

No. 2013-2008

In the Supreme Court of Ohio

**APPEAL FROM THE COURT OF APPEALS
TENTH APPELLATE DISTRICT
FRANKLIN COUNTY, OHIO
CASE NO. 12AP-001027**

HENRY SMITH

Plaintiff-Appellee

v.

YING H. CHEN, D.O., et al.

Defendants-Appellants

**DEFENDANTS-APPELLANTS YING H. CHEN, D.O. AND ORTHONEURO'S
BRIEF IN SUPPORT OF THIS COURT'S JURISDICTION**

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IN THE SUPREME COURT OF OHIO

HENRY SMITH)	SUPREME COURT CASE NO: 2013-2008
)	
Plaintiff-Appellee)	APPEAL FROM THE TENTH DISTRICT
)	COURT OF APPEALS CASE NO.
v.)	12AP-1027
)	
YING H. CHEN, D.O., et al.)	<u>DEFENDANTS-APPELLANTS YING H.</u>
)	<u>CHEN, D.O. AND ORTHONEURO'S</u>
Defendants-Appellants)	<u>BRIEF IN SUPPORT OF THIS COURT'S</u>
)	<u>JURISDICTION</u>
)	
)	

Pursuant to this Court’s February 3, 2015 Order, Defendants-Appellants Ying H. Chen, D.O. and Orthoneuro submit this Brief in support of this Court’s jurisdiction over this matter.

Defendants submit that this Court need not look any further than the underlying Decision of the Tenth District Court of Appeals in which it explicitly resolved this jurisdictional issue before it addressed the merits of this appeal. In an in-depth analysis, the Tenth District held that:

[a]s the order at issue determined that the surveillance video was attorney work-product subject to discovery for good cause, it is a final appealable order which this court may properly review.

Smith vs. Chen, 10th Dist. No. 12AP-1027, 2013-Ohio-4931 at ¶11.

For the same reason as set forth in its Decision, this Court, likewise, has jurisdiction over this case pursuant to R.C. 2505.02. The Tenth District’s Decision was devoted to an analysis and a holding with respect to a surveillance video and work-product privilege implications. Since the Tenth District’s Decision was based upon the same application of the work-product privilege that is presently before this Court, too, has jurisdiction over this case.

Defendants request that this Court incorporate the Tenth District's conclusion that there exists a final appealable order and, therefore, this Court has jurisdiction of this appeal pursuant R.C. 2505.02.

Respectfully submitted,

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PROOF OF SERVICE

A copy of the foregoing was served on February 17, 2015 pursuant to Civ.R. 5(B)(2)(f) by copy served via E-filing with the Supreme Court of Ohio to:

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