

**IN THE SUPREME COURT OF OHIO**

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**CASE NO. 2013- 1794**

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**KRISTEL WILKINS,  
Plaintiff-Appellant,**

**-vs-**

**SHA'STE INCORPORATED; PROCESS TO CLOSING, L.L.C.  
Defendant-Appellees.**

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**ON APPEAL FROM THE EIGHTH APPELLATE DISTRICT,  
CUYAHOGA COUNTY, CASE NO. 99167**

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**MEMORANDUM IN SUPPORT OF MOTION FOR RECONSIDERATION OF  
AMICI, CLEVELAND ACADEMY OF TRIAL ATTORNEYS  
AND THE OHIO ASSOCIATION FOR JUSTICE**

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## MEMORANDUM

*Amici*, Cleveland Academy of Trial Attorneys and the Ohio Association for Justice, fully support the Appellant Kristel Wilkins' Motion for Reconsideration of Order Dismissing Cause as Improvidently Accepted dated February 20, 2015. Rarely does a case reach this Court that is so one-sided. Numerous *amici* have appeared in this proceeding urging a reversal of the Eighth District's divided decision, including governmental attorneys, law firms, civic groups, and private organizations that are often opposed to each other. Not only has there been no support for the appellate opinion that was rendered below, but no Merit Brief was filed by Defendant-Appellee, Process to Closing, L.L.C.

The instant *Amici* suspect that the appeal may have been dismissed as improvidently allowed out of concern for *stare decisis*. But the correct result can still be reached without overturning any established precedents. This Court should take this opportunity to confirm that *State ex rel. Citizens for Open, Responsible & Accountable Govt. v. Register*, 116 Ohio St. 3d 88, 2007-Ohio-5542, 876 N.E.2d 913, is limited to public record proceedings. A single sentence from that opinion is being erroneously construed to apply to all types of fee reimbursement requests, and the deleterious consequences that have been suffered are undoubtedly unintended. Restricting *Register* in this manner will eliminate a grossly unfair dichotomy, which presently permits legal fees to be recovered only by those victims of abusive and frivolous misconduct who are actually paying their attorneys at an hourly rate.

**CONCLUSION**

In order to preclude the continued misapplication of *Register*, 116 Ohio St. 3d 88, in courtrooms throughout Ohio, this Court should grant the pending Motion for Reconsideration and remand this action with instructions that the opinion has no application beyond public record cases.

Respectfully Submitted,

*s/Paul W. Flowers*

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**[Counsel of Record]**

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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Memorandum** has been sent by e-mail, on this 23<sup>rd</sup> day of February, 2015 to:

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