

IN THE SUPREME COURT OF OHIO

PAMELA LEMASTERS

*

CASE NO. 2015-2012

Relator,

*

IN MANDAMUS AND PROHIBITION

-vs.

*

THE CELINA MUNICIPAL COURT, et al. *

Respondents.

*

RELATOR PAMELA LEMASTERS' REQUEST FOR ORAL ARGUMENT

Relator, Pamela LeMasters, requests the Court order oral argument on Respondents' Motion for Judgment on the Pleadings. The grounds for this motion are set forth in the attached memorandum.

Respectfully Submitted,

s/ Debra A. Lavey

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Memorandum in Support of Request for Oral Argument

“Oral argument is not required in an original action in this court; instead, oral argument is discretionary in these cases.” *State ex rel. Mun. Constr. Equip. Operators' Labor Council v. Cleveland*, 114 Ohio St.3d 183, 2007-Ohio-3831, 870 N.E.2d 1174, ¶42. Still, the Court has discretion to grant oral argument pursuant to S.Ct.Prac.R. 17.02(A), and in exercising this discretion considers whether the case involves a matter of great public importance, complex issues of law or fact, a substantial constitutional issue, or a conflict among courts of appeals. *State ex rel. Swanson v. Maier*, 137 Ohio St.3d 400, 999 N.E.2d 639, 2013 -Ohio- 4767, ¶18

This original action involves a matter of great public importance. Cases that involve broad issues that impact individuals beyond the parties are matters of great public importance. See *State ex rel. United States Steel Corp. v. Zaleski*, 398 Ohio St.3d 395, 786 N.E.2d 39, 2003 -Ohio- 1630 (recognizing “underlying issue of whether R.C. 4123.512 prohibits joint notices of appeal may be significant” but denying oral argument since that issue was never reached); *State ex rel. Motor Carrier Serv., Inc. v. Rankin*, 135 Ohio St.3d 395, 987 N.E.2d 670, 2013 -Ohio- 1505, ¶17 (denying request for oral argument where the case involves an important, but narrow, issue of public-records law.”)

The current original action raises the important question of whether an appellant is entitled to a stay pursuant to Civ. R. 62(B) as a matter of right. A decision on the question will not only impact Ms. LeMasters but any non-governmental appellant. At a minimum, the question before this Court will impact the Forcible Entry and Detainer process in the State of Ohio.

While a request for oral argument is generally denied when the “parties’ briefs and evidence are sufficient to resolve the issues raised,” the current dispute may be decided on a Motion for Judgment on the Pleadings, where the Court will have limited briefing and evidence compared to

an original action where parties present evidence and file merit briefs. The current Civ. R. 12(C) motion for judgment on the pleadings will call for a decision on the merits of the controversy. As such, and given the great public importance of this Court's decision, oral argument is appropriate.

Respectfully Submitted,

s/ Debra A. Lavey

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CERTIFICATE OF SERVICE

We hereby certify that we served a copy of the foregoing, via electronic mail, on the 9th day February, 2016 to Lynette Dinkler and Jamey Pregon, Counsel for Respondents, lynette@dinklerpregon.com and Jamey@dinklerpregon.com

s/ Debra A. Lavey _____

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