

ORIGINAL

IN THE SUPREME COURT OF OHIO

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

Relator,

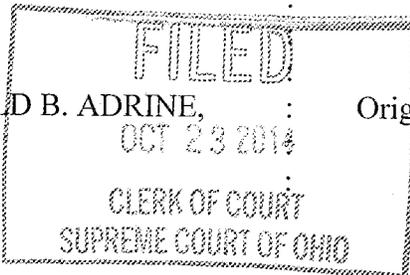
Case No. 2014-0467

v.

THE HONORABLE RONALD B. ADRINE,

Original Action in Prohibition

Respondent.



**RESPONDENT THE HONORABLE RONALD B. ADRINE’S MEMORANDUM IN OPPOSITION TO RELATOR’S MOTION TO SHOW CAUSE WHY RESPONDENT SHOULD NOT BE HELD IN CONTEMPT FOR FAILING TO COMPLY WITH THIS COURT’S ALTERNATIVE WRIT**

Relator has filed a Motion to Show Cause Why Respondent Should Not Be Held In Contempt for Failing to Comply with this Court’s Alternative Writ (“Motion to Show Cause”) on the theory that Respondent has “defied” this Court’s September 3, 2014 Entry granting an alternative writ of prohibition. Relator’s Motion to Show Cause should be summarily denied. Respondent has not defied this Court’s September 3, 2014 Entry. In fact, as explained in more detail below, Respondent has affirmatively sought clarification from this Court as to his obligations under the alternative writ. Upon receiving such clarification, Respondent will act fully in accord with this Court’s instructions. Simply put, Relator has shown no basis for a show cause order here.

Respondent The Honorable Ronald B. Adrine (“Respondent” or “Judge Adrine”) is the administrative and presiding judge of the Cleveland Municipal Court. On March 26, 2014,

Relator The Honorable Angela R. Stokes (“Relator” or “Judge Stokes”) filed a Complaint with this Court seeking the issuance of writs of quo warranto (First Claim for Relief), mandamus (Second Claim for Relief), and prohibition (Third Claim for Relief) against Judge Adrine and The Honorable Mabel M. Jasper. Relator’s Complaint seeks to have certain Administrative Orders issued by Judge Adrine as administrative judge reversed. Generally speaking, these Administrative Orders transferred all of the criminal cases then-assigned to Judge Stokes’ personal docket to Judge Adrine for review and possible reassignment and removed Judge Stokes from the court’s random draw of criminal cases and proportionally increased the number of civil cases Judge Stokes received.

On May 2, 2014, Respondents filed their Motion to Dismiss. On September 3, 2014, this Court issued an Entry (the “September 3 Entry”) granting the Motion to Dismiss in part and denying it in part. The Court dismissed Respondent Jasper as a respondent and dismissed the writs of quo warranto and mandamus. The Court, however, granted an alternative writ of prohibition and set a briefing schedule for the presentation of evidence and filing of briefs.

According to Judge Stokes, this Court should enter an order directing Judge Adrine to show cause why he should not be held in contempt for his alleged “defiance” of this Court’s September 3 Entry. Relator’s Motion should be summarily denied. Judge Adrine has not ignored, let alone “defied,” this Court’s September 3 Entry. To the contrary, Judge Adrine has affirmatively sought clarification from this Court as to what he must do to comply with it.

Specifically, on September 22, 2014, Respondent filed a Motion for Clarification of Respondent’s Obligations Pursuant to the Court’s Alternative Writ (“Motion to Clarify”), in which Judge Adrine asked whether this Court’s issuance of an alternative writ mandated that he stay (and effectively reverse) the Administrative Orders and restore Relator to the criminal

docket pending final resolution of this matter. In so doing, Judge Adrine explained that he sought clarification given the unique procedural context presented in this case and in order to minimize the potential for future procedural and administrative confusion. *See* Memorandum in Support of Motion to Clarify at 2. As Judge Adrine explained, the issuance of an alternative writ in the traditional context has the effect of preserving the status quo pending final resolution by this Court. Here, however, to the extent the alternative writ requires reversal of the Administrative Orders, it would *upend* the status quo. *Id.* at 2-3. Likewise, Judge Adrine noted that mandating reversal of the Administrative Orders pending final resolution could create uncertainty for the bench and bar during the interim period and the risk of future administrative complications if this Court were to ultimately deny the writ sought. *Id.* at 3.

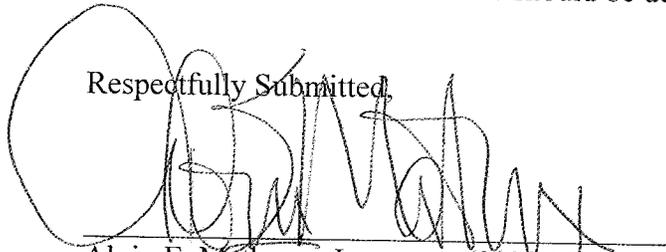
Significantly, in her Memorandum in Opposition to Respondent's Motion to Clarify, Relator presented no legal authority (or even argument) disputing Judge Adrine's good faith basis for seeking clarification. Relator cited no case for the proposition that Supr.Ct.Prac.R. 12.05 required that the status quo be upended in this context. Relator ignored Judge Adrine's concerns that clarification was warranted given the potential confusion and risk of wasting administrative resources.

Finally, the cases Relator cites in her Motion to Show Cause have no relevance here. None involved alleged failures to comply with *alternative* writs or the application of Supr.Ct.Prac.R. 12.05. Rather, each case involved allegations that respondent failed to comply with a final writ ordering the respondent to take some affirmative action. *See, e.g., State ex rel. Morganthaler v. Crites*, 48 Ohio St. 460, 28 N.E. 178 (1891) (alleged failure to comply with judgment awarding peremptory writ of mandamus commanding county auditor to take affirmative action); *State ex rel. Adkins v. Sobb*, 39 Ohio St. 3d 34, 528 N.E.2d 1247 (1988)

(failure of city to comply with writ of mandamus requiring it to credit police officers with vacation leave attributable to prior public employment); *State ex rel. Mun. Constr. Equip. Operators' Labor Council v. Cleveland*, 119 Ohio St.3d 1494, 2008-Ohio-5390, 895 N.E.2d 189 (table) (respondent city found to be in contempt of court for repeatedly failing to comply with Court's writ of mandamus ordering it to pay prevailing wage).

Because Relator has set forth no basis upon which Judge Adrine could be held in contempt of this Court's September 3 Entry, Relator's Motion to Show Cause should be denied.

Respectfully Submitted,



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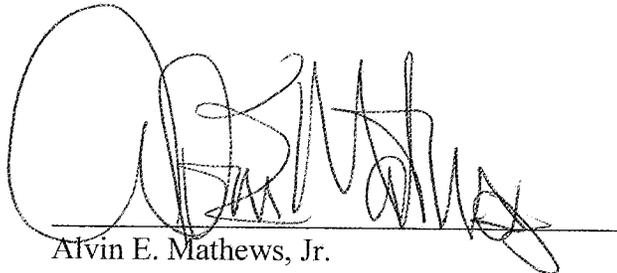
*The Honorable Ronald B. Adrine*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the foregoing *Respondent The Honorable Ronald B. Adrine's Memorandum In Opposition To Relator's Motion To Show Cause Why Respondent Should Not Be Held In Contempt For Failing To Comply With This Court's Alternative Writ* was served via electronic mail and regular U.S. Mail, postage prepaid, this 23rd day of October, 2014, upon the following:

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*The Honorable Angela R. Stokes*



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