

OPINIONS OF THE SUPREME COURT OF OHIO

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The State ex rel. Baker, Appellant, v. Schiemann, Appellee.
[Cite as State ex rel. Baker v. Schiemann (1993), Ohio
St.3d .]

Mandamus is not a substitute for appeal.

(No. 93-908 -- Submitted July 28, 1993 -- Decided
October 13, 1993.)

Appeal from the Court of Appeals for Cuyahoga County, No.
65163.

Appellant, Saul P. Baker, M.D., is a pro se plaintiff in an action pending in the Court of Common Pleas of Cuyahoga County. He contracted with appellee, attorney Jeffrey J. Schiemann, to represent all plaintiffs in the case except himself. Appellant contends that he turned over to appellee "thousands of pages" of documents appellant had prepared for use in the case. Subsequently, appellee filed a motion to withdraw as counsel for all plaintiffs, which appellant opposed because his documents had not been returned. On January 11, 1993, the trial court granted appellee's motion to withdraw as counsel. On February 1, 1993, the court ordered appellee to produce copies of the complete file in the case to appellant, at appellant's costs.

Appellant thereupon filed the instant complaint in mandamus in the court of appeals to compel appellee to return all of appellant's documents. The court of appeals dismissed the complaint sua sponte, finding that appellant had an adequate remedy via appeal from the trial court's February 1993 order.

The cause is before this court upon an appeal as of right.

Saul P. Baker, M.D., pro se.
Jeffrey J. Schiemann, pro se.

Per Curiam. We affirm the judgment of the court of appeals. The trial court has ordered the relief appellant seeks. If he is dissatisfied, he may appeal. Mandamus is not a substitute for appeal. State ex rel. Pressley v. Indus. Comm. (1967), 11 Ohio St.2d 141, 40 O.O. 2d 141, 228 N.E.2d 631, paragraph three of the syllabus.

Judgment affirmed.

Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick, F.E.
Sweeney and Pfeifer, JJ., concur.