

13-14618 October 15, 2014 JFR/cmm  
Attorney for Respondent, James Williams

IN THE SUPREME COURT OF OHIO

ARETHA BROWN

:

CASE NO. 2014-1485

Relator.

:

vs.

:

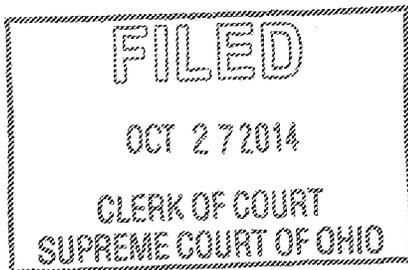
JAMES WILLIAMS, et al.

:

Respondents.

:

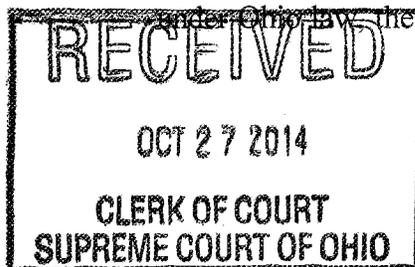
**RESPONSE OF RESPONDENT,**  
**JAMES WILLIAMS, TO**  
**MOTIONS OF RELATOR,**  
**ARETHA BROWN, TO**  
**SUPPRESS PERSONAL EMAIL,**  
**MOTION TO EXPEDITE**  
**DECISION AND MOTION TO**  
**LOOK**  
**AND**  
**MOTION OF RESPONDENT,**  
**JAMES WILLIAMS, TO STRIKE**  
**THE AFORENAMED FILINGS**  
**OF RELATOR**



Comes now the Respondent, James Williams, by and through his undersigned counsel, and hereby files a brief response to the recent filings by the *pro se* Relator, Aretha Brown, including her “Motion to Suppress Personal Email”, “Motion to Expedite Decision”, and “Motion to Look”.

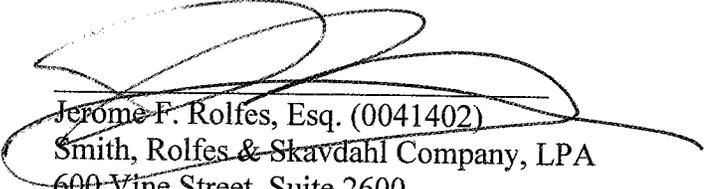
Further, this Respondent hereby also moves to strike each and every one of the foregoing filings made by the *pro se* Relator recently herein as having absolutely no basis or provision

under Ohio law, the applicable Ohio Rules of Civil Procedure, rules of this Honorable Court, or



any other applicable Ohio law. This *pro se* Relator nevertheless continues to file these unwarranted and vexatious motions and other pleadings wholly without any proper basis under the law. Accordingly, this Respondent Williams hereby moves to strike each and every one of the foregoing aforementioned filings of the *pro se* Relator Ms. Brown. This Motion is further supported by the following Memorandum.

Respectfully submitted,



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jrolfes@smithrolfes.com  
*Attorney for Respondent, James Williams*

## MEMORANDUM

### **I. INTRODUCTION AND PROCEDURAL HISTORY**

This lawsuit stems from a motor vehicle accident involving the Relator and Respondent Williams on February 13, 2008. Relator Brown initially filed suit on the matter in the Hamilton County Court of Common Pleas on November 27, 2009. This cause was eventually dismissed without prejudice on November 17, 2010 by the trial court for failure of Relator Brown to appear. Relator Brown then re-filed her lawsuit in the Hamilton County Court on August 24, 2011. The trial judge also thereafter dismissed this re-filed case on May 9, 2012 for failure of Relator Brown to respond to discovery and attend her deposition. The May 9, 2012 Dismissal Entry is attached hereto as **Exhibit A**. Relator Brown filed a "Motion to 'Vacate Judgment' & for 'Stay'" nearly one year later on May 2, 2013, which was denied by the trial judge on May 30,

2013. This denial is attached hereto as **Exhibit B**. Relator Brown then filed her so-entitled Motion for Delayed Appeal on November 13, 2013, over one year and six months following the final dismissal of her case by Judge Winkler. That Motion was denied by the appellate court (see **Exhibit C** hereto). Relator's most recent filing, an improperly based/supported mandamus action, is still pending before the Court.

