ORIGINAL

13-14618 December 9, 2014 JFR/cmm
Attorney for Respondent, James Williams

IN THE SUPREME COURT OF OHIO

ARETHA BROWN	:	CASE NO. 2014-1485
Relator.	:	
vs.	:	**MOTION OF RESPONDENT, JAMES WILLIAMS, TO STRIKE RELATOR'S MOTION TO EXPEDITE**
JAMES WILLIAMS, et al.	:	
Respondents.	:	

Comes now Respondent James Williams (hereinafter Williams), by and through his undersigned counsel, and hereby moves to strike the previously filed Motion to Expedite of Relator Aretha Brown.

As set forth more fully in the following Memorandum, the Relator has yet again failed to bring forth any proper basis or rationale for her ill-conceived motion under Ohio law or procedure, and this additional feckless, and frivolous filing by the Relator should again be dismissed.

FILED
DEC 15 2014
CLERK OF COURT
SUPREME COURT OF OHIO

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

RECEIVED
DEC 15 2014
CLERK OF COURT
SUPREME COURT OF OHIO

MEMORANDUM IN OPPOSITION

There exists no basis under the Rules of Civil Procedure, the rules of this Honorable Court, or any other basis for this so-called "Motion to Expedite" of the *pro se* Relator as she has now filed herein. Accordingly, this Respondent/Movant James Williams hereby also submits this Motion to Strike Relator's aforesaid "Motion to Expedite".

As with her prior ill-conceived and baseless motions and other submissions of Relator, this most recent filing yet again sets forth no legitimate or cognizable claim(s) under Ohio law to support any finding in favor of this Relator.

This Respondent continues to be confounded and bewildered by the Relator's persistent submission of entirely vexatious filings which redundantly make meritless arguments against this Respondent Williams and Nationwide Insurance of their purported wrongdoing or actions/inactions. Despite the zeal of her protestations about wrongdoing by Williams and/or Nationwide, this Relator wholly ignores her own errors and inaction which in fact provided in large part the actual basis for her circumstances about which she continues to object in her numerous filings. As was clearly expressed and explained in the original Decision of the trial court (see copy **attached** hereto as **Exhibit A**), this Relator failed to abide by even the rudimentary discovery rules by failing to appear for her deposition, failing to respond to discovery requests, etc., yet she continues to nevertheless describe herself as the "aggrieved" party or victim of injustice or unfair treatment. Even now with this latest filing, the Relator alleges and improperly asserts arguments of "bad faith" against Nationwide or others, and continuously claims that every judge, attorney, and ruling against her is unjust, unfair or even in the nature of fraud or criminal intent.

Ohio law certainly provides no basis for a third party claim of bad faith by Ms. Brown against Defendant Nationwide, although the Relator fails to even acknowledge that simple aspect of bad faith law in Ohio. Courts of Ohio have even sanctioned parties/counsel for improperly filing a third party bad faith claim in Ohio. See *Murrell v. Williamsburg Local School District* (1993), 92 Ohio App 3d 92; see also *Gillette v. Gillette* (2005), 163 Ohio App 3d 426. Even beyond her misguided assertions of bad faith, there exists no basis under the procedural history or factual history, and/or any Ohio law or rules of procedure, to afford or entitle this Relator to any relief whatsoever. The entirety of the Relator's "Motion to Expedite" fails to provide any proper basis whatsoever for any relief sought by the Relator in this Honorable Supreme Court, and the history and nature of the Relator's filings demonstrate this Relator long ago neglected to pursue any proper avenues of recovery or prosecution of her alleged claim, and she rather wholly ignored or otherwise intentionally chose to disregard the entirety of the rules of law, process, and procedure. Therefore, the Relator has no legitimate right to complain about the current consequences which have resulted from her neglect, disregard, or ignorance of the law or proper process/procedure.

It also continues to be highly questionable as to whether Relator's filings with this Honorable Court are properly submitted either from a jurisdictional or procedural basis. Relator's hybrid "Motion to Expedite" and prior "Motion to Look" are examples of the dubious submissions by the Relator/Ms. Brown which wholly defy any known Ohio law, procedure, or precedent.

WHEREFORE, this Respondent Williams hereby respectfully requests this Court strike and reject this so-called "Motion to Expedite" as filed herein.

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 10th day of December, 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 Winkler

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

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

HON. RALPH W. WINKLER

THE CLERK SHALL SERVE NOTICE TO PARTIES PER WAIVER OF CIV. RULE 58 WHICH SHALL BE TAXED AS COSTS HEREIN.

Ralph E. Winkler, Judge