

IN THE SUPREME COURT OF OHIO

ORIGINAL

**Dorothy Fondessy**

**Appellee**

**Case No. 2013-1574**

**v.**

**Anthony Simon**

**Appellant**

**On Appeal from the Ottawa  
County Court of Appeals  
Sixth Appellate District**

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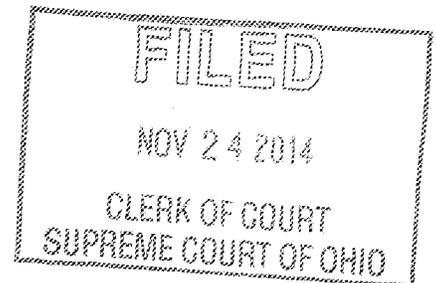
**MEMORANDUM OF APPELLANT CONTRA MOTION FOR SANCTIONS**

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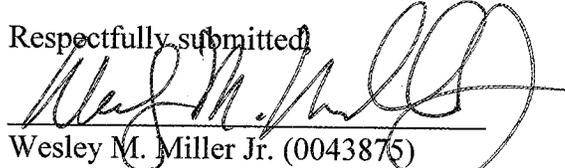
Now comes Appellant Anthony Simon hereby sets forth his response to Appellee's Motion for Sanctions.

Appellant disagrees with Appellee's position that Appellant's Motion for Reconsideration was filed with the intent to harass and with no basis of law and not in good faith. Appellant motioned for reconsideration because a conflict exists in the interpretation of the statute in question. The dissenting opinion considered the issue ripe and identified an additional case that that was decided in conflict with the majority of the Appellate Districts. This was a basis in Appellant's decision to file his motion and that case should be considered implicit in the motion. The Appellant cited the Ohio Constitution in support of his argument. Also he set forth an argument of equal protection under the law which raises a constitutional issue.

Appellant and counsel's intention was not to harass but to appropriately use all legal possibilities available in arguing his case and was done in good faith.

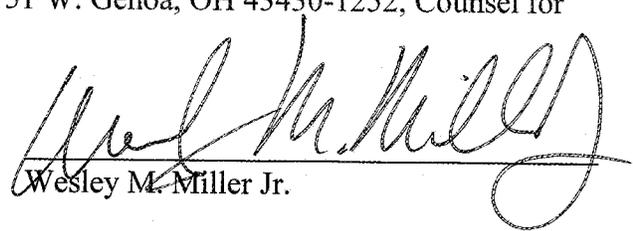
Wherefore, the Appellant moves the Court to deny the Motion for Sanctions.

Respectfully submitted,

  
Wesley M. Miller Jr. (0043875)  
Counsel for Appellant Anthony Simon

#### **CERTIFICATE OF SERVICE**

I hereby certify that on November 19, 2014 the foregoing was sent via U.S. mail to Ernest E. Cottrell Jr. at 21980 State Rte. 51 W. Genoa, OH 43430-1252, Counsel for Appellee.

  
Wesley M. Miller Jr.