

IN THE SUPREME COURT OF OHIO

STATE EX REL. ANGELA M. FORD, :
ESQ., : Case No.: 2015-1470
Relator, :
v. : ORIGINAL ACTION IN PROHIBITION AND
HONORABLE ROBERT P. : MANDAMUS
RUEHLMAN, :
Respondent. :

MOTION OF RELATOR ANGELA M. FORD, ESQ.
TO JOIN LINDA BRUMLEY AS CO-RELATOR

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MOTION OF RELATOR ANGELA M. FORD, ESQ.
TO JOIN LINDA BRUMLEY AS CO-RELATOR

On September 4, 2015, Relator Angela M. Ford, Esq. (“Ms. Ford”) filed a Petition for Writs of Mandamus and Prohibition (the “Petition”) against Respondent Honorable Robert P. Ruehlman (“Repondent”). This Petition raised issues that affected not only Ms. Ford, but also the other defendants in the underlying action, who are the judgment creditors of Stanley M. Chesley (“Chesley”). Given the nature of the Petition and the relief requested therein, it is unclear whether Chesley’s judgment creditors are covered by the Petition.

Accordingly, out of an abundance of caution, pursuant to Rule 19(A)(2)(a) of the Ohio Rules of Civil Procedure (made applicable to this Original Action by S.Ct.Prac.R. 12.01), Ms. Ford moves to join to this action those judgment creditors, all former clients of Chesley, who have been sued and served with both the complaint and the intervening complaint. Although whether service was properly effected remains in dispute, for these purposes, there are at least one or two judgment creditors who are defendants in the underlying action. Thus, Ms. Ford moves to join Linda Brumley (“Ms. Brumley”), one of those persons, as a co-relator in this case. This motion is made at this time due to Chesley’s dismissal of Ms. Ford without prejudice from the underlying action.

As set forth in the attached Memorandum in Support, the judgment creditors, including Ms. Brumley, have a direct interest in the issues raised by the Petition and, given Ms. Ford’s recent dismissal from the underlying action, are “so situated that the disposition of the action in [their] absence may (a) as a practical matter impair or impede [their] ability to protect that interest.” *See* Civ.R. 19(A)(2)(a). Just as with Ms. Ford, Chesley’s underlying complaint fails to assert any cause of action against any defendant, rendering the matter not justiciable. And even though the Respondent and Chesley’s counsel agreed they had no desire to make any claim or

pursue any of the judgment creditors, they remain, nonetheless, defendants in Hamilton County. The current parties will not be prejudiced by this joinder, as Ms. Ford has moved within a reasonable time of her dismissal from the underlying case, which arguably creates the need for this joinder, and Ms. Brumley will simply be joined in the Petition already filed.

Respectfully submitted,

s/ Brian S. Sullivan

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MEMORANDUM IN SUPPORT

I. Introduction

Until a week ago, Ms. Ford was a defendant in the underlying matter and was prosecuting this Petition against Respondent to protect not only her rights but the rights of her clients—Chesley’s judgment creditors. One of her clients, and Chesley’s former client and judgment creditor, Ms. Brumley, is one of only a few named defendants in the action filed in the Hamilton County that is the subject of the Petition filed by Ms. Ford. She has been served with the complaint by Chesley and the intervening complaint by Waite Schneider Bayless & Chesley, Co. L.P.A. (“WSBC”). She is under Respondent’s restraint. Indeed, Respondent has enjoined her and all other identified and unidentified judgment creditors, their attorney, Ms. Ford, and all Ohio lawyers from domesticating the judgment against Chesley. Despite this Court’s grant of the motion to stay, it is likely that Chesley, WSBC, and Respondent may claim the Petition is moot and then the unlawful restraint over Ms. Brumley will remain in effect.

While this Court granted extraordinary relief on September 17, 2015 and enjoined enforcement of Respondent’s orders and stayed the underlying matter, Chesley and WSBC filed a Rule 41(A)(1)(a) dismissal as to Ms. Ford. Yet the judgment creditors are still enjoined by Respondent’s orders. Their rights, which are at issue in this Petition, must be protected. Therefore, this Court should permit the joinder of Ms. Brumley.

