

ORIGINAL

IN THE SUPREME COURT OF OHIO

The State of Ohio ex rel.)
Melissa N. Siler-Stoll, et al.,)
Relators,)
v.)
Ohio Department of)
Developmental Disabilities, et al.,)
Respondents.)

Case number: 14-1617

FILED
SEP 30 2014
CLERK OF COURT
SUPREME COURT OF OHIO

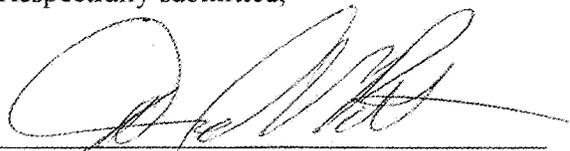
RELATORS' APPLICATION FOR DISMISSAL

Now come relators, Melissa N. Siler-Stoll and Open Arms, Inc., by and through counsel, pursuant to Rule 4.05 of the Supreme Court of Ohio Rules of Practice ("S.Ct.Prac.R."), and hereby apply for dismissal of the Complaint For Writ Of Prohibition filed in the above-captioned case.

Respondent, the Ohio Department of Developmental Disabilities ("DODD"), brought several administrative charges against the relators. DODD appointed attorney and respondent Robert C. Angell to serve as hearing examiner at the administrative hearing. For the reasons discussed in the complaint, Mr. Angell is ethically conflicted and disqualified from serving as hearing examiner in the relators' hearing before DODD. See Complaint ¶8-51. The relators notified Mr. Angell of his ethical conflicts. See id. ¶33. Nevertheless, Mr. Angell refused to recuse himself as hearing examiner. See id. It was necessary, then, for the relators to file a complaint for writ of prohibition to prevent Mr. Angell from serving as hearing examiner. See id. p. 13 (prayer for relief). On September 25, 2014, Mr. Angell finally recused himself as hearing examiner.

See Hearing Examiner's Entry And Order (Exhibit A). Therefore, Mr. Angell's recusal has satisfied the prayer for relief and rendered this case moot. Thus, dismissal is warranted pursuant to S.Ct.Prac.R. 4.05.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David V. Patton', written over a horizontal line.

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Counsel for Relators
Melissa N. Siler-Stoll and
Open Arms, Inc.

CERTIFICATE OF SERVICE

A copy of the foregoing Relator's Application For Dismissal was sent via regular U.S. Mail, postage prepaid, on September 30, 2014, to the following:

Ohio Department of
Developmental Disabilities
30 East Broad Street, 13th Floor
Columbus, Ohio 43215

Respondent

John L. Martin
Director of the Ohio Department of
Developmental Disabilities
30 East Broad Street, 13th Floor
Columbus, Ohio, 43215

Respondent

Robert C. Angell (0061151)
Hearing Examiner of the
Ohio Department of
Developmental Disabilities
13587 Capetown Avenue
Pickerington, Ohio 43147-8855

Respondent



David V. Patton (0070930)

Counsel for Relators

EXHIBITS

Exhibit A: Hearing Examiner's Entry And Order

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Entry and Order was served upon the following by electronic mail only this 25th day of September, 2014:

Roger Carroll, Esq.
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Robert C. Angell
Ohio Supreme Court #0061151