

IN THE SUPREME COURT OF OHIO

Gregory T. Ackerman, et al.
Joyce L. Ackerman.(as Sole Appellant)
556 Shadowlawn Ave.
Dayton, Ohio 45419

Appellant,

The Bank of New York Mellon, fka The
Bank of New York as Successor in interest to
JP Morgan Chase Bank NA as Trustee for
Bear Stearns Asset- Backed Securities Trust
2005-SD1, Asset-Backed Certificates Series
2005-SD1 c/o Wells Fargo Bank, N.A. (SC)
3476 Stateview Boulevard Fort Mill, SC
29715 MAC # 7801-013

Appellee.

CASE NO. 2021-0156

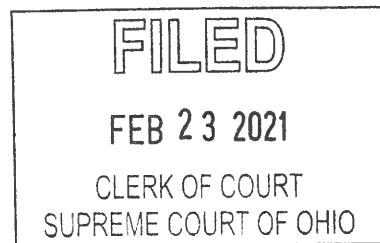
ON APPEAL FROM THE
MONTGOMERY COUNTY COURT OF
APPEALS SECOND APPELLATE
DISTRICT CASE NO. CA 28737

**EMERGENCY MOTION FOR STAY PENDING MEMORANDUM IN SUPPORT OF
JURISDITIOIN BY APPELLANT JOYCE L. ACKERMAN**

Gregory T. Ackerman, et al
Joyce L. Ackerman.(as Sole Appellant)
556 Shadowlawn Ave.
Dayton, Ohio 45419
Phone: (937) 430-7190

PRO SE, APPELLANT

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COUNSEL FOR APPELLEE

**EMERGENCY MOTION FOR STAY UPON JUDICIAL NOTICE
BY APPELLANT JOYCE L. ACKERMAN**

Now comes Appellant, Joyce L. Ackerman, as indigent sole appellant, to respectfully motion this Honorable Supreme Court of Ohio for Emergency Stay of the judgment of the Montgomery County Court of Appeals, Second District, entered in Court of Appeals Case No. CA 28737 on December 30, 2020, pursuant to S.Ct.Prac.R. 7.01(A)(3) to “file a motion for immediate stay without a memorandum in support of jurisdiction” upon appellant’s judicial notice to a timely filed and pending application for reconsideration pursuant to App.R.25. Motion to Certify and Conflict, and App.R.26. Application for reconsideration; Application for en banc reconsideration, filed on February 02, 2021, in the Second District Court of Appeals, prior to appellant’s eviction from her property on February 04, 2021.

Appellant’s judicial notice of facts to the timely appeal proceedings are “relevant” and must not be “dismissed” or “denied as moot” upon this Court’s “ENTRY” filed on February 22, 2021, upon theses grounds and reasons. See Appendix A: ENTRY

Appellant is currently “illegally” evicted from her home since that cold frigid morning of February 04, 2021, and has limited access to resources, notes, and other documents that remain at Appellant’s property.

Still remaining Appellant has brought to this Supreme Court’s attention on February 19, 2021, while invoking Civ.R. 56 Summary Judgment (at any time of the proceedings), that Appellant is pursuing App.R.26. Application for reconsideration; Application for en banc reconsideration, and App.R.25. Motion to Certify a Conflict in the court of Appeals.

Appellant’s application and motion to App.R.26. Application for reconsideration; Application for en banc reconsideration, and App.R.25. Motion to Certify a Conflict, respectively, are still pending within the Second District Court of Appeals without a judgment or opinion.

Pursuant Appellant's judicial notice and timely filing under App.R.26(A); Application for reconsideration; Application for en banc reconsideration, and App.R.25. Motion to Certify a Conflict, a memorandum in support of jurisdiction is the 'exception' to S.Ct.Prac.R. 7.01(A)(1)(b), and "shall be tolled" under S.Ct.Prac.R. (1)(A)(5) and S.Ct.Prac.R.(1)(A)(6), respectively.

