

IN THE SUPREME COURT OF OHIO

SCOTT ROSENTHAL, ESQ.	)	CASE NO: 2022-1271
	)	
Relator,	)	Original Action in Mandamus Arising from
	)	Cuyahoga County Common Pleas Court
vs.	)	County Common Pleas Court
	)	Case No. DR-21-384289
HON. COLLEEN ANN REALI, et al,	)	
	)	
	)	<b><u>Response in Opposition to Relator's</u></b>
	)	<b><u>Supplemental Motion to Stay Proceedings</u></b>
	)	
Respondents.	)	
	)	

Respondents, the Honorable Judge Colleen Ann Reali and Magistrate Jason P. Parker, submit this Response in Opposition to Relator's Supplemental Motion to Stay Proceedings. Respondents respectfully request that Relator's Supplemental Motion to Stay Proceedings be denied.

**A. Relator Lacks Standing to Prosecute This Original Action**

Relator lacks standing to request a stay of the underlying divorce case in the Domestic Relations Court, *Elizabeth Abedrabbo v. Abdelrahman Abedrabbo*, Cuyahoga C.P. No. DR-21-384289 (hereinafter "*Abedrabbo* case"), and Relator lacks standing to prosecute this original action in mandamus and prohibition. Relator is the attorney for Defendant, Abdelrahman Abedrabbo. Relator is not a party in the underlying divorce action.

"It is elementary that every action shall be prosecuted in the name of the real party in interest \* \* \*." *State ex rel. Dallman v. Court of Common Pleas*, 35 Ohio St.2d 176, 178, 298 N.E.2d 515 (1973), citing Civ.R. 17(A) and *Cleveland Paint & Color Co. v. Bauer Mfg. Co.*, 155 Ohio St. 17, 97 N.E.2d 545 (1951), paragraph one of the syllabus. "A party lacks standing to

invoke the jurisdiction of the court unless he has, in an individual or representative capacity, some real interest in the subject matter of the action." *Id.* at syllabus.

Relator commenced this original action in his own name, not on behalf of his client in the divorce action. Relator does not stand to be directly benefitted or injured by the outcome of the divorce action. Nor does Relator have a personal interest in the subject matter of the divorce case. Relator's client, not Relator, is the real party in interest in the divorce action from which Relator filed his complaint for a writ of mandamus and prohibition.

In *Smith v. Dartt*, 6th Dist. Lucas No. L-05-1124, 2005-Ohio-1885, an attorney was lead trial counsel in two cases that were set for trial on the same day, April 18, 2005. The trial date was set in one case on May 26, 2004 ("first case"), and the trial date was set in the other case on November 12, 2004 ("second case"). Relator, a party in the second case, filed a petition requesting a writ of mandamus ordering the respondent trial judge to grant a continuance of the trial date in the second case. "The parties in each case attested by affidavit their desire to have [the lead trial counsel] continue as their attorney and to be represented at trial by [the lead trial counsel]." *Id.* at ¶ 2. The Sixth District recognized that "[i]t is well-established that a party has a clear legal right to counsel of his or her choice." *Id.*, citing *155 North High, Limited v. Cincinnati Insurance Company* (1995), 72 Ohio St.3d 423, 429, 1995 Ohio 85, 650 N.E.2d 869.

The Sixth District held that when a request for a continuance is based upon a conflict of trial date assignments, Ohio Sup.R. 41(B)(1) was "mandatory." *Id.* at ¶ 3. Accordingly, the court granted relator's complaint for a writ of mandamus and ordered the respondent trial judge to grant a continuance of the trial date in the second case. Furthermore, the court ordered the respondent trial judge to set a new trial date that "is not in conflict with any other previously scheduled trial for which any party's counsel is already obligated." *Id.* at ¶ 5.

Here, unlike *Smith*, the original action was commenced by Relator, an attorney in the underlying divorce action. It was not commenced by Relator's client, the defendant in the *Abdrabbo* divorce. *See, also, State ex rel. E.M. v. Jones*, 2022-Ohio-1178, 189 N.E.3d 357, ¶ 2 (8th Dist.) (relator, *a party in a divorce action*, sought a peremptory writ of mandamus, pursuant to Sup.R. 41, directing the respondent trial judge to continue a trial date because his attorney to was scheduled to be in trial in Geauga County.)

Civ.R. 17(A), governing real parties in interest, provides,

Every action shall be prosecuted in the name of the real party in interest. An executor, administrator, guardian, bailee, trustee of an express trust, a party with whom or in whose name a contract has been made for the benefit of another, or a party authorized by statute may sue in his name as such representative without joining with him the party for whose benefit the action is brought. When a statute of this state so provides, an action for the use or benefit of another shall be brought in the name of this state. No action shall be dismissed on the ground that it is not prosecuted in the name of the real party in interest until a reasonable time has been allowed after objection for ratification of commencement of the action by, or joinder or substitution of, the real party in interest. Such ratification, joinder, or substitution shall have the same effect as if the action had been commenced in the name of the real party in interest.

In *Wood v. McClelland*, 8th Dist. Cuyahoga No. 99939, 2013-Ohio-3922, the Eighth District held that an attorney representing a defendant in a foreclosure action lacked standing to pursue an original action in his own name. The court rejected relator's argument that he had standing in his "representative capacity" as the defendant's attorney, explaining,

Civ.R. 17(A) does not allow an attorney to file civil actions in his or her own name on behalf of the real party in interest, i.e., their client. [Relator] is not a real party in interest. "To be beneficially interested, a party must be more than just concerned about an action's subject matter. Rather, that person must be in a position to sustain either a direct benefit or injury from the resolution of the case." *State ex rel. Brady*

*v. Russo*, 8th Dist. Cuyahoga No. 89552, 2007 Ohio 3277, ¶ 14, citing *State ex rel. Spencer v. E. Liverpool Planning Comm.*, 80 Ohio St.3d 297, 299, 1997 Ohio 77, 685 N.E.2d 1251 (1997). In *Brady*, this Court found that a counsel of record in an underlying criminal action was not the real party in interest and could not pursue a mandamus action in her own name on behalf of her client. *Id.* at ¶ 15-16; *see also Lager v. Plough*, 11th Dist. Portage No. 2006-P-0013, 2006 Ohio 2772, ¶ 15 (holding that the public defender "does not have standing to challenge, in [sic] behalf of the criminal defendants in the underlying cases, respondent's employment of the 'anger management' condition in setting bail for a domestic violence offense.").

*Wood* at ¶ 7-8.

In the instant matter, like *Wood*, Relator does not have standing to commence this original action in his representative capacity as the *Abedrabbo* Defendant's attorney. Relator is not permitted to prosecute this original action in his own name, on behalf of his client, the real party in interest. Relator is not beneficially interested in the subject matter of the underlying divorce action. He is not in a position to sustain a direct benefit or injury from the resolution of the divorce case.

In *State ex rel. v. Henderson* (1883), 38 Ohio St. 644, this Court recognized, "where the relief is sought merely for the protection of private rights, the relator must show some personal or special interest in the subject matter, since he is regarded as the real party in interest and his rights must clearly appear." *Id.* at 649. Here, Relator has shown no personal interest in the subject matter of the underlying divorce action such that he is permitted to bring this original action in mandamus and prohibition.

Finally, in *State ex rel. Botkins v. Laws* (1994), 69 Ohio St.3d 383, 632 N.E.2d 897, this Court emphasized that a petition for "writ of mandamus must set forth facts showing that the relator is a party beneficially interested in the requested act before a proper claim is established." *Id.* at

387, 632 N.E.2d at 902. This Court explained that "[a] real party in interest is one who is directly benefitted or injured by the outcome of the case rather than one merely having an interest in the action itself." *Id.*

Here, assuming, arguendo, that Relator has an interest in the divorce action as defendant's attorney, Relator is not the real party in interest because he is not directly benefitted or injured by the outcome of the divorce case.

For all of the foregoing reasons, Relator's Supplemental Motion to Stay should be denied. Relator lacks standing to move for a stay of the underlying proceedings and to bring this original action in his own name.

**B. Judge Reali is Permitted to Preside Over the Remainder of the Divorce Trial**

Relator fails to identify any statutory authority, constitutional authority, or Local Rule of the Cuyahoga County Domestic Relations Court that precludes Judge Reali from taking over the divorce trial from Magistrate Parker. Relator's reliance on *Place v. Seibert*, 3rd Dist. Union No. 14-06-45, 173 Ohio App.3d 653, 2007-Ohio-4364, 880 N.E.2d 100 is misplaced, as *Place* is clearly distinguishable from the present matter.

In *Place*, the Judge took over the case from the Magistrate in the middle of a hearing. When the Judge took over the case, he "was not familiar with the previous hearings[.]" *Id.* at ¶ 10. The Third District held, "[a]s a matter of fundamental fairness, we hold that **under the facts and circumstances of this case**, the judge erred when he took over the case in the middle of the hearing." (Emphasis added.) *Id.* at ¶ 11. The Judge simply stepped into the middle of a three-day trial without reviewing any previous testimony.

