014, Relator filed a Motion for final appealable orders again in the Toledo Municipal Court for cases CVI-13-14137 and CVI-07-23355. The appeal Courts ruling to dismiss Relator case for lack of final appealable order designating it as being premature. The appeal court decision also applied to the Relator a previous case mishandled in 2008 by Magistrate David Smith. She was not given a final appealable order as a matter of law according to Civil R.53. The Relator had filed a timely objection in the previous case as well and was not responded to.

8/13/2014, Relator received a Judgment entry from the Municipal Court that read. Judgment Entry signed March 7, 2014 and journalized March 19, 2014 is confirmed. The Magistrate's Opinion is adopted, The Objections to the Magistrate's Opinion are denied. (Objection filed January 16, 2014 corrected typo's on January 14, 2014 Objection.) Judgment is granted in favor of Respondents James Keisser, Progressive Insurance and USSA on the Complaint. Motion #14-1023 for final appealable order granted. IT IS FURTHER ORDERED that pursuant to Ohio Civil Rule 54(B), this is a final appealable order and there is no just reason for delay.

On the 8/19/2012, Relator filed two separate Motions for final appealable orders because the court disregarded following Civil Rule 54(A). The Court ignored the Relator request for a final appealable order for case CVI-07-23355. Magistrate David Smith recommendation during that case was stated as such. The Court, having listened to the testimony of the witnesses and viewing all witnesses and observing their demeanor, gestures and voice inflections, used these observations in weighing the credibility of the proffered testimony, and having considered all testimony and exhibits offered into evidence and evaluating same, make the following finding of fact and Conclusion of law. The Magistrate conclusion was based on the Relator being an African American female seeking justice against a Respondent who is male and Caucasian.

In the courts recent rendering of their final appealable order the Relator appeal would have been dismissed for failure to provide a final appealable. The case would yet be premature without an order and the Relator would be charged again for an appeal that the appeals court dismissed.

WHEREFORE, Relator prays \$3000, 00 from Mr. James Keisser for his intentional negligence to cause mental distress, and vehicle damage. The pray of \$3000. 00 form Rotary Man LTD for its breach of contract. To be awarded Seven Million Dollars by the Courts and Insurance Companies for Race and Gender Bias discrimination, court cost, mental distress and all other relief that the court deems equitable.

s/ Verlean E. Macon

Verlean E. Macon Pro Se

Affirmed to before me and subscribed in my presence this 22 Day of August, 2014.

Brittany N Teall

Notary Public

My Commission Expires: March 23, 2019



BRITTANY N.
TEALL
NOTARY PUBLIC,
STATE OF OHIO
My Commission
Expires
March 23, 2019