

FILED
NOV 24 2014
CLERK OF COURT
SUPREME COURT OF OHIO

13-14618 11/19/14 AMR/KB
Attorney for Respondent, James Williams

IN THE SUPREME COURT OF OHIO

ARETHA BROWN	:	CASE NO. 2014-1485
Relator.	:	
vs.	:	
JAMES WILLIAMS, et al.	:	<u>RESPONDENT JAMES</u>
Respondents.	:	<u>WILLIAMS' MEMORANDUM IN</u>
	:	<u>OPPOSITION TO RELATOR</u>
	:	<u>ARETHA BROWN'S MOTION</u>
	:	<u>FOR RECONSIDERATION</u>
	:	

Now comes Respondent James Williams, by and through his undersigned counsel, and in response to Relator Brown's Motion for Reconsideration asks this Court deny said Motion as it raises no new arguments which would create any semblance of a proper remedy for Ms. Brown.

I. STATEMENT OF FACTS

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. Relator Brown filed a "Motion

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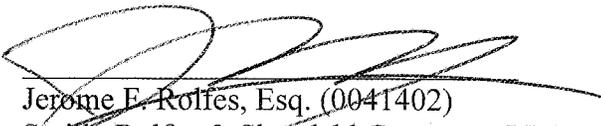
to 'Vacate Judgment' & for 'Stay'" nearly one year later on May 2, 2013, which was denied by the trial judge on May 30, 2013. Relator Brown then filed her so-entitled Motion for Delayed Appeal on November 13, 2013, over one year and six months following the final dismissal of her case by Judge Winkler. That Motion was denied by the appellate court. Relator then filed her Petition for Mandamus on August 26, 2014. After a series of other unfounded and inscrutable Motions, this Court denied her Complaint for Mandamus on November 5, 2014.

II. MEMORANDUM

Ms. Brown's Motion for Reconsideration only reavers the items redundantly and repetitively discussed in her prior Motions among numerous other allegations against Nationwide which have no bearing on her "case" against Mr. Williams. Ms. Brown has continuously filed unfounded, if not likewise vexatious, motions and filings containing information wholly irrelevant to this current case as described in Defendant's Motion to Strike, previously filed with this Court on October 27, 2014, attached hereto as **Exhibit A**.

WHEREFORE, Defendant James Williams asks this Court to deny Relator Brown's Motion for Reconsideration and classify Ms. Brown as a vexatious litigant.

Respectfully submitted,



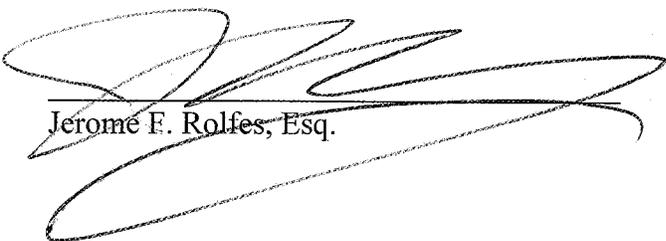
Jerome F. Rolfes, Esq. (0041402)
Smith, Rolfes & Skavdahl Company, LPA
600 Vine Street, Suite 2600
Cincinnati, Ohio 45202
(513) 579-0080
(513) 579-0222 fax
jrolfes@smithrolfes.com
Attorney for Respondent, James Williams

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Memorandum in Opposition was served this 21st day of November, 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 E. Rolfes, Esq.

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

FILED
OCT 27 2014
CLERK OF COURT
SUPREME COURT OF OHIO

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

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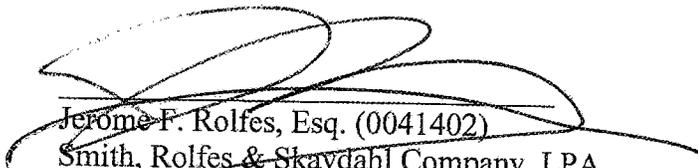
OCT 27 2014

CLERK OF COURT
SUPREME COURT OF OHIO

ALL-STATE LEGAL®
"A"

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,



Jerome F. Rolfes, Esq. (0041402)
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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,



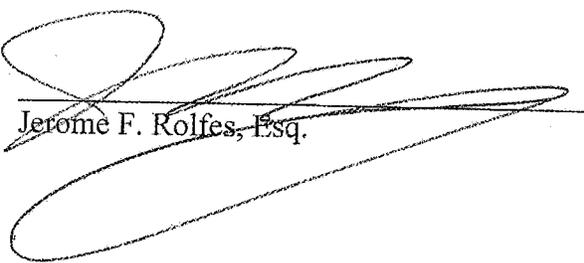
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Cincinnati, Ohio 45202
(513) 579-0080
(513) 579-0222 fax
jrolfes@smithrolfes.com
Attorney for Respondent, James Williams

CERTIFICATE OF SERVICE

21st 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.

ENTERED
MAY 09 2012

CARIDH
A

Ralph E. Winkler

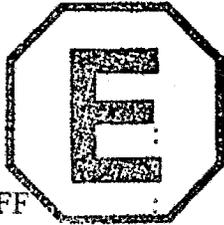
FOR COURT USE ONLY
S.C. Line #: 8

COURT OF COMMON PLEAS
HAMILTON COUNTY OHIO



D97563662

ARETHA BROWN,



CASE NO. A1106653

PLAINTIFF

JUDGE RALPH E. WINKLER

V.

JAMES WILLIAMS, et al.,

ENTRY GRANTING MOTION
TO DISMISS

DEFENDANT

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.

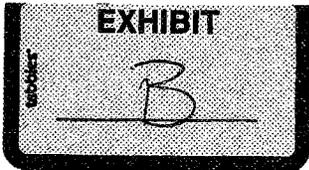
Plaintiff, on the fax cover sheets she uses to file documents with the Clerk of Courts, describes herself as "Severely Injured Auto Collision Victim." It would be reasonable to surmise that a person so injured would not be able to attend the deposition noticed by Defendant. However, it seems clear that 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
Ralph E. Winkler
JUDGE RALPH E. WINKLER
THE CLERK SHALL SERVE NOTICE
TO PARTIES PER RULE 17 TO CIVIL
RULE 58 WHICH SHALL BE TAXED
AS COSTS HEREIN.



D102282233

COURT OF COMMON PLEAS

HAMILTON COUNTY OHIO

ENTERED
MAY 30 2013

ARETHA BROWN,

PLAINTIFF

v.

JAMES E. WILLIAMS, et al.,

DEFENDANT

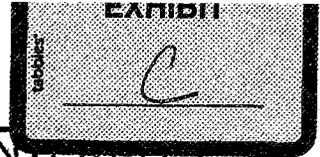
CASE NO. A0911260
RE-FILE CASE NO. A1106653
JUDGE RALPH E. WINKLER

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.

COURT OF COMMON PLEAS
ENTERED
Ralph E. Winkler
RALPH E. WINKLER, Judge
THE CLERK SHALL SERVE NOTICE
TO PARTIES PURSUANT TO CIVIL
RULE 58 WHICH SHALL BE TAXED
AS COSTS HEREIN.

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



ENTERED
DEC 11 2013

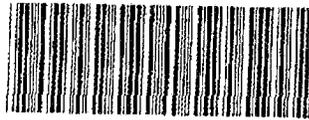
ARETHA BROWN,
Appellant,

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 A. DeBelack* (Copies sent to all counsel)
Presiding Judge