The *Place* holding was limited to the facts and circumstances present in that case — it does not stand for the proposition that a Judge is precluded from taking over a case from a Magistrate after trial has commenced. Furthermore, although trial in the *Abedrabbo* case already commenced, Judge Reali is not taking over the case from Magistrate Parker in the middle of a hearing, or without reviewing the previous testimony. The last hearing in the *Abedrabbo* trial was held on October 11, 2022. As Relator concedes in his Supplemental Motion to Stay, Judge Reali reviewed the transcripts from the previous trial dates and is familiar with the prior testimony. *See Gaietto v. Noveck*, 3rd Dist. Seneca No. 13-07-17, 2008-Ohio-519, ¶ 12 (distinguishing *Place*).

**C. Judge Reali Did Not Violate Sup.R. 41(B) in Setting Trial for February 6, 2023**

Relator contends that Judge Reali is “overriding” the Ohio Rules of Superintendence by resuming the *Abedrabbo* trial on February 6, 2023.

As an initial matter, the Ohio Rules of Superintendence are only general, housekeeping rules and guidelines for courts to follow, at its discretion. These rules and do not give rise to substantive rights in individuals or procedural law. *See In re K.A.*, 5th Dist. Fairfield No. 2021 CA 00004, 2021-Ohio-1773, ¶ 45; *In re D.C.J.*, 2012-Ohio-4154, 976 N.E.2d 921, ¶ 48-49 (8th Dist.)

In his Motion to Continue the February 6, 2023 trial date, attached hereto as Exhibit A, Relator failed to demonstrate that he had a legitimate conflict, pursuant to Sup.R. 41(B)(1), for February 6 or February 7, 2023.

Sup.R. 41(B)(1), governing “conflict of trial date assignments,” provides,

When a continuance is requested for the reasons that *counsel is scheduled to appear in another case assigned for trial on the same date in the same or another trial court of this state*, the case which was first set for trial shall have priority and

shall be tried on the date assigned. Criminal cases assigned for trial have priority over civil cases assigned for trial. The court should not consider any motion for a continuance due to a conflict of trial assignment dates unless a copy of the conflicting assignment is attached to the motion and the motion is filed not less than thirty days prior to trial.

(Emphasis added.)

In his Motion to Continue, Relator asserted that he was unavailable for trial on February 6 and 7 due to previously-scheduled attorney conferences, settlement conferences, and motion hearings. Sup.R. 41(B)(1) does not provide that previously scheduled attorney conferences or motion hearings take priority over a trial. Furthermore, there has been no showing whatsoever that Relator's co-counsel, Alarra Jordan, who is also counsel-of-record for the Defendant in the *Abedrabbo* case, is unavailable. See *Abedrabbo Case Parties Information*, attached hereto as Exhibit B.

### **CONCLUSION**

In *Abdelrahman Abedrabbo v. The Hon. Colleen Ann Realì*, an Original Action currently pending before this Court in Case No. 2022-1386, Relator's client is seeking, in part, a ruling on his motion to adopt a proposed shared parenting plan — a motion that Judge Realì cannot rule on without holding a hearing. See R.C. 3109.04. Judge Realì is attempting to hold this hearing by resuming the *Abedrabbo* trial on Monday February 6. Inexplicably, and in contravention of his client's interest in resolution of a motion to adopt a proposed shared parenting plan, Relator has gone to great lengths to prevent this hearing from taking place.

Relator lacks standing to request a stay or to prosecute this Original Action, Judge Realì is permitted to preside over the remainder of the divorce trial, and Judge Realì did not violate Sup.R. 41(B) in scheduling the *Abedrabbo* trial.

For all of the foregoing reasons, Respondents respectfully request that this Honorable Court deny Relator's Supplemental Motion to Stay Proceedings in the underlying *Abedrabbo* case.

Respectfully submitted,

**MICHAEL C. O'MALLEY (0059592)**  
Prosecuting Attorney of  
Cuyahoga County, Ohio

BY: /s/ Matthew T. Fitzsimmons  
MATTHEW T. FITZSIMMONS IV (0093787)  
Assistant Prosecuting Attorney  
8<sup>th</sup> Floor Justice Center  
1200 Ontario Street  
Cleveland, Ohio 44113  
(216) 443-8071/Fax: (216) 443-7602  
[mfitzsimmons@prosecutor.cuyahogacounty.us](mailto:mfitzsimmons@prosecutor.cuyahogacounty.us)

*Counsel for Respondents*

### **CERTIFICATE OF SERVICE**

The foregoing was electronically filed on February 3, 2023, via the Court's electronic filing system and is available to all parties of record. A true copy of the foregoing Response was also served by email this 3rd day of February, 2023, upon:

Scott S. Rosenthal  
[scott@rtlattorneys.com](mailto:scott@rtlattorneys.com)

*Relator*

/s/ Matthew T. Fitzsimmons  
Matthew T. Fitzsimmons IV (0093787)  
Assistant Prosecuting Attorney



IN THE COURT OF COMMON PLEAS  
DIVISION OF DOMESTIC RELATIONS  
CUYAHOGA COUNTY, OHIO

ELIZABETH ABEDRABBO	:	CASE NO. DR 21 384289
	:	
Plaintiff	:	JUDGE COLLEEN ANN REALI
	:	Magistrate Jason P. Parker
vs.	:	
	:	<b><u>DEFENDANT'S MOTION TO</u></b>
ABDELRAHMAN ABEDRABBO	:	<b><u>CONTINUE</u></b>
	:	
Defendant	:	

Now comes Defendant, Abdelrahman Abedrabbo, by and through his undersigned counsel, and respectfully requests that this Honorable Court continue the trial scheduled to begin in less than one (1) week, on February 6, 2023.

**I. LAW AND ARGUMENT.**

The Eighth District Court of Appeals has long held:

The decision to grant or deny a motion for a continuance lies within the sound discretion of the court and will not be reversed absent an abuse of discretion. “The term abuse of discretion’ connotes more than an error of law or judgment; it implies that the court’s attitude is unreasonable, arbitrary or unconscionable.”

Our review of a denial of a motion for a continuance requires us to apply a balancing test--weighing the trial court's interest in controlling its own docket and the public's interest in the prompt and efficient dispatch of justice versus any potential prejudice to the moving party. In *Unger, supra*, the Ohio Supreme Court articulated the following factors that a trial court should consider in evaluating a motion for a continuance:

“the length of the delay requested; whether other continuances have been requested and received; the inconvenience to litigants, witnesses, opposing counsel and the court; whether the requested delay is for legitimate reasons or whether it is dilatory, purposeful, or contrived; whether the defendant contributed to the circumstances which gives rise to the request for a continuance; and other relevant factors, depending on the unique facts of the each case.”

*Swanson v. Swanson*, 2008-Ohio-4865 at 11 (Ct. App. Ohio 8th, 2008) (internal citations omitted).

Further, “[r]eview of a decision on a motion for continuance requires application of a balancing test,

weighing the trial court's interest in controlling its own docket, including facilitating the efficient dispensation of justice, against the potential prejudice to the moving party.” *Rothwell v. Rothwell*, 2001 Ohio App. LEXIS 2153 at 4 (Ct. App. Ohio 8th, 2001).

On its own motion, without a request from either side to advance the already scheduled trial dates in this matter, this Court unilaterally scheduled the trial in this matter to recommence on February 6, 2023, over Defendant’s counsel’s objection, in violation of the Ohio Rules of Superintendence, case law in the Eighth District, and contrary to this Court’s own Local Rules. Further, forcing Defendant to proceed without his chosen trial counsel severely prejudices him. Therefore, this Court must grant Defendant’s continuance in the interest of justice.

**A. This Court scheduled this matter for trial knowing of Defendant’s counsel’s trial conflicts.**

Defendant’s counsel, Scott S. Rosenthal, specifically informed this Court that he was not available for trial on February 6, 2023. While the Court did not ask for specificity as to the basis for unavailability, as detailed herein, counsel is unavailable due to already scheduled (by agreement) attorney conferences, hearings, and trials in other cases. For the week of February 6, 2023, specifically, Attorney Rosenthal is scheduled to appear in the following matters:

*Monday, February 6, 2023:*

Attorney conference in the matter known as *Mary Elisabeth Declerck vs. Jeffrey T. Declerck*, Case No. DR22 392218, pending before Magistrate Timothy G. Spackman and the Honorable Judge Francine B. Goldberg. This conference was scheduled on January 24, 2023, documentation of which is attached hereto as Exhibit “A.”

Attorney conference in the matter known as *Mary Elisabeth Declerck vs. Jeffrey T. Declerck*, Case No. DR22 392218, pending before the Honorable Judge Francine B. Goldberg. This conference was scheduled on January 17, 2023, documentation of which is attached hereto as Exhibit “B.”

Full hearing in the matter known as *John Patrick vs. Kelly Marie Patrick*, Case No. DR10 332663, pending before Magistrate Patrick R. Kelly and the Honorable Judge Leslie Ann Celebrezze. This hearing was scheduled on November 28, 2022, documentation of which is attached hereto as Exhibit “C.”

