

IN THE SUPREME COURT OF OHIO

MARK E. ALBANESE, EXECUTOR OF	:	Case No. _____
THE ESTATE OF JAMES F. ALBANESE, III.,	:	
	:	
Plaintiff-Appellant,	:	On Appeal from the
	:	Belmont County Court of
vs.	:	Appeals, Seventh Appellate
	:	District
NILE E. BATMAN, et al.,	:	
	:	Court of Appeals Case No.
Defendants-Appellees.	:	14 BE 22
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APPELLEE’S, NILE E. BATMAN, MEMORANDUM IN OPPOSITION TO JURISDICTION

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BRUCE SMITH (0008702)
 Geiger, Teeple, Smith & Hahn, LLP
 1844 W, State Street, Suite A
 Alliance, Ohio 44601
 Telephone: (330) 821-1430
 Facsimile: (330) 821-2217
bes@ramlaw.com
 Attorney for Defendant-Appellee
 Nile E. Batman

RICHARD L. LANCIONE
 TRACEY LANCIONE LLOYD
 Lancione, Llyod & Hoffman
 3800 Jefferson Street
 Bellaire, OH 43906
 Telephone: (740) 676-2034
 Facsimile: (740) 676-3931
 Attorneys for Plaintiff-Appellant
 Mark E. Albanese, Executor of the Estate of
 James F. Albanese III

SCOTT D. EICKELBERGER
 WILLIAM J. TAYLOR
 DAVID J. TARBERT
 RYAN H. LINN
 Kincaid, Taylor & Geyer
 50 North Fourth Street
 P.O. Box 1030
 Zanesville, Ohio 43702-1030
 Facsimile: (740) 454-6975
 Attorneys for Defendant-Appellee
 Hess Ohio Developments and Hess Ohio
 Resources

JURISDICTIONAL MEMORANDUM

In an effort to reduce the number of filings before the Court and make proper use of judicial resources, Appellee, Nile E. Batman, joins in and supports the Memorandum in Opposition to Jurisdiction filed by Appellees, Hess Ohio Development and Hess Ohio Resources, LLC. The matters presented by Appellant do not present a question of great public importance warranting jurisdiction under Art. IV, Sec. 2(B)(2)(e) of the Ohio Constitution.

Appellant wants this matter to be like other 1989 Dormant Mineral Act cases that this Court has agreed to accept jurisdiction on or that have been certified questions to the Court. This matter, however, simply does not present the questions of great public importance that those cases do. Here, Nile Batman, his mother Frances Batman and his grandmother Mamie Sulsberger took the necessary steps under the statute in effect at the time, the Marketable Title Act, to preserve their interest. They did not sit on their rights like Appellant argues. They filed a Preservation Affidavit and filed and recorded out-of-state wills. These title transactions or savings event persevered the Batman severed mineral interest under the Marketable Title Act and later under the Dormant Mineral Act. There are no legal questions of great public interest to be litigated or determined.

For these reasons and the reasons stated in the Memorandum in Opposition to Jurisdiction filed by Appellees, Hess Ohio Development and Hess Ohio Resources, LLC, Nile Batman respectfully asks that the Court deny jurisdiction. While this matter may be of great interest to the Appellant, it does not present a question of great interest to the public.

Respectfully submitted,



BRUCE SMITH (0008702)
Geiger, Teeple, Smith & Hahn, LLP
1844 W, State Street, Suite A
Alliance, Ohio 44601
Telephone: (330) 821-1430
Facsimile: (330) 821-2217
Attorney for Defendant-Appellee
Nile E. Batman

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by regular U.S. Mail on the 20th day of February, 2015 on the following:

Richard L. Lancione
Tracey Lancione Lloyd
Attorneys for Plaintiff
3800 Jefferson Street
Bellaire, Ohio 43906

Scott D. Eickelberger
William J. Taylor
Attorneys for Appellee Hess
50 North Fourth Street
P.O. Box 1030
Zanesville, Ohio 43702-1030


BRUCE SMITH (0008702)
Geiger, Teeple, Smith & Hahn, LLP
1844 W, State Street, Suite A
Alliance, Ohio 44601
Telephone: (330) 821-1430
Facsimile: (330) 821-2217
Attorney for Defendant-Appellee
Nile E. Batman