

ORIGINAL

IN THE SUPREME COURT OF OHIO

JAMES P. KUHN
APPELLANT,

CASE NO. 2014-0601

v.

KELLY L. KUHN NKA COTTLE,
APPELLEE

AMICUS CURIAE, GUERNSEY COUNTY BAR ASSOCIATION, MEMORANDUM IN
SUPPORT OF APPELLANT MOTION FOR RECONSIDERATION

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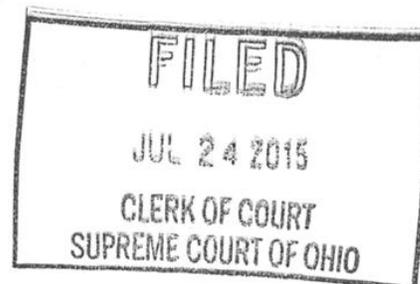
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Now comes Joel Blue, President of the Guernsey County Bar Association, as amicus curiae, pursuant to rule 18.02 of the Rules of Practice of the Supreme Court of Ohio, in support of Appellant James P. Kuhn's motion for reconsideration of this Court's decision of July 14, 2015.

Attorneys practicing in Guernsey and many surrounding counties have seen a dramatic increase in litigation involving oil and gas leasing and related issues over the course of the last several years. This litigation has not been limited to those practicing in the areas of real estate and/or contract law. The issues created by this influx of oil and gas exploration have affected multiple areas of practice, including domestic relations.

The decision in this matter rendered by the Fifth District Court of Appeals created a significant issue regarding the drafting of legal documents that is not limited to oil and gas leases but instead extends to virtually any legal document related to real estate. In review of the Fifth District's decision it appears that by virtue of the non-owner spouse's signature on the document – for whatever purpose – has created an ownership interest in the real estate to that spouse. In essence, the third party (oil and gas company in this case) created a right to that spouse where no right previously existed. If that is the intent of the law then so be it, but attorneys practicing in courts throughout this state need to know if that is the status of the law as the statutes relevant to these issues suggest otherwise. Precedent of the courts of this state are meant to guide attorneys. However, unfortunately in this matter, the precedent set by the Fifth District Court of Appeals has caused further confusion and chaos.

Based upon the foregoing the Guernsey County Bar Association respectfully urges this Honorable Court to reconsider its dismissal of this matter as having been improvidently

accepted. An issue of great public interest is certainly present in this matter and a decision, on the merits, will clarify multiple issues providing clarity for attorneys practicing throughout the state.

Conclusion

For the foregoing reasons, undersigned respectfully requests that this Honorable Court reconsider its decision to dismiss this appeal and determine the case on its merits.

Respectfully submitted,



JOEL BLUE
PRESIDENT, GUERNSEY COUNTY
BAR ASSOCIATION
Sup. Ct. Reg. No. 0083583

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she served a true copy of the foregoing MEMORANDU IN SUPPORT upon Counsel for Defendant-Appellee, Attorney Robert Roe Fox, 388 South Main Street, Suite 402, Akron, Ohio 44311 and Counsel for Plaintiff-Appellant, Attorney Stephanie L. Mitchell, 139 W. 8th Street, Cambridge, Ohio by regular U.S. Mail; postage prepaid this 24th day of July 2015.

Respectfully submitted,



JOEL BLUE
PRESIDENT, GUERNSEY COUNTY
BAR ASSOCIATION
Sup. Ct. Reg. No. 0083583