Tuesday, February 7, 2023:

Attorney conference in the matter known as *Leslie A. Peña vs. Albert De Jesus Peña*, Case No. DR-22-388678, pending before Magistrate Marie Rady and the Honorable Judge Diane M. Palos. This conference was scheduled on November 30, 2022, documentation of which is attached hereto as Exhibit “D.”

Motion hearing in the matter known as *Sarah Gyorki vs. Attila Kurt Gyorki*, Case No. DR22 389805, pending before Magistrate Cathleen Chaney and the Honorable Judge Leslie Ann Celebrezze. This hearing was scheduled on January 23, 2023, documentation of which is attached hereto as Exhibit “E.”

Attorney Conference in the matter known as *Shannon R Lonchar vs. David V Lonchar, et al.*, Case No. 18DR000644, pending in Lake County before the Honorable Judge Colleen A. Falkowski. This conference was scheduled on January 24, 2023, documentation of which is attached hereto as Exhibit “F.”

Attorney conference in the matter known as *Cynthia Ann Davies vs. Gareth John Davies*, Case No. DR 17 365656, pending before Magistrate Marianne Rogalski and the Honorable Judge Tonya R. Jones. This conference was scheduled on January 26, 2023, documentation of which is attached hereto as Exhibit “G.”

Settlement conference in the matter known as *Megan Colosimo Beyer vs. James S. Beyer*, Case No. DR22 388896, pending before the Honorable Judge Colleen Ann Reali. This conference was scheduled on December 6, 2022, documentation of which is attached hereto as Exhibit “H.”

Wednesday, February 8, 2023:

Ongoing trial in the matter known as *Kristy L. Berte vs. Michael T. Berte*, Case No. DR19 377095, pending before Magistrate Scott D. Kitson and the Honorable Judge Leslie Ann Celebrezze. This trial was scheduled on December 22, 2022, documentation of which is attached hereto as Exhibit “I.”

Pre-trial in the matter known as *Sarah Gyorki vs. Attila Kurt Gyorki*, Case No. DR22 389805, pending before Magistrate Scott D. Kitson and the Honorable Judge Leslie Ann Celebrezze. This hearing was scheduled on December 5, 2022, documentation of which is attached hereto as Exhibit “J.”

Thursday, February 9, 2023:

Temporary orders hearing in the matter known as *Paul A. Der vs. Cristin Der*, Case No. 22 DC 000638, pending in Geauga County before Magistrate Sarah L. Heffter and the Honorable Judge David M. Ondrey. This hearing was scheduled on December 16, 2022, documentation of which is attached hereto as Exhibit “K.”

In addition to Defendant’s counsel’s trial schedule, Defendant’s counsel also has family and personal matters. For the week of February 6, 2023, specifically, Defendant’s counsel’s wife is out of town and Defendant’s counsel must be home early on Tuesday, February 7, 2023; Thursday, February 9, 2023; and Friday, February 10, 2023. In addition, Defendant’s counsel is scheduled for a personal medical matter on Thursday, February 9, 2023. These personal matters were all scheduled and organized well prior to this Court’s unilateral selection of recommencement of the trial on February 6, 2023 and continuing day to day.

As this Court is aware, Defendant further retained Attorney Robert Glickman to assist in trial representation when Attorney Rosenthal tested positive for COVID-19 and was unable to appear for trial in September of 2022. Rather than filing a continuance due to medical reasons, Defendant retained Attorney Glickman, an experienced trial attorney, to fill in for those trial dates. Attorney

Glickman is likewise unavailable for trial starting February 6, 2023, as he is engaged in trial in the U.S. District Court for the Southern District of Ohio, in the matter known as *U.S. v. Householder, et al.*, Case No. 1:20-CR-77, which was scheduled for trial on March 11, 2022, documentation of which is attached hereto as Exhibit “L.”

Defendant’s counsel informed this Court of counsel’s unavailability on January 30, 2023. However, over counsel’s objections, this Court unilaterally scheduled this matter for trial. Trial had already been scheduled to recommence on October 16, 2023. Neither party requested, in this Court or any other Court, that this Court advance those trial dates. This Court has apparently misinterpreted the issues raised in Writs currently pending before the Ohio Supreme Court. Therefore, due to Defendant counsel’s unavailability, Defendant respectfully requests that this Honorable Court continue the trial in this matter to a date where all counsel are available.

**B. This Court scheduled this matter for trial in violation of the Ohio Rules of Superintendence.**

This Court unilaterally scheduled the trial date in this matter to take place on February 6, 2023, over Defendant’s counsel’s objection, in violation of the Ohio Rules of Superintendence. Rule 41(B)(1) of the Ohio Rules of Superintendence states:

**RULE 41. Conflict of Trial Court Assignment Dates, Continuances and Engaged Counsel.**

**(B) Conflict of Trial Date Assignments**

(1) When a continuance is requested for the reasons that counsel is scheduled to appear in another case assigned for trial on the same date in the same or another trial court of this state, the case which was first set for trial shall have priority and shall be tried on the date assigned. Criminal cases assigned for trial have priority over civil cases assigned for trial. The court should not consider any motion for a continuance due to a conflict of trial assignment dates unless a copy of the conflicting assignment is attached to the motion and the motion is filed not less than thirty days prior to trial.

Every one of the aforementioned cases above, *Mary Elisabeth Declerck vs. Jeffrey T. Declerck; John Patrick vs. Kelly Marie Patrick; Leslie A. Peña vs. Albert De Jesus Peña; Sarah Gyorki vs. Attila Kurt Gyorki; Shannon*

*R Lonchar vs. David V Lonchar, et al.; Cynthia Ann Davies vs. Gareth John Davies; Megan Colosimo Beyer vs. James S. Beyer; Kristy L. Berte vs. Michael T. Berte; and Paul A. Der vs. Cristin Der*, are all cases which were set for conference, hearing, or trial prior to this Court scheduling the within matter for trial. This Court scheduling the within matter for trial, with less than one (1) weeks' notice, negatively impacts eight (8) other families, six (6) other Judges' dockets, and two (2) other counties. There is no provision under the Rules of Superintendence which permit this Court to over-ride the other Courts and cases, particularly when neither party in this matter requested that this Court advance trial dates.

In addition, this Court has prohibited Defendant from filing a continuance at least thirty (30) days prior to trial, as the Court issued its Trial Order on January 31, 2023, six (6) days before it scheduled trial to begin. This Court is ignoring the Ohio Rules of Superintendence, which specifically addresses these types of conflicts.

**C. This Court scheduled this matter for trial in violation of well-established Ohio case law.**

This Court unilaterally scheduled the trial date in this matter to take place on February 6, 2023, over Defendant's counsel's objection, contrary to well-established case law in Ohio.

The Ohio Supreme Court has already determined that civil litigants have a right to counsel of their choosing. *Guccione v. Hustler Magazine*, 17 Ohio St. 3d 88 (Sup Ct. Ohio 1985). The Ohio Supreme Court has further recognized "the importance of a party's right to be represented by his or her chosen counsel." *155 N. High v. Cincinnati Ins. Co.*, 72 Ohio St. 3d 423 at 429 (Sup. Ct. Ohio 1995). In addition, "a party to a civil action does not merely have a right to representation by *any* attorney, but also has the right to be represented by counsel of her own choosing." *State ex rel. Kister-Welty v. Hague*, 160 Ohio App. 3d 486 at 492 (Ct. App Ohio 11<sup>th</sup>, 2005). Finally, parties "have a right to appear with retained counsel." *Butcher v. Stevens*, 182 Ohio App. 3d 77 at 83 (Ct. App. Ohio 4<sup>th</sup>, 2009).

This Court clearly recognized the importance of the parties having their chosen counsel available when, on Monday, January 30, 2023, the Court *sua sponte* inquired of the parties' counsel their respective calendars and availability.

Defendant retained Attorney Scott S. Rosenthal and chose Attorney Rosenthal to represent him in these proceedings in September, 2021. Defendant further retained Attorney Robert Glickman to assist in trial representation when Attorney Rosenthal tested positive for COVID-19 and was unable to appear for trial on or around September of 2022. Rather than filing a continuance due to medical reasons, Defendant retained Robert Glickman, an experienced trial attorney, to fill in for those trial dates.

This Court's position, that Defendant should provide substitute counsel if chosen counsel is unavailable, is contrary to Ohio law. This is not a situation where undersigned counsel informed the Court that he was available for trial, then later attempted to continue the trial based on unavailability. This is not a situation wherein counsel intentionally, or even inadvertently, double-booked their respective docket. Instead, this is a situation where undersigned counsel specifically informed the Court he was unavailable, and the Court schedule the matter for trial anyways, knowing that counsel was unavailable, on the Court's own Motion.