Pursuant to App.R.15 (B), Appellant is "**adversely**" affected by this instant foreclosure action, and request reconsideration for stay of the proceedings per errant "Judgment", and non-conforming to law; "Confirmation of Sale", "Writ of Restitution", "Notice to Vacate" and "eviction from property on February 04, 202, on the grounds that the Appellant's timely application(s) are credible and show cause to merit upon her substantial evidence of genuine issues of material facts to a successful and completed loan modification "Agreement", on June 16, 2010, and further evidence that the specific foreclosure action "Complaint" at Case No. 09-3194 was properly disposed of from the Court Docket by the trial court on July 07, 2010, without any "new action". (Without a new action complaint with a new case number by any party for nearly 12 years). Emphasis Added.

This Court must favor Appellant and grant a meaningful Stay until the conclusion of this "bad faith" foreclosure action is resolved as a matter of "fraud on the Court" pursuant to Civ.R 56 (G) Summary Judgment.

Wherefore, Appellant grounds and reasons are meaningful, Appellant respectfully moves this Honorable Supreme Court for fair dealings, upon shown cause, and "**seeks from the Supreme Court an immediate stay of the court of appeals' judgment that is being appealed**", pursuant to S.Ct.Prac.R. 7.01(A)(3)(a)(b), as the appellant filed a timely notice of appeal and Motion for Stay on February 02, 2021 in the Supreme Court, without an accompanying memorandum in

support of jurisdiction, and “provided both” of the following conditions to satisfy the Court: (i) A motion for stay of the court of appeals’ judgment is filed with the notice of appeal; (ii) A date-stamped copy of the court of appeals’ opinion and judgment entry being appealed is attached to the motion for stay.”

See citation of Authority at S.Ct.Prac.R. 7.01. Institution of Jurisdictional Appeal;

See citation of Authority at S.Ct.Prac.R. 7.01. 3(a) Motion for stay in advance of filing a memorandum in support of jurisdiction (a) In a jurisdictional appeal, if the appellant seeks from the Supreme Court an immediate stay of the court of appeals’ judgment that is being appealed, the appellant may file a notice of appeal in the Supreme Court without an accompanying memorandum in support of jurisdiction, provided both of the following conditions are satisfied: (i) A motion for stay of the court of appeals’ judgment is filed with the notice of appeal; (ii) A date-stamped copy of the court of appeals’ opinion and judgment entry being appealed is attached to the motion for stay.

(b) If pursuant to S.Ct.Prac.R. 7.01(A)(3)(a) a memorandum in support of jurisdiction is not filed with the notice of appeal, then a memorandum in support of jurisdiction shall be filed no later than forty-five days from the date of the entry of the court of appeals’ judgment being appealed. The Supreme Court will dismiss the appeal if the memorandum in support of jurisdiction is not timely filed pursuant to this provision.

CONCLUSION

Accordingly, Appellant respectfully moves this Honorable Supreme Court to affirm and execute Appellant’s timely and necessary “Emergency Motion to Vacate Writ of Restitution and Eviction Pending Appellant’s Compelling and Timely Filing a Notice of Appeal in the Supreme Court Without an Accompanying Memorandum in Support of Jurisdiction Pursuant to S.Ct. Prac.R. 7.01. by Joyce L Ackerman.”, filed correspondingly on February 19, 2021, so as to “restore” Appellant’s to a proper writ of possession of the property at issue, and without causing additional damages and irreparable harm to the Appellant.

This case raises a substantial constitutional question and is one of public or great general interest affecting inalienable rights and wellbeing.