II. Argument

Ms. Brumley should be joined as a co-relator in this matter. Pursuant to Civ.R. 19(A)(2)(a), “[a] person who is subject to service of process shall be joined as a party in the action if . . . (2) he claims an interest relating to the subject of the action and is so situated that the disposition of the action in his absence may (a) as a practical matter impair or impede his

ability to protect that interest” Moreover, “[p]arties may be dropped or added by order of the court on motion of any party or of its own initiative at any stage of the action and on such terms as are just.” Civ.R. 21. Importantly, “Civ.R. 21 is applicable in mandamus actions” and permits parties to be added at any stage of the proceeding as justice requires. *Marsh v. Wilkinson, Director Ohio Adult Parole Authority*, 10th Dist. Franklin No. 92AP-618, 1992 Ohio App. LEXIS 4558, *2 (Sept. 3, 1992) (citing *State ex rel. Bush v. Spurlock*, 42 Ohio St.3d 77, 81, 537 N.E.2d 641 (1989)).

Here, Ms. Brumley is one of Chesley’s judgment creditors and a defendant in the underlying action. While both Respondent and Chesley’s counsel assured at least one judgment creditor in open court that the judgment creditors had nothing to worry about—they were added as defendants only to defeat Ms. Ford’s removal petition, the judgment creditors have not been dismissed from the action:

MS. BOGGS: They have required me to answer that summons in 28 days. There’s nothing in there to answer to.

THE COURT: Right. What about that, so she doesn’t worry about this?

MR. MAUER: Your Honor, there’s – if Ms. Boggs chooses not to retain counsel and be involved, I have a strong suspicion that everything Mr. Sullivan does on behalf of Ms. Ford will roll in her favor or not—

THE COURT: Right.

MR. MAUER: --as it goes forward.

THE COURT: Yeah. She doesn’t have to respond or get a lawyer, right?

MR. MAUER: We’re not going to ask her to get a lawyer. We’re not going to ask her –

THE COURT: It was just a procedural thing to defeat the Federal Court’s jurisdiction, that’s all. They are not looking for anything. You don’t have to respond. You don’t need to get a lawyer, just wait. It all depends on what

happens with the different courts fighting over the money and stuff, so don't worry about that.

MS. BOGGS: Thank you.

THE COURT: You don't have to worry about anything, okay?

MS. BOGGS: I do.

THE COURT: Yeah, well, you don't have to.

...

THE COURT: Well, don't worry about that. You don't have to answer anything or hire a lawyer or anything like that. All right. So don't worry about it.

MS. BOGGS: Thank you.

THE COURT: Right, nobody is going to go after her?

MR. MAUER: That's correct, Judge.

(Petition, Exhibit R, at 59-60).

Ms. Brumley, as a judgment creditor, remains a party in the underlying case. Accordingly, Ms. Brumley has an interest in the matter pending before this Court—whether Respondent has jurisdiction to hear Chesley's complaint against her and to issue orders that interfere with valid Kentucky court orders and judgments. Moreover, dismissal of this Petition could impair Ms. Brumley's rights. This Court's decision will determine whether Ms. Brumley, and the other judgment creditors, will be able to collect the judgment against Chesley.

To date, Ms. Ford has adequately represented Ms. Brumley's interest in this litigation. But, last week, Chesley and his former law firm, WSBC, dismissed Ms. Ford as a party in the underlying matter, without prejudice, after pursuing claims against her for more than ten months and after moving to intervene in this action against her just three weeks ago. Although Ms. Ford believes that the Petition remains ripe for adjudication because it addresses Respondent's

actions, and directly affects 382 judgment creditors, even those not named in this action, to the extent this Court considers whether Ms. Ford lacks standing to proceed with the Petition, Ms. Ford seeks to join Ms. Brumley as a co-relator so that no further games can be played and a real party in interest can protect her rights and interest. Justice requires this joinder.

III. Conclusion

For the above reasons, this Court should permit Ms. Brumley to join this action as a co-relator against Respondent. Her interests and the interests of 381 other judgment creditors are directly affected by this litigation, and the claims and defenses are substantially the same as those asserted by Ms. Ford both in this matter and the underlying matter.

Respectfully submitted,

s/ Brian S. Sullivan

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served on the following individuals via U.S. regular mail on this 29th day of October, 2015:

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