**D. This Court scheduled this matter for trial, despite knowledge of undersigned counsel's Complaint for Writ of Mandamus and Prohibition currently pending in the Ohio Supreme Court.**

As this Court is aware, Defendant's counsel filed a *Complaint for Writ of Mandamus and Prohibition* in the Ohio Supreme Court on October 13, 2022. In his *Complaint*, counsel cited to the Court's then Local Rule 14.1, which required that trials and hearings be heard day-to-day until completed. That Local Rule was quickly vacated on or around October 15, 2022. Despite this, this Court's trial order of January 30, 2023 states that "Trial shall continue day-to-day until completed," which is contrary to the Court's own decision to vacate Local Rule 14.1. Although the filing of the Writ does not

automatically divest the Court of jurisdiction, this Court is engaging in the same conduct which necessitated the filing of the *Complaint for Writ of Mandamus and Writ of Prohibition* on October 13, 2022, this time without the support of Local Rule 14.1.

It should be noted that there were two (2) separate and distinct Complaints filed in the Ohio Supreme Court. The first Complaint was filed by undersigned counsel (Scott S. Rosenthal), seeking a Writ of Mandamus directing this Court to comply with the Ohio Rules of Superintendence, the Ohio Rules of Civil Procedure, and procedural due process; and seeking a Writ of Prohibition directing the Cuyahoga County Court of Common Pleas to refrain from scheduling the trial in this matter until all parties and counsel agree on trial dates. The second Complaint was filed by Defendant, through counsel Robert Glickman, primarily seeking a Writ of Mandamus directing this Court to establish a **temporary parenting time schedule and enter rulings on the following motions:** Defendant's *Motion to Establish Temporary Parenting Rights* filed June 18, 2021; Defendant's Civil Rule 75(N) *Motion for Interim Parenting Time Schedule* filed November 2, 2021; and Defendant's *Motion for Interim Parenting Time Schedule* filed October 12, 2022. It should be noted that this Court erroneously determined that these Motions were ruled upon in its Judgment Entry dated January 27, 2023. However, contrary to its own order, this Court then issued a scheduling notice dated January 30, 2023, a copy of which is attached hereto as Exhibit "M," which confirm that these motions remain outstanding. Defendant immediately filed a *Civil Rule 60(A) Motion to Correct the Record* on January 30, 2023.<sup>1</sup>

Undersigned counsel's *Complaint* cited multiple violations of Ohio law, including the Ohio Rules of Superintendence, the Ohio Rules of Civil Procedure, and the Ohio Constitution. Specifically, undersigned counsel stated:

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<sup>1</sup> Pursuant to this Court's February 1, 2023 Judgment Entry, the record was corrected by the Court.



1. This Court could not postpone already-scheduled trials, in front of this Court, with the same attorneys listed as counsel of record, because it wishes to “finish” the within *Abedrabbo* matter first.
2. This Court could not call undersigned counsel’s office at 2:30 p.m. on October 12, 2022, demanding undersigned counsel’s appearance the following morning at 10:00 a.m. on October 13, 2022.
3. This Court could not issue a cancellation notice at 3:30 p.m. on October 12, 2022, canceling trial in the within matter for October 12, 2022 and October 13, 2022, then simultaneously issue another order to appear for trial.
4. This Court could not force counsel to be on an indefinite “standby” for trial.

Yet, despite undersigned counsel being forced to file a *Complaint for Writ of Mandamus and Writ of Prohibition* on October 13, 2022 due to the Court’s above actions, this Court is again engaging in the same conduct, in violation of the Ohio Rules of Superintendence, the Ohio Rules of Civil Procedure, and the Ohio Constitution. This Court gave counsel and the parties less than one (1) weeks’ notice for trial, in violation of procedural due process. This Court scheduled trial in this matter, to continue to day to day, knowing that undersigned counsel is already scheduled to appear in at least eight (8) other cases, before six (6) other judges, in two (2) different counties, in violation of the Ohio Rules of Superintendence.

This Court is engaging in the same conduct which necessitated the filing of undersigned counsel’s *Complaint for Writ of Mandamus and Writ of Prohibition* on October 13, 2022

## **II. CONCLUSION.**

Both Defendant, and undersigned counsel, wish to conclude this case. However, forcing Defendant to proceed to trial without his chosen counsel, and forcing Defendant’s counsel into a conflict with his other clients, violates Ohio law and severely prejudices Defendant. This Court already

scheduled trial dates for October 16-27, 2023. Defendant's counsel is available on those dates, and currently has no other trials, hearings, conferences, or personal matters scheduled at that time. Neither party has requested to advance those trial dates. This Court should permit the matter to proceed to the previously scheduled trial dates of October 16-27, 2023.

WHEREFORE, for the reasons set forth above, Defendant respectfully requests that this Honorable Court continue the trial scheduled to begin in less than one (1) week, on February 6, 2023.

Respectfully submitted,

/s/ Scott S. Rosenthal  
SCOTT S. ROSENTHAL (0069135)  
ROSENTHAL | THURMAN | LANE, LLC.  
North Point Tower, Suite 1720  
1001 Lakeside Avenue  
Cleveland, Ohio 44114  
P: (216) 589-9600  
F: (216) 589-9800  
[scott@rtlattorneys.com](mailto:scott@rtlattorneys.com)

Attorney for Defendant,  
Abdelrahman Abedrabbo

**CERTIFICATE OF SERVICE**

A copy of the foregoing was served upon Joseph G. Stafford and Nicole A. Cruz, Attorneys for Plaintiff, and Edward R. Jansen, Guardian ad Litem, via email, on this 1<sup>st</sup> day of February 2023.

/s/ Scott S. Rosenthal  
SCOTT S. ROSENTHAL (0069135)

Attorney for Defendant,  
Abdelrahman Abedrabbo



CUYAHOGA COUNTY  
COURT OF COMMON PLEAS  
DIVISION OF DOMESTIC RELATIONS  
1 W. LAKESIDE AVE.  
CLEVELAND, OHIO 44113  
TEL: (216) 443-8800  
[WWW.DOMESTIC.CUYAHOGACOUNTY.US](http://WWW.DOMESTIC.CUYAHOGACOUNTY.US)

## NOTIFICATION

DATE: 01/24/2023  
For questions concerning your  
upcoming hearing, please call  
(216) 443-2067  
Notice ID: 7  
Batch: 42904

## CASE INFORMATION

Case: DR22 392218	Plaintiff: MARY ELISABETH DECLERCK
Judge: FRANCINE B. GOLDBERG	Defendant: JEFFREY T. DECLERCK

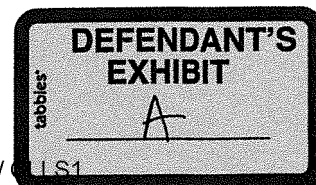
## HEARING INFORMATION

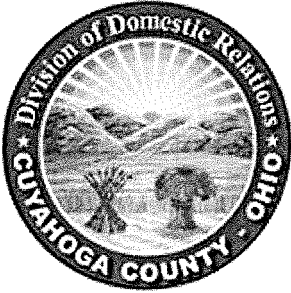
Before: Magistrate TIMOTHY G. SPACKMAN	Location: ROOM 18 SUPPORT MAGISTRATES, GROUND FL
--	---

<u>DATE:</u>	<u>TIME:</u>	<u>DURATION:</u>	<u>EVENT DESCRIPTION:</u>
02/06/2023	11:30 AM	H: 0 M: 30	ATTORNEY CONFERENCE - TELEPHONE

The above schedule(s) has been set for the following motions:

<u>Motion No:</u>	<u>Type:</u>	<u>Description:</u>	<u>Date Filed:</u>
454881	SU31	MOTION FOR TEMPORARY SUPPORT	11/03/2022





CUYAHOGA COUNTY  
COURT OF COMMON PLEAS  
DIVISION OF DOMESTIC RELATIONS  
1 W. LAKESIDE AVE.  
CLEVELAND, OHIO 44113  
TEL: (216) 443-8800  
[WWW.DOMESTIC.CUYAHOGACOUNTY.US](http://WWW.DOMESTIC.CUYAHOGACOUNTY.US)

## NOTIFICATION

DATE: 01/17/2023  
For questions concerning your  
upcoming hearing, please call  
(216) 443-8858  
Notice ID: 6  
Batch: 42858

## CASE INFORMATION

Case: DR22 392218	Plaintiff: MARY ELISABETH DECLERCK
Judge: FRANCINE B. GOLDBERG	Defendant: JEFFREY T. DECLERCK

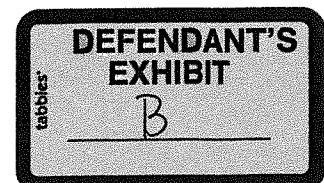
## HEARING INFORMATION

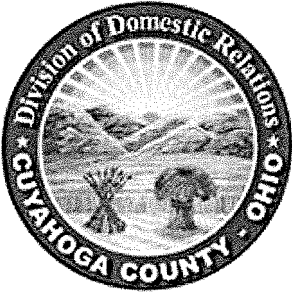
Before: Judge FRANCINE B. GOLDBERG	Location: CRTRM 2 COURTROOM #2 (3RD FLOOR)
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<u>DATE:</u>	<u>TIME:</u>	<u>DURATION:</u>	<u>EVENT DESCRIPTION:</u>
02/06/2023	1:30 PM	H: 0 M: 30	ATTORNEY CONFERENCE - TELEPHONE

The above schedule(s) has been set for the following motions:

<u>Motion No:</u>	<u>Type:</u>	<u>Description:</u>	<u>Date Filed:</u>
No motions set for this hearing.			





