

**IN THE SUPREME COURT OF OHIO**

**STATE OF OHIO, ex rel.** :  
**ANGELA M. FORD, ESQ.** : Case No. 2015-1470  
: :  
*Relators,* : :  
: :  
v. : :  
: :  
**HONORABLE ROBERT P. RUEHLMAN** : :  
: **In Prohibition And Mandamus**  
*Respondent.* :

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**RESPONDENT HONORABLE JUDGE ROBERT P. RUEHLMAN'S MEMORANDUM  
IN OPPOSITION TO RELATOR ANGELA M. FORD'S MOTION TO JOIN LINDA  
BRUMLEY AS CO-RELATOR**

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## MEMORANDUM IN OPPOSITION

### I. INTRODUCTION

Respondent Judge Ruehlman (“Ruehlman”) has only sought one thing throughout this entire action: to maintain jurisdiction over a case that was properly presented before him in the Hamilton County Court of Common Pleas. Even though Relator Ford (“Ford”) has been dismissed from the underlying action, she is still attempting to deny Ruehlman the ability to preside over his courtroom. Forcing the joinder of a defendant in the underlying case is an attempt to use the Supreme Court and the extraordinary writ process to circumvent the traditional legal process of the Ohio court system. Replacing Ford with the proposed Co-Relator Brumley (“Brumley”) does not change the fact that neither one is entitled to extraordinary relief.

### II. ARGUMENT

**a. The Relator has been mooted out of the underlying case and adding the Co-Relator to this action does not remove Ruehlman’s jurisdiction.**

Ford’s Original Action in Prohibition and Mandamus is largely based on the fact that there is no justiciable controversy in the underlying case and therefore Ruehlman has no jurisdiction. (Complaint, p. 2-4). Ford argues that since she is merely the attorney for the judgment creditors, and not a creditor herself, Chesley has no controversy with her. *Id.* Based on this reasoning there is a case between Chesley and his creditors. The proposed Co-Relator Brumley is one of the creditors in the underlying action. Chesley and Brumley have adverse legal interests regarding the collection of a judgment and are engaged in an action in the Hamilton County Court of Common Pleas to resolve their dispute. There is nothing about this action that requires the issuance of an extraordinary writ. The Supreme Court has long held that extraordinary writs are to be treated with caution:

“Mandamus and prohibition are extraordinary remedies, to be issued with great caution and discretion and only when the way is clear. *State ex rel. Kriss v. Richards*, 102 Ohio St. 455, 132 N.E. 23 (1921); *State ex rel. Skinner Engine Co. v. Kouri*, 136 Ohio St. 343, 25 N.E.2d 940 (1940). The purpose of mandamus is to compel the performance of an act which the law specially enjoins as a duty resulting from an office, trust or station. *State ex rel. Riley Constr. Co. v. East Liverpool Bd. of Edn.*, 10 Ohio St.2d 25, 225 N.E.2d 246 (1967). The function of prohibition is to prevent an inferior court or tribunal from usurping or exercising jurisdiction with which it is not legally vested. *State ex rel. Ferree v. Court of Appeals*, 14 Ohio St.2d 109, 236 N.E.2d 559 (1968).” *State ex rel. Taylor v. Glasser*, 50 Ohio St. 2d 165, 166, 364 N.E.2d 1, 2 (1977).

Respondent’s Motion for Judgment on the Pleadings detailed the many reasons why Ford was not entitled to extraordinary relief based on the allegations in the Original Complaint. (*See* Motion for Judgment on the Pleadings, p. 3-9). Replacing Ford with the proposed Co-Realtor Brumley only strengthens the Respondent’s motion. Chesley and Brumley are adverse parties who have a case before Judge Ruehlman. Ruehlman has jurisdiction to resolve the dispute. If either party is not satisfied with the result they both have the legal remedy of appeal. “Neither prohibition nor mandamus will lie where relator possesses an adequate remedy in the ordinary course of law.” *State ex rel. Dannaher v. Crawford*, 78 Ohio St. 3d 391, 393, 678 N.E.2d 549 (1997) (citing *State ex rel. Hunter v. Certain Judges of the Akron Mun. Court*, 71 Ohio St.3d 45, 46, 641 N.E.2d 722, 723 (1994)). Neither Ford nor Brumley are entitled to an extraordinary writ as they both have the adequate remedy of appeal. Replacing Ford with Brumley would only serve to further extend Ford’s initial improper request for extraordinary relief.

Ford has argued that the Court should entertain this case because neither Ford nor the creditors she represents (including Brumley) have an adequate remedy through appeal. (“Nevertheless, Ms. Ford does not have an adequate remedy at law that can immediately halt judge Ruehlman’s unauthorized exercise of power.” (Complaint, ¶ 140); (Relator’s Opposition to Motion for Judgment on the Pleadings, p. 10)). However, just because the appeals process will not give Ford or Brumley immediate relief, does not mean that they are entitled to extraordinary

relief. “The fact that postjudgment appeal may be time-consuming and expensive to pursue does not render appeal inadequate so as to justify extraordinary relief.” *State ex rel. Jones v. Suster*, 84 Ohio St. 3d 70, 79, 701 N.E.2d 1002, 1009 (1998)(quoting *Fraiberg v. Cuyahoga Cty. Court of Common Pleas, Domestic Relations Div.*, 76 Ohio St.3d 374, 379, 667 N.E.2d 1189, 1194 (1996)).

Additionally, replacing Ford with Brumley is inappropriate because Brumley and Ford have very different legal relationships with Chesley. Adding Brumley leads to contradictions in many of the arguments in Ford’s Complaint. (e.g. “Ms. Ford has the clear legal right not to be subjected to a Complaint which does not assert a cause of action, especially when it is asserted against her for actions done in her capacity as the lawyer...” (Complaint, ¶ 131)). Even if this Court were to accept Ford’s argument that her original action is still entitled to extraordinary relief, joining Brumley as a Co-Relator would force this Court to go through and rework the Complaint; adding and removing arguments that apply specifically to Brumley. Ford is not entitled to force the Court to take on this task. Judicial economy does support this motion for joinder.

Finally, under the Ohio Supreme Court Rules of Practice all Complaints “shall be supported by an affidavit supporting the details of the claim[.]” S.Ct.Prac.R. 12.02(B). The Original Complaint contained affidavits from Ford and her attorney, neither of which even mentions Brumley. Neither Ms. Brumley nor her attorney, if she in fact has representation, have submitted an affidavit to support their knowledge of the facts stated in the Complaint. Under the Supreme Court’s own rules of practice, it is inappropriate to add Brumley to a Complaint as the only Relator when she has not sworn to have knowledge of any of the facts of the Complaint. The motion for joinder should be denied.

### III. CONCLUSION

The Relator has been dismissed from the underlying action and cannot seek to revive her claim in this Court by joining a party with different interests than her own. The Court should deny the Relator's Motion to Join Linda Brumley as Co-Relator.

Respectfully,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this document was served upon each party of record in this case by U.S. mail on the 9<sup>th</sup> day of November, 2015 addressed to:

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