Respectfully submitted,

Joyce L. Ackerman
Joyce L. Ackerman, Pro Se / Appellant
556 Shadowlawn Avenue
Dayton, OH 45419
937-430-7190

Affidavit of Indigency

21-0156

IN THE SUPREME COURT OF OHIO

Joyce L. Ackerman Affidavit of Indigency

State of Ohio, Montgomery County

I, Joyce L. Ackerman, Joyce L. Ackerman, residing at 556 Shadowlawn Ave. Dayton, Ohio 45419, does hereby state under penalty that;

- 1) Joyce L. Ackerman is over 18 years of age and competent to testify of my own knowledge of the facts,
- 2) I have set forth such facts, as would be admissible in evidence; stated herein are true, correct, and complete to the best of our knowledge and understanding,
- 3) I state that I am indigent and not able to pay legal fees at this time because of a medical and financial hardship cause by alleged acts of insurance company fraud and mortgage fraud.
- 4) Details and material facts of alleged mortgage fraud and outside "insurance company fraud" case matters upon overt acts, thus creating financial hardship, and show cause to indigent status can be found at www.badfaith.info and furthermore at www.constitutionarescue.org.
- 5) I declare under penalty of perjury that the statements made in this complaint are complete, true and correct to the best of our knowledge.
- 6) Pursuant to Rule 3.06, of the Rules of Practice of the Supreme Court of Ohio, I am requesting that the filing fee and security deposit, if applicable, be waived.

Respectfully Submitted,

Joyce L. Ackerman
Affiant / Joyce L. Ackerman

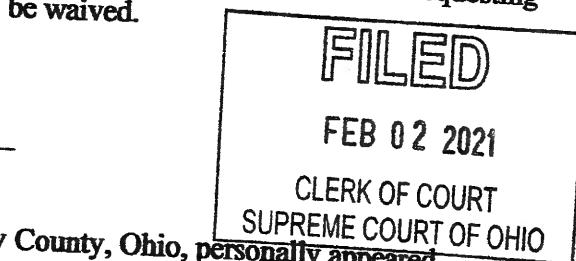
Before me, the undersigned authority in Montgomery County, Ohio, personally appeared

Joyce L. Ackerman

, who is known to me and Sworn to, and
subscribed before me this 2nd day of FEBRUARY, 2021.

Joyce Hanes
NOTARY PUBLIC

My commission Expires: July 4, 2023



Joyce Hanes, Notary Public
In and for the State of Ohio
My Commission Expires July 4, 2023

CETIFICATE OF SERVICE

I, Joyce Ackerman, on this date of 2/23/2021 certify that a copy of this Judicial Notice was sent by ordinary mail to counsel for Appellee;
Rick D. DeBlasis and William P. Leaman,
Lerner, Sampson & Rothfuss
120 E. Fourth Street 8th Floor
Cincinnati, Ohio 45202

Ms. Robbin Roseberry
2882 Fuls Rd.
Farmersville, Ohio 45325
(SHERIFF SALE)

Respectfully submitted,

Joyce L. Ackerman
Joyce L. Ackerman, Pro Se / Appellant
556 Shadowlawn Avenue
Dayton, OH 45419
937-430-7190

Appendix A

The Supreme Court of Ohio

Bank of New York Mellon

v.

Gregory T. Ackerman, et al.

Case No. 2021-0156

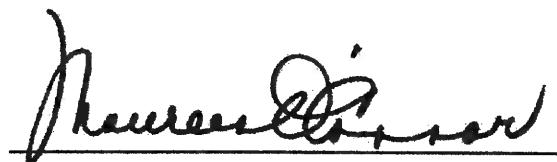
E N T R Y

This cause is pending before the court as a jurisdictional appeal. The records of this court indicate that appellants have not filed a memorandum in support of jurisdiction, due February 16, 2021, in compliance with the Rules of Practice of the Supreme Court of Ohio and therefore has failed to prosecute this cause with the requisite diligence.

Upon consideration thereof, it is ordered by the court that this cause is dismissed.

It is further ordered that appellants' motion for stay and emergency motion to vacate writ of restitution and eviction pending appellant's compelling and timely filing a notice of appeal in the Supreme Court without an accompanying memorandum in support of jurisdiction are denied as moot.

(Montgomery County Court of Appeals; No. 28737)



Maureen O'Connor
Chief Justice