

IN THE SUPREME COURT OF OHIO

STATE EX REL. ANGELA M. FORD, ESQ.

Chevy Chase Plaza
836 Euclid Avenue, Suite 311
Lexington, KY 40502,

Case No. _____

Relator,

v.

HONORABLE ROBERT P. RUEHLMAN,

Hamilton County
Court of Common Pleas
1000 Main Street
Cincinnati, OH 45202

Respondent.

**MOTION FOR EMERGENCY STAY AND
EXPEDITED ALTERNATIVE WRIT**

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*Attorneys for Relator
Angela M. Ford, Esq.*

Relator Angela M. Ford, Esq. (“Ms. Ford”) asks this Court to immediately stay enforcement of Respondent Judge Robert P. Ruehlman’s (“Judge Ruehlman”) orders and to stay the matter currently pending before him in the Hamilton County Court of Common Pleas, Case No. A1500067, until this Court has considered the merits of the Ms. Ford’s petition for writs of prohibition and mandamus. Judge Ruehlman violated the Ohio Constitution when he permitted a case to proceed when no justiciable controversy exists, and he has issued orders that are outside the scope of his jurisdiction—including enjoining all Ohio lawyers from domesticating a final Kentucky judgment.

Ms. Ford also asks this Court to issue an expedited alternative writ. Allowing Judge Ruehlman to continue to exercise jurisdiction in the underlying case will create an unjustified and irreparable hardship—especially if Judge Ruehlman is permitted to maintain the injunction and enter a permanent injunction prohibiting domestication of the judgment against Stanley M. Chesley (“Chesley”). And because Chesley has not been truthful in his disclosures of assets in Kentucky and has failed to disclose potential income streams in an attempt to avoid paying the judgment owed pursuant to the final Kentucky order, emergency relief is warranted. Therefore, an immediate stay and expedited writ should issue. This Motion is more fully supported by the attached Memorandum.

Respectfully submitted,

/s/ **Brian S. Sullivan**

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Angela M. Ford, Esq.

MEMORANDUM IN SUPPORT

I. Introduction

This is an action for writs of prohibition and mandamus to preclude Judge Ruehlman from exercising jurisdiction over the matter pending in the Hamilton County Court of Common Pleas, case number A1500067. As set forth more fully in Ms. Ford's petition for writs of prohibition and mandamus, Judge Ruehlman has no jurisdiction over this matter, or to enter the orders that he has entered in this matter, including the restraining order against Ms. Ford and all Ohio lawyers.

Importantly, Judge Ruehlman has now set the matter for a permanent injunction hearing on September 30, 2015. If a permanent injunction is granted, Judge Ruehlman would be permanently enjoining Ms. Ford on behalf of her clients or any Ohio lawyer acting on their behalf from domesticating a valid and enforceable judgment in accord with Ohio law. Judge Ruehlman has no jurisdiction in the underlying case, and he has no jurisdiction to permanently

enjoin Ms. Ford. Because the hearing on the motion for permanent injunction is set for September 30, 2015, an immediate stay and the issuance of an alternative writ is imperative.

II. Law and Analysis

Issuance of an alternative writ operates as a stay of the judicial or quasi judicial act sought to be prohibited. *See Green v. Kubicki*, 120 Ohio St.3d 1521, 2009-Ohio-698, 901 N.E.2d 242. Although this Court “generally await[s] a response to render this determination. . . under S. Ct. Prac.R. XIV(4), a party may request emergency relief.” *State ex rel. Stern v. Mascio*, 81 Ohio St. 3d 297, 298, 692 N.E.2d 253 (1998). The question then becomes whether expedited determination is merited by the facts of the case. *See id.* Courts have the discretion and authority to stay proceedings. *See State v. Hochhausler*, 76 Ohio St.3d 455, 464, 668 N.E.2d 457 (1996) (noting that a court had the inherent jurisdiction to grant or deny stays).

This Court should exercise its discretion to issue a stay and/or expedited alternative writ in this case because Judge Ruehlman does not have jurisdiction to issue the orders he has issued in this case—and he has no jurisdiction to enter any more orders in this case. Additionally, permitting Judge Ruehlman to permanently enjoin domestication of a valid and enforceable Kentucky judgment would irreparably harm Ms. Ford and the judgment creditors.

