

ORIGINAL

IN THE SUPREME COURT OF OHIO

DOROTHY FONDESSY

*

CASE NO. 2013-1574

Appellee

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- **On Appeal from Ottawa County
Court of Appeals
Sixth Appellee District**

ANTHONY SIMON

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Appellant

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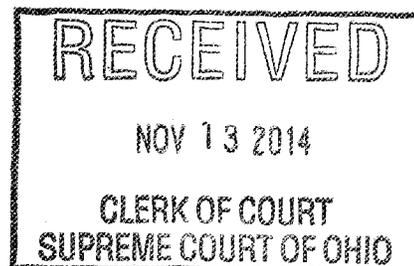
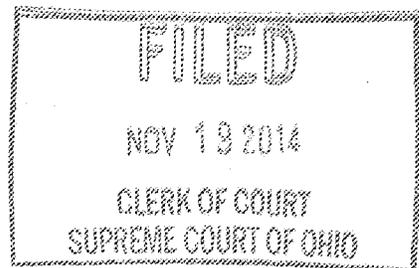
MOTION OF APPELLEE FONDESSY FOR SANCTIONS

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COUNSEL FOR APPELLANT, ANTHONY SIMON



Now comes the Appellee, and moves this Court pursuant to S. Ct. Prac.R. 4.03(A) for an Order of Sanctions against the Appellant and/or his Counsel.

This case was dismissed pursuant to S. Ct. Prac. R. 8.04 on October 23, 2014. On November 3, 2014, the Appellant, through Counsel, filed a Motion for Reconsideration. In that Motion, Appellant's Counsel cited no authority whatsoever supporting his request. Counsel is effectively using said Motion as an "appeal" of this honorable Court.

S. Ct. Prac. R. 4.03(A) states as follows:

An appeal or other action shall be considered frivolous if it is not reasonably well-grounded in fact or warranted by existing law or a good faith argument for the extension, modification or reversal of existing law.

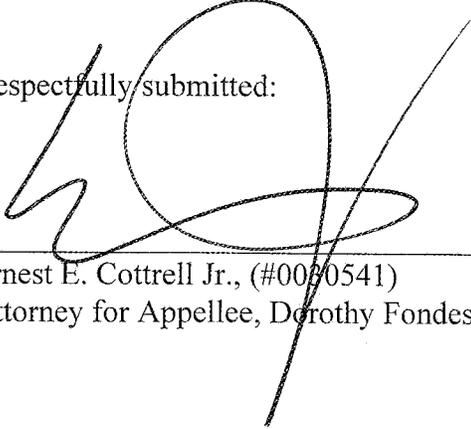
As noted above, Counsel cites no case law supporting his position. Further, he brings no facts to this Court's attention which were not fully briefed or argued. Counsel and his client simply refuse to accept the decision of the majority of this Court.

Counsel refers to the dissenting opinion, however, he can not argue for a modification or reversal by this Court as the majority OF THIS COURT has decided this case.

Obviously Counsel and Appellant are not happy with this Court's decision, however, it is now the law of the case. The filing of this meritless, unfounded and frivolous Motion serve only to once again harass the Appellee and cause her additional hardship and expense.

Wherefore, based on the above, the Appellee requests an Order from this Court finding the Appellant's Motion to be frivolous and for an Order from this Court, that Counsel and/or the Appellant pay the Appellee for reasonable attorney fees incurred by the filing of Appellant's meritless and frivolous Motion.

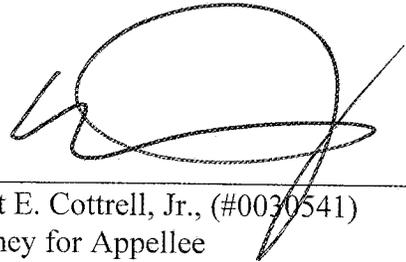
Respectfully submitted:



Ernest E. Cottrell Jr., (#0080541)
Attorney for Appellee, Dorothy Fondessy

PROOF OF SERVICE

The foregoing instrument was sent by ordinary U.S. Mail this 12 day of November, 2014, to Attorney Wesley M. Miller, Jr, P.O. Box 352530, Toledo, Ohio 43635.

A handwritten signature in black ink, appearing to read "Ernest E. Cottrell, Jr.", is written over a horizontal line. The signature is stylized and somewhat cursive.

Ernest E. Cottrell, Jr., (#0030541)
Attorney for Appellee