

ORIGINAL

IN THE SUPREME COURT OF OHIO

JOHN HAIGHT, et al.

Plaintiffs/Appellees,

vs.

THE CHEAP ESCAPE COMPANY, et al.

Defendants/Appellants.

* SUPREME COURT CASE NO.:
2014-1241

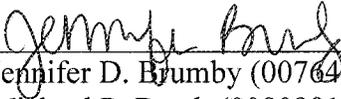
* On appeal from the Montgomery
County Court of Appeals, Second
Appellate District

* Court of Appeals Case No. 25983

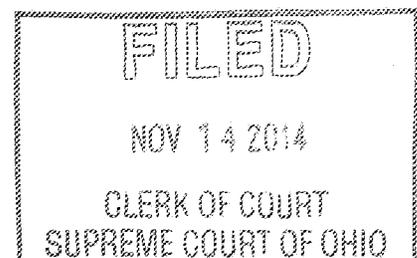
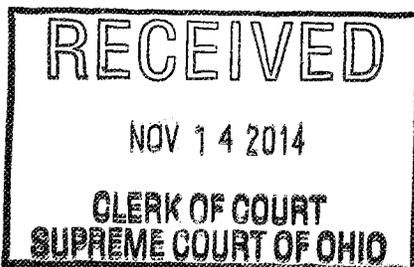
TR. CT. NO. 2012 CV 00946

APPELLEE, MARK KOSIR'S MEMORANDUM IN OPPOSITION TO PLAINTIFFS-
APPELLEES' MOTION TO DISMISS

Appellee, Mark Kosir, respectfully requests that this Court deny Plaintiffs-Appellees' Motion to Dismiss him from this Appeal. A supporting Memorandum is attached.



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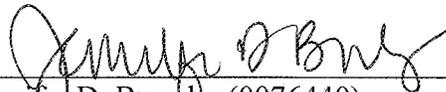


MEMORANDUM IN SUPPORT

This Court has agreed to decide whether R.C. 4111.14(B)(1) conflicts with Section 34a of the Ohio Constitution and if so, whether the Court's ruling should apply only prospectively. John Haight and Christopher Pence complain that Mr. Kosir should be dismissed from this appeal because he did not file a Notice of Appeal, but instead filed a timely Memorandum in Response and incorporated by reference, as if fully re-written, Appellants' Memorandum in Support of Jurisdiction. Plaintiffs-Appellees did not file a motion to dismiss Mr. Kosir from this appeal until Mr. Kosir filed a Motion to Realign.

Mr. Kosir has not waived his ability to participate in this appeal. Instead, it is appropriate for this Court to arrange the parties according to their sides in the dispute and ultimate interests. For these reasons, Mark Kosir respectfully requests that this Court recognize that he should be realigned with the Appellants in this case and overrule Plaintiffs-Appellees' Motion to Dismiss him from the lawsuit.

Respectfully submitted,



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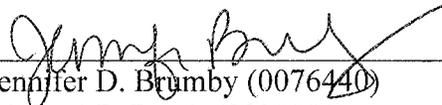
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been forwarded this 13th day of November, 2014 by U.S. Mail, postage pre-paid upon the following:

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