CUYAHOGA COUNTY  
COURT OF COMMON PLEAS  
DIVISION OF DOMESTIC RELATIONS  
1 W. LAKESIDE AVE.  
CLEVELAND, OHIO 44113  
TEL: (216) 443-8800  
[WWW.DOMESTIC.CUYAHOGACOUNTY.US](http://WWW.DOMESTIC.CUYAHOGACOUNTY.US)

## NOTIFICATION

DATE: 11/28/2022  
For questions concerning your  
upcoming hearing, please call  
(216) 443-8801  
Notice ID: 128  
Batch: 42553

## CASE INFORMATION

Case: DR10 332663	Plaintiff: JOHN PATRICK
Judge: LESLIE ANN CELEBREZZE	Defendant: KELLY MARIE PATRICK

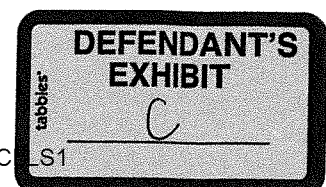
## HEARING INFORMATION

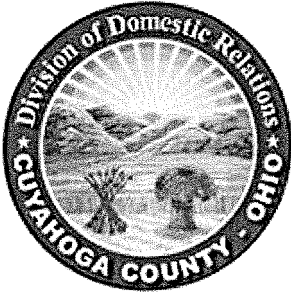
Before: Magistrate PATRICK R. KELLY	Location: ROOM 143 MOTION MAGISTRATES, 1ST FL.
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<u>DATE:</u>	<u>TIME:</u>	<u>DURATION:</u>	<u>EVENT DESCRIPTION:</u>
02/06/2023	10:00 AM	H: 6 M: 30	FULL HEARING - IN-PERSON

The above schedule(s) has been set for the following motions:

<u>Motion No:</u>	<u>Type:</u>	<u>Description:</u>	<u>Date Filed:</u>
451290	M999	MOTION FOR RULE 11 SANCTIONS AGAINST ATTORNEY MARGIE T. KARL	06/20/2022
453577	M999	EMERGENCY MOTION FOR TEMPORARY CUSTODY	09/14/2022





CUYAHOGA COUNTY  
COURT OF COMMON PLEAS  
DIVISION OF DOMESTIC RELATIONS  
1 W. LAKESIDE AVE.  
CLEVELAND, OHIO 44113  
TEL: (216) 443-8800  
[WWW.DOMESTIC.CUYAHOGACOUNTY.US](http://WWW.DOMESTIC.CUYAHOGACOUNTY.US)

## NOTIFICATION

DATE: 11/30/2022  
For questions concerning your  
upcoming hearing, please call  
(216) 443-8866  
Notice ID: 37  
Batch: 42569

## CASE INFORMATION

Case: DR22 388678	Plaintiff: LESLIE ALEXANDRA PEÑA
Judge: DIANE M. PALOS	Defendant: ALBERT DE JESUS PEÑA

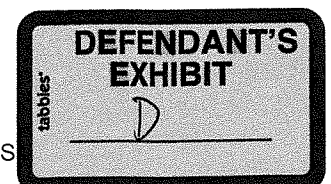
## HEARING INFORMATION

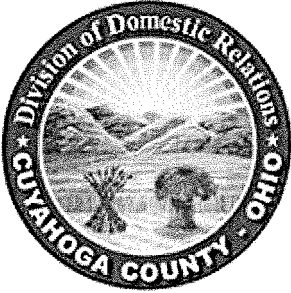
Before: Magistrate MARIE M. RADY	Location: ROOM 331 TRIAL MAGISTRATES, 3RD FL
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<u>DATE:</u>	<u>TIME:</u>	<u>DURATION:</u>	<u>EVENT DESCRIPTION:</u>
02/07/2023	8:30 AM	H: 0 M: 30	ATTORNEY CONFERENCE - VIDEO ZOOM

The above schedule(s) has been set for the following motions:

<u>Motion No:</u>	<u>Type:</u>	<u>Description:</u>	<u>Date Filed:</u>
No motions set for this hearing.			





CUYAHOGA COUNTY  
COURT OF COMMON PLEAS  
DIVISION OF DOMESTIC RELATIONS  
1 W. LAKESIDE AVE.  
CLEVELAND, OHIO 44113  
TEL: (216) 443-8800  
[WWW.DOMESTIC.CUYAHOGACOUNTY.US](http://WWW.DOMESTIC.CUYAHOGACOUNTY.US)

## NOTIFICATION

DATE: 01/23/2023  
For questions concerning your  
upcoming hearing, please call  
(216) 443-8861  
Notice ID: 13  
Batch: 42897

## CASE INFORMATION

Case: DR22 389805	Plaintiff: SARAH GYORKI
Judge: LESLIE ANN CELEBREZZE	Defendant: ATTILA KURT GYORKI

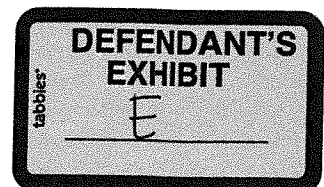
## HEARING INFORMATION

Before: Magistrate CATHLEEN J. CHANEY	Location: ROOM 18 SUPPORT MAGISTRATES, GROUND FL
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<u>DATE:</u>	<u>TIME:</u>	<u>DURATION:</u>	<u>EVENT DESCRIPTION:</u>
02/07/2023	9:00 AM	H: 0 M: 45	MOTION HEARING - TELEPHONE

The above schedule(s) has been set for the following motions:

<u>Motion No:</u>	<u>Type:</u>	<u>Description:</u>	<u>Date Filed:</u>
456706	SU31	MOTION FOR TEMPORARY SUPPORT	01/19/2023





LAKE COUNTY COURT OF COMMON PLEAS  
DOMESTIC RELATIONS DIVISION  
PAINESVILLE, OH 44077

SHANNON R LONCHAR  
Plaintiff

CASE NO. 18DR000644

vs.

DAVID V LONCHAR et al  
Defendant

**NOTICE OF HEARING**

You are hereby notified that the above case has been scheduled before JUDGE FALKOWSKI as follows:

Status of Issues and/or Case by Zoom - 1 Hour on Tuesday, February 07, 2023 at 10:00 am

**YOU WILL RECEIVE A ZOOM INVITATION BY EMAIL APPROXIMATELY 1-2 BUSINESS DAYS PRIOR TO YOUR HEARING DATE.**

Inquiries shall be directed to Bailiff Kevin McCabe at 440-350-2708.

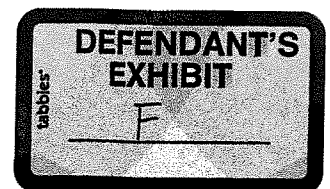
COLLEEN A. FALKOWSKI, JUDGE  
January 24, 2023

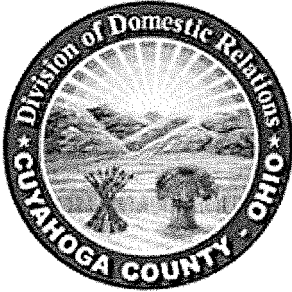
IF CHILD SUPPORT IS AN ISSUE, IT SHALL BE CALCULATED PER THE REVISED CODE CHILD SUPPORT SCHEDULE

Case will proceed as scheduled unless Court notifies otherwise.

1. Rules of the Domestic Relations Court must be observed.
2. No continuances will be granted by phone.
3. Court-approved forms must be used and are available upon request or at: <http://lcdrct.org/forms-filings>

cc: VICTOR A. MEZACAPA III ESQ 0052023 600 E GRANGER ROAD SUITE 200  
CLEVELAND OH 44131  
SCOTT S ROSENTHAL 0069135 1001 LAKESIDE AVE STE 1720 CLEVELAND OH  
44114  
THOMAS L. COLALUCA ESQ 0011462 1400 WEST SIXTH STREET #300  
CLEVELAND OH 44113





CUYAHOGA COUNTY  
COURT OF COMMON PLEAS  
DIVISION OF DOMESTIC RELATIONS  
1 W. LAKESIDE AVE.  
CLEVELAND, OHIO 44113  
TEL: (216) 443-8800  
[WWW.DOMESTIC.CUYAHOGACOUNTY.US](http://WWW.DOMESTIC.CUYAHOGACOUNTY.US)

## NOTIFICATION

DATE: 01/26/2023  
For questions concerning your  
upcoming hearing, please call  
(216) 443-8826  
Notice ID: 67  
Batch: 42923

## CASE INFORMATION

Case: DR17 365656	Plaintiff: CYNTHIA ANN DAVIES
Judge: TONYA R. JONES	Defendant: GARETH JOHN DAVIES