Over the past month and past years, this *pro se* Relator has continued with filing a variety of unfounded motions, petitions, and other inscrutable documents/pleadings with no basis or foundation under the law or applicable rules of procedure. By these filings, *pro se* Relator appears to be seeking, in an apparently unending and entirely inapposite fashion, redress for matters she cites as originally arising from a motor vehicle accident in which she may have been involved. Although persistent in her periodic filings, the prior rulings of the various courts have well-established, as reflected in the record of these respective jurisdictions, the lack of any proper legal basis for the specific relief sought by this *pro se* Relator. The record also reflects this *pro se* Relator failed to avail herself of either legal counsel or the requisite elements of legal/civil procedure and the law to prosecute her claims. The aforesaid/aforenamed most recent filings by this *pro se* Relator are again typical of the persistent but wholly unfounded measures which this Relator continues to pursue despite Relator having no support under Ohio law.

Because this Respondent, James Williams, is accordingly and repeatedly having to respond hereto to such unfounded, improper and ill-conceived filings by this *pro se* Relator, he hereby moves and requests this Honorable Court to strike in entirety the aforesaid/aforenamed improper filings of this Relator as being without any support or basis under applicable Ohio law.

WHEREFORE, this Respondent, James Williams, hereby moves and requests this Honorable Court to strike the aforesaid multiple filings made by *pro se* Relator Ms. Brown herein.

Respectfully submitted,



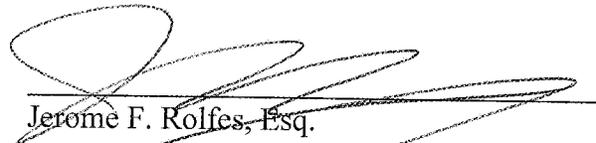
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*Attorney for Respondent, James Williams*

#### CERTIFICATE OF SERVICE

21<sup>st</sup> I hereby certify that a true and accurate copy of the foregoing Response was served this day of October, 2014, via regular U.S. Mail, postage prepaid, upon the following:

Ms. Aretha Brown  
293 Manzanita Ranch Lane  
Henderson, Nevada 89012  
*Relator Pro Se*

J. Stephen Teetor, Esq, (0023355)  
Isaac Wiles Burkholder & Teetor LLC  
2 Miranova Place, Suite 700  
Columbus, Ohio 43215  
*Attorney for Respondent Nationwide*



Jerome F. Rolfes, Esq.

EXHIBIT  
A

ENTERED  
MAY 09 2012

*Ralph E. Winkler*

FOR COURT USE ONLY  
S.C. : 3  
Line #: \_\_\_\_\_

COURT OF COMMON PLEAS  
HAMILTON COUNTY OHIO



D97563662

ARETHA BROWN,



PLAINTIFF

CASE NO. A1106653

JUDGE RALPH E. WINKLER

V.

JAMES WILLIAMS, et al.,

DEFENDANT

ENTRY GRANTING MOTION  
TO DISMISS

This matter has come before the court on the motion of the defendant, James Williams to dismiss the case for failing to respond to discovery and failure to attend her deposition. For good cause shown, the motion is granted and the case is hereby dismissed with prejudice.

Defendant Williams has shown that the plaintiff has not been prosecuting her case in accordance with the Ohio Rules of Civil Procedure. He has shown that Plaintiff has repeatedly refused to comply with reasonable and appropriate discovery requests, including the medical information that would be necessary for anyone to evaluate the extent of her injuries. For this reason, Defendant was forced to issue a notice of deposition on March 21, 2012, setting the deposition for April 13, 2012. The Plaintiff did not attend.

