

**IN THE COURT OF APPEALS OF OHIO
TENTH APPELLATE JUDICIAL DISTRICT
FRANKLIN COUNTY, OHIO**

Veronica Wagner Covatch, <i>et al.</i> ,	:	
Plaintiffs	:	CASE NO.: 15AP000699
-vs.-	:	
Central Ohio Sheltie Rescue, Inc., <i>et al.</i> ,	:	
Defendants	:	

**APPELLANTS’ REPLY MEMORANDUM IN SUPPORT OF MOTION TO ENLARGE
TIME FOR FILING OF MERIT BRIEF**

Now come the Appellants in the above-captioned action, Central Ohio Sheltie Rescue, Inc., hereinafter referred to individually as, “COSR,” and Penny Sanderbeck, hereinafter referred to individually as, “Sanderbeck,” and by and through their undersigned attorney, they respectfully offer the following Memorandum in further support of their Motion for an Order to enlarge the time for them to file their merit brief, such that the said brief should be due not sooner than twenty (20) days after the transcript of the July 23, 2015, hearing before the Trial Court is filed. For the reasons and upon the authorities contained in the following Reply Memorandum, as well as those contained in the Memorandum In Support that was attached to the original Motion, this Honorable Court should grant the requested enlargement.

Respectfully submitted,

/s/John A. Bell, Attorney [electronic signature August 21, 2015]
 John A. Bell, Esq. 0025853
 Counsel for the Defendants-Appellants
 2700 East Main Street - Suite 207
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 Bexley, Ohio 43209-1022
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REPLY MEMORANDUM

Counsel for the Appellees in this action has filed a document with this Honorable Court on August 20, 2015, styled as “APPELLEES’ MOTION TO DISMISS AND RESPONSE TO APPELLANTS’ MOTION TO ENLARGE TIME FOR FILING MERIT BRIEF” which will hereinafter be referred to as ‘Appellees’ Memorandum In Opposition.’

The Appellees’ Memorandum In Opposition first references the Docketing Statement filed with this Honorable Court on July 23, 2015, on which the Defendants-Appellants correctly indicated that there was not a copy of a transcript order form attached to the Docketing Statement. Of course, that does not mean that no transcript had been ordered, and indeed, the Defendants-Appellants did order and pay for a transcript of the July 23, 2015, hearing in the Municipal Court.

It was in response to the August 5, 2015, notification of filing of the transcript of the docket that Defendants-Appellants contacted the Court Reporter to inquire as to the status of the hearing transcript, which inquiry led to the Court Reporter’s Affidavit and the Motion to Enlarge. It is not clear what other actions the Appellees believe should have been taken to “suggest that the transmitted record was not complete.”

In actuality, the Defendants-Appellants had submitted a copy of the “Order for Official Transcript of Proceedings” form, signed by the Court Reporter, to this Honorable Court, on August 1, 2015, but the Clerk rejected that filing with a message indicating that the document should have been filed in the Trial Court. A copy of that Order is attached to this Memorandum, and incorporated by reference herein as if fully rewritten, as well as the “non-acceptance notice” from the Clerk of this Honorable Court.

The facts are simple: a transcript of the July 23, 2015, hearing was ordered and paid for by Appellants. The Court Reporter provided an Affidavit to confirm not only that such a transcript had been ordered, but also to inform the Court of the inability to complete that transcript within the time for submission of the Merit Brief of the Defendants-Appellants.

Since the Defendants-Appellants have properly ordered a hearing transcript and given that the Court Reporter has sworn that the ordered transcript will not be ready until after August 28, 2015, the Memorandum In Opposition is baseless and this Honorable Court should grant the requested enlargement of the briefing schedule.

Respectfully submitted,

/s/John A. Bell, Attorney [electronic signature August 21, 2015]
John A. Bell, Esq. 0025853
Counsel for the Defendants-Appellants
2700 East Main Street - Suite 207
P. O. Box 091022
Bexley, Ohio 43209-1022
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Facsimile: (614)-239-0543
E-mail: JohnLegal@aol.com

CERTIFICATE OF SERVICE

I hereby certify that on this twenty-first (21st) day of August 2015, I have served a true copy of the foregoing APPELLANTS' REPLY MEMORANDUM IN SUPPORT OF MOTION TO ENLARGE TIME FOR FILING OF MERIT BRIEF upon all parties or counsel entitled to such service, through the Clerk of Courts' "E-Flex" filing system, or by hand delivery, or by placing it in regular U.S. Mail, first class postage fully prepaid, addressed to:

Mr. James H. Banks, Esq., and
Ms. Nina M. Najjar, Esq.,
P. O. Box 40
Dublin, Ohio 43017-0040

Mr. Scott Sheets, Esq.
Assistant Franklin County Prosecuting Attorney
373 South High Street
Fourteenth Floor
Columbus, Ohio 43215-4591

Respectfully submitted,

/s/John A. Bell, Attorney [electronic signature August 21, 2015]
John A. Bell, Esq. 0025853
Counsel for the Defendants-Appellants

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This case appears in CourtView. Initials: _____ Date: _____
(Reporters: Do not accept a transcript order for any case which does not appear in CourtView.)

Order For Official Transcript Of Proceedings
Franklin County Municipal Court

Covatch

Plaintiff,

-vs-

Case No. 15 AP 000699

COSR

Defendant.

To: Misty Court Reporter.

I hereby order _____ original and _____ copies of the

COMPLETE / PARTIAL* official transcript in the above-entitled case, for which I agree
to pay the applicable rate forthwith.

Date by which this transcript is needed: _____

Date heard in Municipal Court: _____

Date Ordered: _____

Appeal? Y / N Date Appealed: _____ Date Due: _____

Signature: _____

Printed Name: _____

Phone Number: _____

*Description of Partial Transcript:

-For Court Reporter's Office Use Only-

Judge/Magistrate Name: Brunelt

Courtroom No. 13B

Transcribed from: NOTES / CD.

Order Taken By: Tim

**RECEIPT: Received \$ 466.25 from John Bell

Date: 7-31-15 Reporter: Tim

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Date: Mon, Aug 3, 2015 8:00 am

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Subject: Your electronic filing, Re: 15AP000699 - VERONICA WAGNER COVATCH -VS- CENTRAL OHIO SHELTIIE RESCUE INC - MISCELLANEOUS PAPER, was not accepted by TENTH DISTRICT COURT OF APPEALS.

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