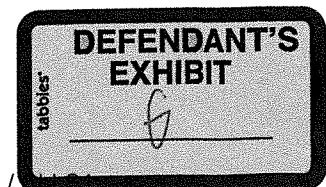
## HEARING INFORMATION

Before: Magistrate MARIANNE ROGALSKI	Location: ROOM 18 SUPPORT MAGISTRATES, GROUND FL
--------------------------------------	---

<u>DATE:</u>	<u>TIME:</u>	<u>DURATION:</u>	<u>EVENT DESCRIPTION:</u>
02/07/2023	10:30 AM	H: 0 M: 30	ATTORNEY CONFERENCE - TELEPHONE

The above schedule(s) has been set for the following motions:

<u>Motion No:</u>	<u>Type:</u>	<u>Description:</u>	<u>Date Filed:</u>
455542	SU44	MOTION TO MODIFY SUPPORT	12/02/2022





CUYAHOGA COUNTY  
COURT OF COMMON PLEAS  
DIVISION OF DOMESTIC RELATIONS  
1 W. LAKESIDE AVE.  
CLEVELAND, OHIO 44113  
TEL: (216) 443-8800  
[WWW.DOMESTIC.CUYAHOGACOUNTY.US](http://WWW.DOMESTIC.CUYAHOGACOUNTY.US)

## NOTIFICATION

DATE: 12/06/2022  
Notice ID: 12  
Batch: 42610

### CASE INFORMATION

Case: DR22 388896

Plaintiff: MEGAN COLOSIMO BEYER

Judge: COLLEEN ANN REALI

Defendant: JAMES S. BEYER

### HEARING INFORMATION

Before: Judge COLLEEN ANN REALI

Location: CRTRM 1A COURTROOM #1A (3RD FLOOR)

<u>DATE:</u>	<u>TIME:</u>	<u>DURATION:</u>	<u>EVENT DESCRIPTION:</u>
02/07/2023	12:00 PM	H: 2 M: 0	SETTLEMENT CONFERENCE - IN-PERSON

The above schedule(s) has been set for the following motions:

<u>Motion No:</u>	<u>Type:</u>	<u>Description:</u>	<u>Date Filed:</u>
No motions set for this hearing.			

DEFENDANT'S  
EXHIBIT

H



CUYAHOGA COUNTY  
COURT OF COMMON PLEAS  
DIVISION OF DOMESTIC RELATIONS  
1 W. LAKESIDE AVE.  
CLEVELAND, OHIO 44113  
TEL: (216) 443-8800  
[WWW.DOMESTIC.CUYAHOGACOUNTY.US](http://WWW.DOMESTIC.CUYAHOGACOUNTY.US)

## NOTIFICATION

DATE: 12/22/2022  
For questions concerning your  
upcoming hearing, please call  
(216) 443-8822  
Notice ID: 110  
Batch: 42723

## CASE INFORMATION

Case: DR19 377095	Plaintiff: KRISTY L. BERTE
Judge: LESLIE ANN CELEBREZZE	Defendant: MICHAEL T. BERTE

## HEARING INFORMATION

Before: Magistrate SCOTT D. KITSON	Location: ROOM 339 TRIAL MAGISTRATES, 3RD FL
------------------------------------	--

<u>DATE:</u>	<u>TIME:</u>	<u>DURATION:</u>	<u>EVENT DESCRIPTION:</u>
03/08/2023	10:00 AM	H: 6 M: 0	TRIAL - IN-PERSON
02/22/2023	10:00 AM	H: 6 M: 0	TRIAL - IN-PERSON
02/08/2023	10:00 AM	H: 6 M: 0	TRIAL - IN-PERSON

**DEFENDANT'S  
EXHIBIT**

I



CUYAHOGA COUNTY  
COURT OF COMMON PLEAS  
DIVISION OF DOMESTIC RELATIONS  
1 W. LAKESIDE AVE.  
CLEVELAND, OHIO 44113  
TEL: (216) 443-8800  
[WWW.DOMESTIC.CUYAHOGACOUNTY.US](http://WWW.DOMESTIC.CUYAHOGACOUNTY.US)

## NOTIFICATION

DATE: 12/05/2022  
For questions concerning your  
upcoming hearing, please call  
(216) 443-8822  
Notice ID: 11  
Batch: 42602

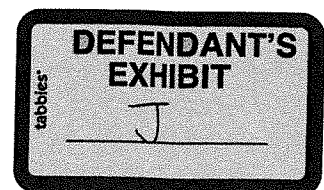
## CASE INFORMATION

Case: DR22 389805	Plaintiff: SARAH GYORKI
Judge: LESLIE ANN CELEBREZZE	Defendant: ATTILA KURT GYORKI

## HEARING INFORMATION

Before: Magistrate SCOTT D. KITSON	Location: ROOM 339 TRIAL MAGISTRATES, 3RD FL
------------------------------------	--

<u>DATE:</u>	<u>TIME:</u>	<u>DURATION:</u>	<u>EVENT DESCRIPTION:</u>
02/08/2023	10:00 AM	H: 2 M: 0	PRETRIAL - IN-PERSON



IN THE COURT OF COMMON PLEAS  
GEAUGA COUNTY, OHIO

PAUL A DER	:	CASE NO. 22DC000638
Plaintiff	:	JUDGE DAVID M ONDREY
vs.	:	MAGISTRATE SARAH L HEFFTER
CRISTIN DER	:	<b>MAGISTRATE'S ORDER</b>
Defendant	:	<b>Temps Hearing</b>

**NOTICE OF HEARING**  
**(Employment and Financial Status)**

**TAKE NOTICE** that a hearing will be held upon the within **Motion for Temporary Allocation of Parental Rights and Responsibilities, Temporary Child Support and Temporary Spousal Support** has been scheduled before **SARAH L HEFFTER, MAGISTRATE** on **February 9, 2023, at 1:30 pm.**

At the same time a hearing will be held to determine whether or not either of the parties is subject to an order for the withholding of a specified amount from personal earnings, if employed, and/or to one or more of the types of orders described in Chapter 3119 of the Ohio Revised Code.

If there are children entitled to support by the parties (see R.C. 3103.03), the Court must use the **OHIO CHILD SUPPORT GUIDELINES**. The parties must verify with documentation their earnings and income statements. Suitable documentation includes pay stubs, employer statements, or receipts and expenses if self-employed, plus copies of the most recent federal tax returns.

The attention of the parties and their counsel, if any, is directed to Local Rule 11.A(3) which provides:

Mandatory Disclosure: Within thirty (30) days of the service of an action for divorce or legal separation, each party shall submit to opposing party or counsel:

- A recent pay stub or equivalent
- Tax returns for the prior three tax years including all schedules
- A copy of a health insurance card, if any
- A list of current monthly expenses
- Child care expenses, if any
- Cost of health insurance for the children

In addition, each party shall cooperate to produce information requested  
Electronically Filed 02/01/2023 13:49 / MOTION / DR 21 384289 / Confirmation Nbr. 2765299 / CLLS1



by the other party in discovery.

If the court finds that you are subject to a withholding and/or a deduction order, take notice that such order applies to all subsequent employers, other persons who pay or otherwise distribute income to you and applicable financial accounts.

At this hearing you may present evidence and testimony to prove that any of the possible orders would not be proper because of a mistake of fact.

**A list of exhibits and witnesses shall be submitted to the Court and opposing counsel/parties TEN (10) days prior to the hearing.**

Mark all exhibits for identification PRIOR TO HEARING. Plaintiff's Exhibits shall be numbered and Defendant's lettered consecutively. The exhibits shall have been inspected by opposing counsel/party and copied at their expense (if necessary). *Failure to do so may result in said documents and exhibits not being admitted into evidence.*

**COUNSEL SHALL PROVIDE PAPER BENCH COPIES OF ALL EXHIBITS.**

Counsel shall provide paper bench copies of all exhibits, in addition to the foregoing, counsel shall provide a flash drive containing an index and all exhibits for retention by the Court.

The parties and their attorneys are hereby notified, pursuant to Civil Rule 41(B)(1), that failure to comply with this order may result in dismissal or other sanctions.

**IT IS THEREFORE ORDERED** that the parties complete the worksheets and addendum to the extent applicable and present them, together with appropriate documentation at the hearing.