A. Judge Ruehlman Has No Jurisdiction to Hear this Case or Issue Any More Orders.

Judge Ruehlman lacks jurisdiction over the underlying case because it does not present a justiciable case or controversy. The Ohio Constitution gives a common pleas court the power to hear only justiciable matters. *See Ohio Const., Article IV, Section 4(B)*. As explained in Ms. Ford’s complaint, the purported “controversy” in Chesley’s complaint is between Chesley, a judgment debtor of a valid and enforceable Kentucky judgment, and Ms. Ford—the lawyer for Chesley’s judgment creditors. But in reality, these parties do not have any adverse legal

interests, and Chesley has not even stated any causes of action against Ms. Ford. Therefore, Judge Ruehlman has no jurisdiction to adjudicate the complaint. *See State ex rel. Barclays Bank PLC v. Hamilton County Court of Common Pleas*, 74 Ohio St. 3d 536, 542, 660 N.E.2d 458 (1996).

Furthermore, Judge Ruehlman lacks the jurisdiction to prevent Ms. Ford or her clients from invoking the statutory remedies and procedures set forth in Ohio law. R.C. sections 2329 *et seq.* provides the process for domesticating a foreign judgment. But Judge Ruehlman has completely rewritten Ohio law by enjoining domestication of a judgment before it even has been attempted. And Judge Ruehlman has placed additional requirements on Ms. Ford not otherwise required under Ohio law before she or any other Ohio lawyer can domesticate the judgment. Again, Ms. Ford is not a judgment creditor. Such interference is not permitted. *See The State, ex rel. Celeste, Governor v. Smith, Judge*, 17 Ohio St.3d 163, 478 N.E.2d 763 (1985).

Finally, Judge Ruehlman has interfered with the valid orders issued by a Kentucky state court by ordering Ohio citizens not to comply with these orders. The Full Faith and Credit Clause of the United States Constitution prohibits a state court judge from interfering with the valid orders of another state's court. *See Milliken v. Meyer*, 311 U.S. 457, 462 (1940). Thus, Judge Ruehlman's jurisdiction simply does not extend as far as he has taken it.

B. Without Emergency Relief, Ms. Ford and Her Client Will Suffer Irreparable Harm.

An immediate stay is imperative under these facts because Judge Ruehlman has set this matter for hearing on the permanent injunction on September 30, 2015. Ms. Ford should not be required to incur the costs associated with such a hearing when Judge Ruehlman has no jurisdiction over this case. The hearing on September 30, 2015, appears to be nothing more than

an opportunity for Chesley to reargue the merits of Kentucky court orders and seek a permanent order that Judge Ruhelman has no authority to issue.

This Court should not allow Judge Ruehlman to enter an order that would permanently enjoin collection of a valid and enforceable Kentucky judgment. Discovery in Kentucky has shown that Chesley has impaired his judgment creditors' ability to collect their judgment as he failed to disclose potential future income from a case in Colorado that was recently remanded by the Tenth Circuit Court of Appeals. *See Marilyn Cook et al. v. Rockwell Int'l Corp.*, Case No. 14-1112, slip op. (10th Cir. June 23, 2015). A motion for entry of judgment is currently pending in that district court, and the proposed judgment with interest is more than \$1 billion, with attorneys' fees to be determined at a later time. Chesley also failed to disclose fees from the Fannie Mae Securities Litigation case, in which the requested attorneys' fees and expenses total almost \$52 million. *See In Re Fannie Mae Securities Litg.*, Case No. 1:04-CV-01639, District of Columbia. Both of these cases provide viable opportunities for Chesley's judgment creditors to collect, but between his failure to comply with Kentucky court orders and Judge Ruehlman's orders condoning this conduct, Chesley's judgment creditors' rights have been impaired. Further delay will only assist Chesley in avoiding his obligations to his judgment creditors.

III. Conclusion

Ms. Ford's clients' lawful right to enforce and collect their judgment pursuant to Ohio law is being denied. The delay created by Judge Ruehlman's orders is not adequately addressed by a future appeal, should a final and appealable order ever actually be entered. Every day that passes allows Chesley to dissipate and transfer assets in an attempt to defeat the judgment entered against him and further jeopardizes Ms. Ford's ability to enforce and collect her client's judgment as permitted by Ohio law. In this case, immediate relief is necessary. This Court

should lift the restraining order currently in place against Ms. Ford so that she can move forward with collection in compliance with Ohio law. In the alternative, the Court should grant an emergency stay and/or issue an expedited alternative writ.

Respectfully submitted,

/s/ **Brian S. Sullivan**
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Angela M. Ford, Esq.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on the following via U.S. Mail on this 4th day of September, 2015:

HONORABLE ROBERT P. RUEHLMAN
Hamilton County
Court of Common Pleas
1000 Main Street
Cincinnati, OH 45202

/s/ **Brian S. Sullivan**