

Jon R. Sinclair (0066136)
Respondent

IN THE SUPREME COURT OF OHIO

PAULETTA HIGGINS	:	CASE NO. 2015-0076
Petitioner	:	Original Action in Mandamus And Prohibition
	:	
HAMILTON COUNTY DEPT. CPS et al.	:	
Respondents	:	

MOTION TO DISMISS OF JON SINCLAIR

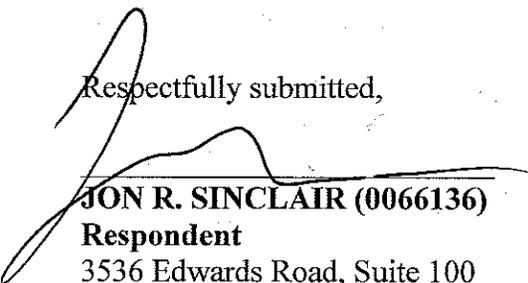
Pauletta Higgins
5245 Cinderlane Parkway, #383
Orlando FL 32810

JON R. SINCLAIR
Respondent
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MOTION TO DISMISS

Respondent Jon R. Sinclair moves the Court to dismiss the *Emergency Extraordinary writ Motion to Compel* filed by Relator Pauletta Higgins for the reasons more fully stated in the Memorandum attached, incorporated here.

Respectfully submitted,



JON R. SINCLAIR (0066136)

Respondent

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STATEMENT OF THE CASE

I. Statement of Case

A. Procedural Posture

Relator has filed this matter concerning issues involving her child, Z.H. A child dependency case involving this child of Relator is now pending in Hamilton County Juvenile Court at this time. The case number is F06-2479. There is a trial scheduled in this child dependency case, and it will resume on February 17, 2015. The Honorable Thomas R. Lipps will be presiding.

B. Argument

Relator is seeking remedies from this Court which can be properly addressed in the pending child dependency case. Relator has an adequate remedy in the ordinary course of law, which would involve the pending child dependency case, F06-2479.

Relator has been represented during this child dependency case by the undersigned Respondent, Jon R. Sinclair. Relator has also been represented by Respondent Mark Fidler. Both of the named Respondents were permitted to withdraw as counsel for Relator Pauletta Higgins. Relator has chosen to decline further legal representation, and this can be confirmed by her appointed guardian, Erika Dority.

Relator has a guardian ad litem appointed to represent her best interests in the pending child dependency case, F06 – 2479. The guardian ad litem was appointed due to the mental health history of Relator, which is briefly cited by Relator in her “Emergency Complaint”. During the period a guardian has been appointed, Relator has filed numerous legal actions pro se in Hamilton County Juvenile Court, Hamilton County

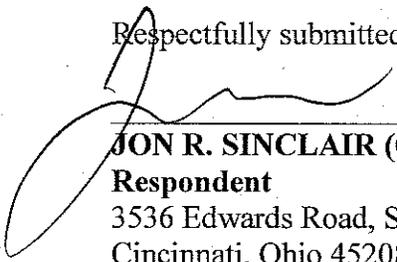
Court of Common Pleas, Ohio First District Court of Appeals, U.S. District Court for the Southern District of Ohio, and the U.S. District Court for the District of Columbia. These are listed in more detail in the *Affidavit of Richard Schneider, Exhibit A, Motion to Dismiss* of Hamilton County Jobs and Family Services.

Since there is a G.A.L. appointed for Relator, the undersigned would suggest that this guardian be advised by this Court of this pending matter. This Court may wish to seek the position of the guardian. This pending matter may have a deleterious effect on Relator's interests in the pending child dependency matter.

II. CONCLUSION

Relator's Petition must be dismissed because the Hamilton County Juvenile Court has a child dependency case pending involving Z. H., the child of Ms. Higgins. Relator has an adequate remedy at law in the Juvenile Court, which resumes hearings on February 17, 2015.

Respectfully submitted,



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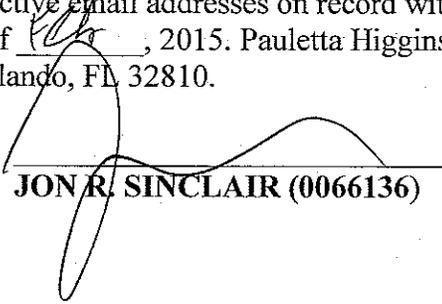
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Brief was served on Mark Fidler and Pamela Sears, Hamilton County Prosecutor (Counsel for Brenda Anthony, Judge Cunningham, Hamilton County JFS) at their respective email addresses on record with the Ohio Supreme Court this 6 day of Feb, 2015. Pauletta Higgins was served at 5245 Cinderlane Parkway, #383, Orlando, FL 32810.



JON R. SINCLAIR (0066136)