  
SARAH L. HEFFTER, MAGISTRATE

**Cases will be dismissed for want of prosecution after said date of assignment for failure of parties and counsel to appear, unless good cause for such non-appearance can be shown to the Court.**

**INSTRUCTIONS TO CLERK**

You are directed to mail by Ordinary First Class Mail a copy of this notice to each party, to their respective addresses listed in the caption, or their attorneys, if represented.

cc: Karen Lee, Esq.  
Alarra Jordan, Esq.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

UNITED STATES OF AMERICA,	:	Case No. 1:20-cr-77
	:	
vs.	:	Judge Timothy S. Black
	:	
LARRY HOUSEHOLDER, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**CRIMINAL TRIAL CALENDAR**

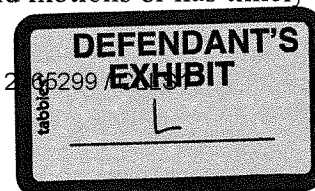
Pretrial Motions: <sup>1</sup>	<b>February 1, 2022</b> <b>Opposition by February 22, 2022</b> <b>Reply (if any) by March 8, 2022</b>
Deadline to Supplement Privilege Logs: <sup>2</sup>	<b>March 15, 2022</b>
Deadline for Filter Team to Disclose List of Proposed Non-Privileged Documents to Defense Counsel:	<b>April 15, 2022</b>
Hearing on Pretrial Motions (if needed): <sup>3</sup>	<b>April 25, 2022 at 1:30 p.m.</b> <b>Courtroom #1, Room 805</b>
Meet and Confer Between Filter Team and Defense Counsel:	<b>April 29, 2022</b>
Deadline for Defendants' (or Non-Parties') Motion for Protective Order and/or <i>In Camera</i> Review Regarding Privilege Claims: <sup>4</sup>	<b>May 16, 2022</b> <b>Opposition by June 6, 2022</b> <b>Reply (if any) by June 20, 2022</b>

<sup>1</sup> Defendant Householder's SEALED amended motion to suppress (Doc. 114) is subject to the following amended briefing schedule: amended motion due March 1, 2022; response in opposition due March 22, 2022; and reply (if any) due April 5, 2022. (Not. Order, Feb. 23, 2022).

<sup>2</sup> Counsel on behalf of Defendant Householder shall supply the Government's Filter Team with supplemented privilege logs, to include Bates numbers of the specified documents or, in the alternative, counsel shall provide PDF copies of the specified documents.

<sup>3</sup> In the event that a hearing is required on Defendant Householder's SEALED amended motion to suppress (Doc. 114), the Court will separately set the motion for a sealed hearing.

<sup>4</sup> As early as May 17, 2022, the Filter Team may release to the Prosecution Team any document not specifically identified in a motion for protective order or motion for *in camera* review, unless a potential moving party has been granted an extension of time to file said motions or has timely sought an extension of time that has yet to be ruled on.





In Chambers Conference for Final Rulings on Privilege Claims (the Court, Filter Team, and Counsel for Moving Party only):	<b>July 13, 2022 at 1:30 p.m. Chambers, Room 815</b>
Disclosure of Anticipated Subject Areas of Expert Testimony in Case-in-Chief:	<b>July 18, 2022</b>
Rule 404(b) Notice Deadline: <sup>5</sup>	<b>August 15, 2022 Opposition (if any) by September 5, 2022 Reply (if any) by September 23, 2022</b>
Expert Disclosures (if any) Pursuant to Rule 16:	<b>September 1, 2022</b>
<i>Daubert</i> Motions (if any):	<b>September 26, 2022 Opposition by October 17, 2022 Reply (if any) by October 31, 2022</b>
Deadline to Submit Proposed Questions for Inclusion in the Special Questionnaire to Prospective Jurors: <sup>6</sup>	<b>November 1, 2022</b>
Deadline for Motions <i>in Limine</i> :	<b>November 9, 2022 Opposition by November 28, 2022 Reply (if any) by December 5, 2022</b>
<i>Daubert</i> Hearing (if required):	<b>November 16, 2022 at 1:00 p.m. Courtroom #1, Room 805</b>
Hearing on Motions <i>in Limine</i> (if required):	<b>December 12, 2022 at 1:00 p.m. Courtroom #1, Room 805</b>
Jencks & Giglio Production:	<b>January 2, 2023</b>
Proposed Jury Instructions & Verdict Forms: <sup>7</sup>	<b>January 4, 2023</b>
Proposed Witness Lists & Exhibit Lists: <sup>8</sup>	<b>January 4, 2023</b>
Trial Briefs (if any):	<b>January 6, 2023</b>

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<sup>5</sup> In the event that Defendants seek to exclude any evidence identified in the Government's Rule 404(b) Notice, the Notice will be construed as a motion, to which Defendants should file a memorandum in opposition (as opposed to a separate motion to exclude).

<sup>6</sup> The parties shall provide the Court with a jointly proposed Special Questionnaire, **in Word format**. If the parties cannot agree on the inclusion of certain questions, those questions shall be included at the end of the proposed Special Questionnaire and identified as opposed.

<sup>7</sup> Proposed jury instructions and verdict forms must be filed on the docket and must **also** be emailed, **in Word format**, to the Court's law clerk.

<sup>8</sup> Witness and exhibit lists must be emailed, **in Word format**, to the Court's law clerk, and **may be submitted ex parte**. Witnesses must be listed in the anticipated order of presentation.

Exhibit Binders:<sup>9</sup>

**January 11, 2023**

Final Pretrial Conference (attorneys only):

**January 11, 2023 at 2:00 p.m.  
Chambers, Room 815**

*Voir Dire*:

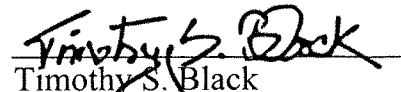
**January 20, 2023 at 9:30 a.m.  
Courtroom #1, Room 805**

Jury Trial:

**January 23, 2023 at 9:30 a.m.  
Courtroom #1, Room 805**

**IT IS SO ORDERED.**

Date: 3/11/2022

  
Timothy S. Black  
United States District Judge

---

<sup>9</sup> The Court requires: (1) the original set of all exhibits (witnesses' exhibit binder); (2) one complete hard-copy set of all exhibits (Judge Black's courtesy exhibit binder); and (3) one set of all exhibits in electronic format, saved to a USB flash drive (Law Clerk's exhibits). The original and Judge's copy of the exhibits must be pre-marked and organized sequentially in tabbed, three-ring binders. All three sets must be delivered to Chambers in Room 815. Counsel will not be permitted to add or amend exhibits after trial has commenced, unless counsel provides the Court with the new or amended exhibits (in all three formats) and amended exhibits lists, before the Court next reconvenes.









[Query](#) [Reports](#) [Utilities](#) [Help](#) [Log Out](#)

**1:20-cr-00077-TSB All Defendants USA v. Householder et al**









**Date filed: 07/30/2020**

**Date of last filing: 01/31/2023**

## Deadlines/Hearings

Doc. No.	Deadline/Hearing	Event Filed	Due/Set	Satisfied	Terminated
<u>118</u>	 Jury Selection <i>dft:</i> Generation Now Inc, Juan Cespedes, Matthew Borges, Neil Clark, Jeffrey Longstreth, Timothy Burga, Larry Householder	03/11/2022	01/20/2023 at 09:30 AM		
	 Jury Trial <i>dft:</i> Matthew Borges, Timothy Burga, Larry Householder	09/30/2022	01/24/2023 at 09:30 AM		
	 Jury Trial <i>dft:</i> Matthew Borges, Timothy Burga, Larry Householder	09/30/2022	01/31/2023 at 09:30 AM		
	 Jury Trial <i>dft:</i> Matthew Borges, Timothy Burga, Larry Householder	09/30/2022	02/01/2023 at 09:30 AM		
	 Jury Trial <i>dft:</i> Matthew Borges, Timothy Burga, Larry Householder	09/30/2022	02/02/2023 at 09:30 AM		
	 Jury Trial <i>dft:</i> Matthew Borges, Timothy Burga, Larry Householder	09/30/2022	02/03/2023 at 09:30 AM		
	 Jury Trial <i>dft:</i> Matthew Borges, Timothy Burga, Larry Householder	09/30/2022	02/06/2023 at 09:30 AM		
	 Jury Trial <i>dft:</i> Matthew Borges, Timothy Burga, Larry Householder	09/30/2022	02/07/2023 at 09:30 AM		

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	 Jury Trial <i>dft:</i> Matthew Borges, Timothy Burga, Larry Householder	09/30/2022	02/08/2023 at 09:30 AM		
Doc. No.	Deadline/Hearing	Event Filed	Due/Set	Satisfied	Terminated
	 Jury Trial <i>dft:</i> Matthew Borges, Timothy Burga, Larry Householder	09/30/2022	02/09/2023 at 09:30 AM		
	 Jury Trial <i>dft:</i> Matthew Borges, Timothy Burga, Larry Householder	09/30/2022	02/10/2023 at 09:30 AM		
	 Jury Trial <i>dft:</i> Matthew Borges, Timothy Burga, Larry Householder	09/30/2022	02/13/2023 at 09:30 AM		
	 Jury Trial <i>dft:</i> Generation Now Inc, Juan Cespedes, Matthew Borges, Neil Clark, Jeffrey Longstreth, Timothy Burga, Larry Householder	01/31/2023	02/14/2023 at 09:30 AM		
	 Jury Trial <i>dft:</i> Generation Now Inc, Juan Cespedes, Matthew Borges, Neil Clark, Jeffrey Longstreth, Timothy Burga, Larry Householder	01/31/2023	02/15/2023 at 09:30 AM		
	 Jury Trial <i>dft:</i> Generation Now Inc, Juan Cespedes, Matthew Borges, Neil Clark, Jeffrey Longstreth, Timothy Burga, Larry Householder	01/31/2023	02/16/2023 at 09:30 AM		
Doc. No.	Deadline/Hearing	Event Filed	Due/Set	Satisfied	Terminated
	 Jury Trial <i>dft:</i> Generation Now Inc, Juan Cespedes, Matthew Borges,	01/31/2023	02/17/2023 at 09:30 AM		