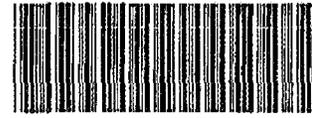
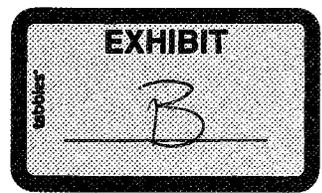
Plaintiff, on the fax cover sheets she uses to file documents with the Clerk of Courts, describes herself as "Severely Injured Auto Collision Victim." It would be reasonable to surmise that a person so injured would not be able to attend the deposition noticed by Defendant. However, it seems clear that the scheduling of this deposition was the result of having repeated discovery requests ignored by Plaintiff. Therefore, the court finds that a dismissal is appropriate for these circumstances.

It is also important to note that while the plaintiff was refusing to respond to discovery requests, attend her deposition and otherwise appropriately litigate her case, she spent her energy pursuing multiple ethics complaints against defense counsel. The court finds this extremely disappointing. The object of litigation is to arrive at justice and the truth. It seems that Plaintiff has accused defense counsel of making false statements while leaving him with no discovery with which to use in ascertaining a true value of her damages. The way that Plaintiff has attacked the credibility and professionalism of an honorable attorney with an impeccable record is absolutely inexcusable. It is the hope of the court that defense counsel is not prejudiced in the future in any way by the vexatious and vindictive complaints brought against him by the

plaintiff.

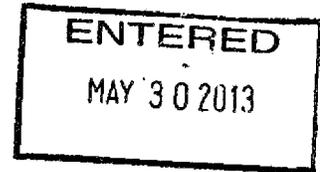
For the above listed reasons, the motion to dismiss filed by Defendant is granted and all claims brought by Plaintiff are hereby dismissed. Costs to Plaintiff. The request of attorney's fees by Defendant is denied.

COURT OF COMMON PLEAS  
ENTER  
*R. Winkler*  
JON. RALPH WINKLER  
THE CLERK SHALL SERVE NOTICE  
TO PARTIES BY MAIL TO THE  
RULE 55 WHICH SHALL BE TAXED  
AS COSTS HEREIN.



D102282233

COURT OF COMMON PLEAS  
HAMILTON COUNTY OHIO



ARETHA BROWN,

PLAINTIFF

v.

JAMES E. WILLIAMS, et al.,

DEFENDANT

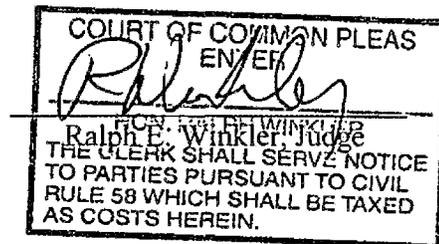
CASE NO. A0911260

RE-FILE CASE NO. A1106653

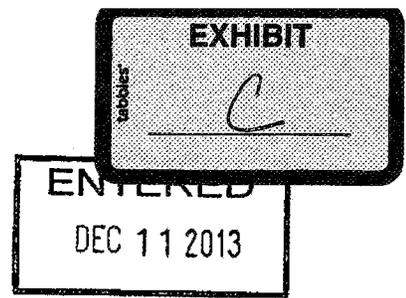
JUDGE RALPH E. WINKLER

ENTRY DENYING MOTION  
TO VACATE JUDGMENT AND  
FOR "STAY"

This matter has come before the court upon Plaintiff's Motion to Vacate Judgment and for "Stay." After considering arguments of Plaintiff and Defendant, for good cause shown, the court finds the motion is not well founded and hereby denies the Defendant's Motion to Vacate Judgment and for "Stay." So ordered this thirtieth day of May, 2013.



IN THE COURT OF APPEALS  
FIRST APPELLATE DISTRICT OF OHIO  
HAMILTON COUNTY, OHIO



ARETHA BROWN,  
Appellant,

APPEAL NO. C-130762  
TRIAL NO. A-1106653

vs.

ENTRY OVERRULING MOTION  
FOR DELAYED APPEAL

JAMES E. WILLIAMS,  
Appellee.



D104564848

This cause came on to be considered upon the motion of the appellant for delayed appeal and upon the combined motion to strike and memorandum in opposition.

The Court finds that the motion is not well taken and is overruled. The appeal is hereby dismissed.

To the clerk:

Enter upon the journal of the court on DEC 11 2013 per order of the court.

By: *Patricia D. ...* (Copies sent to all counsel)  
Presiding Judge