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	Neil Clark, Jeffrey Longstreth, Timothy Burga, Larry Householder				
<u>182</u>	Redacted Transcript Deadline <i>dft:</i> Generation Now Inc, Juan Cespedes, Matthew Borges, Neil Clark, Jeffrey Longstreth, Timothy Burga, Larry Householder	01/15/2023	02/15/2023		
<u>191</u>	Redacted Transcript Deadline <i>dft:</i> Generation Now Inc, Juan Cespedes, Matthew Borges, Neil Clark, Jeffrey Longstreth, Timothy Burga, Larry Householder	01/25/2023	02/27/2023		
<u>194</u>	Redacted Transcript Deadline <i>dft:</i> Generation Now Inc, Juan Cespedes, Matthew Borges, Neil Clark, Jeffrey Longstreth, Timothy Burga, Larry Householder	01/27/2023	02/27/2023		
<u>182</u>	Redaction Request Deadline <i>dft:</i> Generation Now Inc, Juan Cespedes, Matthew Borges, Neil Clark, Jeffrey Longstreth, Timothy Burga, Larry Householder	01/15/2023	02/06/2023		
<b>Doc. No.</b>	<b>Deadline/Hearing</b>	<b>Event Filed</b>	<b>Due/Set</b>	<b>Satisfied</b>	<b>Terminated</b>
<u>191</u>	Redaction Request Deadline <i>dft:</i> Generation Now Inc, Juan Cespedes, Matthew Borges, Neil Clark, Jeffrey Longstreth, Timothy Burga, Larry Householder	01/25/2023	02/15/2023		
<u>194</u>	Redaction Request Deadline <i>dft:</i> Generation Now Inc, Juan Cespedes, Matthew Borges, Neil Clark, Jeffrey Longstreth, Timothy Burga, Larry Householder	01/27/2023	02/17/2023		

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	Matthew Borges, Neil Clark, Jeffrey Longstreth, Timothy Burga, Larry Householder				
<u>182</u>	● Release of Transcript Restrict <i>dft:</i> Generation Now Inc, Juan Cespedes, Matthew Borges, Neil Clark, Jeffrey Longstreth, Timothy Burga, Larry Householder	01/15/2023	04/17/2023		
<u>191</u>	● Release of Transcript Restrict <i>dft:</i> Generation Now Inc, Juan Cespedes, Matthew Borges, Neil Clark, Jeffrey Longstreth, Timothy Burga, Larry Householder	01/25/2023	04/25/2023		
<b>Doc. No.</b>	<b>Deadline/Hearing</b>	<b>Event Filed</b>	<b>Due/Set</b>	<b>Satisfied</b>	<b>Terminated</b>
<u>194</u>	● Release of Transcript Restrict <i>dft:</i> Generation Now Inc, Juan Cespedes, Matthew Borges, Neil Clark, Jeffrey Longstreth, Timothy Burga, Larry Householder	01/27/2023	04/27/2023		

PACER Service Center			
Transaction Receipt			
01/31/2023 17:46:47			
<b>PACER Login:</b>	Athurman	<b>Client Code:</b>	
<b>Description:</b>	Deadline/Hearings	<b>Search Criteria:</b>	1:20-cr-00077- TSB
<b>Billable Pages:</b>	4	<b>Cost:</b>	0.40



CUYAHOGA COUNTY  
COURT OF COMMON PLEAS  
DIVISION OF DOMESTIC RELATIONS  
1 W. LAKESIDE AVE.  
CLEVELAND, OHIO 44113  
TEL: (216) 443-8800  
[WWW.DOMESTIC.CUYAHOGACOUNTY.US](http://WWW.DOMESTIC.CUYAHOGACOUNTY.US)

## NOTIFICATION

DATE: 01/30/2023  
Notice ID: 69  
Batch: 42943

### CASE INFORMATION

Case: DR21 384289	Plaintiff: ELIZABETH ABEDRABBO
Judge: COLLEEN ANN REALI	Defendant: ABDELRAHMAN S. ABEDRABBO

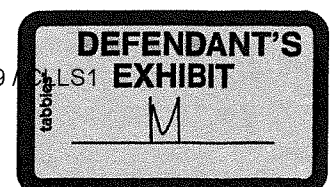
### HEARING INFORMATION

Before: Judge COLLEEN ANN REALI	Location: CRTRM 1A COURTROOM #1A (3RD FLOOR)
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<u>DATE:</u>	<u>TIME:</u>	<u>DURATION:</u>	<u>EVENT DESCRIPTION:</u>
02/06/2023	9:00 AM	H: 7 M: 30	TRIAL - IN-PERSON

The above schedule(s) has been set for the following motions:

<u>Motion No:</u>	<u>Type:</u>	<u>Description:</u>	<u>Date Filed:</u>
441833	CV32	MOTION TO ESTABLISH TEMPORARY PARENTAL RIGHTS (PRE-DECREE)	06/18/2021
451062	M999	MOTION TO SHOW CAUSE	06/10/2022
452163	CV49	MOTION TO ADOPT SHARED PARENTING PLAN (PRE-DECREE)	07/22/2022
452880	M999	MOTION FOR INTERPRETER	08/18/2022
454219	MT48	MOTION FOR GUARDIAN AD LITEM FEES	10/10/2022
454277	CV80	MOTION FOR OUR FAMILY WIZARD	10/12/2022
454279	CV32	MOTION TO ESTABLISH TEMPORARY PARENTAL RIGHTS (PRE-DECREE)	10/12/2022



[Print](#)**CASE INFORMATION****Case Parties**

**PLAINTIFF (1)** ELIZABETH ABEDRABBO  
12900 LAKE AVENUE  
UNIT 915  
LAKEWOOD, OH 44107

**ATTORNEY** JOSEPH G STAFFORD  
(0023863)  
55 ERIEVIEW PLAZA  
5TH FLOOR  
CLEVELAND, OH 44114-0000  
Ph: 216-241-1074  
Answer Filed: N/A

**ATTORNEY** CARA L SANTOSUOSSO  
(0069635)  
1991 CROCKER ROAD  
SUITE 600  
WESTLAKE, OH 44145  
Ph: 440-892-3368  
Answer Filed: N/A

**ATTORNEY** NICOLE A CRUZ  
(0095743)  
55 ERIEVIEW PLAZA  
5TH FLOOR  
CLEVELAND, OH 44114-0000  
Ph: 216-241-1074  
Answer Filed: N/A

**GUARDIAN AD LITEM (1)** ATTORNEY EDWARD R  
JANSEN  
CLEVELAND, OH 44114-0000

**ATTORNEY** EDWARD R JANSEN  
(0072611)  
5005 ROCKSIDE ROAD,  
SUITE 600-169  
INDEPENDENCE, OH  
44131  
Ph: 216-438-3101  
Answer Filed: N/A

**DEFENDANT (1)** ABDELRAHMAN ABEDRABBO  
1447 LAKELAND AVENUE  
LAKEWOOD, OH 44107

**ATTORNEY** SCOTT S ROSENTHAL  
(0069135)  
1001 LAKESIDE AVENUE  
SUITE 1720  
CLEVELAND, OH 44114-0000  
Ph: 216-589-9600



Answer Filed: N/A

**ATTORNEY** ROBERT T. GLICKMAN  
(0059579)  
1111 SUPERIOR AVE EAST  
STE 2700  
CLEVELAND, OH 44114-  
0000

Ph: 216-696-1422

Answer Filed: N/A

**ATTORNEY** ALARRA JORDAN  
(0100152)  
1001 LAKESIDE AVE  
SUITE 1720  
CLEVELAND, OH 44114-  
0000

Ph: 216-589-9600

Answer Filed: N/A

**DEFENDANT (2)** N. A. (MINOR)

**ATTORNEY** EDWARD R JANSEN  
(0072611)  
5005 ROCKSIDE ROAD,  
SUITE 600-169  
INDEPENDENCE, OH  
44131

Ph: 216-438-3101

Answer Filed: N/A

**DEFENDANT (3)** RONALD J STIPANOVICH  
4055 W 140TH ST  
CLEVELAND, OH 44135-0000

**DEFENDANT (4)** CHRISTOPHER STIPANOVICH  
10441 RIDGE ROAD  
NORTH ROYALTON, OH 44133-  
0000

**DEFENDANT (5)** ABIR S ABEDRABBO  
6871 AMES ROAD APT 816  
CLEVELAND, OH 44129-0000

**ATTORNEY** ROBERT T. GLICKMAN  
(0059579)  
1111 SUPERIOR AVE EAST  
STE 2700  
CLEVELAND, OH 44114-  
0000

Ph: 216-696-1422

Answer Filed: N/A