No. 17-3534

THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

EILEEN L. ZELL
Plaintiff-Appellant,

v.

Katherine M. KLINGELHAFER, Esq.; FROST BROWN TODD, LLC; Patricia D. LAUB, Esq.; Shannah J. MORRIS, Esq.; Joseph J. DEHNER, Esq.; Douglas A. BOZELL, Esq.; Jeffrey G. RUPERT, Esq.,

Defendants-Appellees.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO, EASTERN DIVISION
IN CASE NO. 2:13-CV-458,
District Court Judge Algenon L. Marbley

PETITION FOR REHEARING AND REHEARING EN BANC

(TO INCLUDE ORAL ARGUMENT)

OF PLAINTIFF-APPELLANT EILEEN L. ZELL

Jonathan R. Zell
5953 Rock Hill Road
Columbus, Ohio 43213-2127
(614) 864-2292
jzell@justice-for-pro-ses.org
Counsel for Plaintiff-Appellant

TABLE OF CONTENTS

.

STATEMENT REQUIRED BY FED. R. APP. P. 35

This *Petition for Rehearing and Suggestion for Rehearing En Banc* was originally written as a *Motion for Oral Argument* because, despite the timely request for oral argument Plaintiff-Appellant Eileen Zell ("MRS. ZELL") had made in her *Opening Brief* (Doc. 40 at 1 and 11), this Court sent the parties a *Notice* dated 8/9/2018 (Doc. 59) stating in pertinent part:

> The Court has determined that oral argument is not required. See I.O.P. 34(a)(4). The case noted above is scheduled for submission to the Court on the briefs of the parties and the record on **Thursday, October 4, 2018**. (Original emphasis.)

However, before MRS. ZELL could file her *Motion for Oral Argument*, a panel of the Court prematurely issued its *Opinion* (Doc. 60-2) in this case on 9/24/2018 — a full ten days ***before*** the case was "scheduled for submission to the Court."

Not surprisingly, without the benefit of oral argument the panel affirmed the district court's decision in favor of the Defendant-Appellee Frost Brown Todd ("FBT") law firm and against the elderly MRS. ZELL.

Similarly, in connection with its previous denial of MRS. ZELL's *Motion for a New Trial Based on Defendant FBT's Perjury at Trial* (RE

211), the district court had also denied MRS. ZELL's timely request for an oral hearing.

Furthermore, the district court's decision denying MRS. ZELL's *Motion for a New Trial* failed ***even to mention*** any of the overwhelming documentary evidence that directly and unambiguously contradicted FBT's testimony — testimony on which the district court then uncritically based its findings of fact — or any of the testimony of MRS. ZELL's expert witness, who refuted FBT's testimony by citing to that overwhelming and undisputed documentary evidence. All of the evidence contradicting FBT's testimony was exhaustively referenced in MRS. ZELL's 63-page *Motion for a New Trial* and MRS. ZELL's 76-page *Reply Brief* (RE 217), but was then completely ignored by the district court.

Similarly, in its premature *Opinion*, a panel of this Court did the exact same thing. In affirming the district court's decision, this panel also ignored the overwhelming and undisputed documentary and expert-witness evidence that unquestionably proved FBT's

obvious, blatant, and wholesale perjury

on which the district court had uncritically based its findings of fact.

I. THE PANEL'S *OPINION* (WRITTEN ***BEFORE*** THE CASE WAS EVEN SUBMITTED TO THE PANEL) GROSSLY MISCHARACTERIZED THE CASE

As bad as FBT's perjurious testimony was, the panel of this Court was not satisfied and went on to embellish that perjurious testimony in its premature *Opinion*.

As MRS. ZELL had previously explained to this panel (*see* Doc. 40 at 18-19 and Doc 52 at 5-6), MRS. ZELL's son — the undersigned Jonathan Zell ("MR. ZELL"), a non-practicing lawyer with zero previous trial experience and, at that time, no access to online legal research — had contacted FBT to represent his mother in the underlying case because the son knew he himself was not qualified to do so. *See* 3/17/2014 *Eileen Zell Affidavit* (RE 50-1, Page ID # 593-596); *3/17/2014 Jonathan Zell Affidavit* (RE 50-2, Page ID # 600-603); Transcript (RE 222, Page ID # 6187-6190); E-mails (RE 50-2, Page ID # 608, 628, 634-643).

However, in an attempt to reduce his mother's attorney's fees — and subject to FBT's oversight and review — MR. ZELL eventually began to voluntarily assist FBT with the writing tasks of assembling the facts and putting FBT's legal research into the first draft of MRS. ZELL's pleadings and briefs. *Id*.

The FBT attorneys and MR. ZELL communicated almost exclusively via e-mail. Their e-mails clearly showed the FBT attorneys did all of the legal research (which turned out to be fatally flawed and mainly involved the statute-of-limitations issue). MR. ZELL then used the FBT attorneys' research to prepare multiple drafts of MRS. ZELL's pleadings for the FBT attorneys' review, correction, and filing in court. *See* E-mails in Mrs. Zell's *Separate Appendix* (Doc 39) Parts V to XIII.

For the three and one-half years prior to trial, none of the above facts had ever been ***questioned***. Moreover, as was documented in MRS. ZELL's *Motion for a New Trial* (RE 211 at 18-30) and her briefs before this Court, the above facts had even been litigated by the parties and ***accepted by the district court*** in its decision dismissing FBT's *Third-Party Complaint* against MR. ZELL!

As demonstrated below, the district court found FBT represented MRS. ZELL and was responsible for litigating her case, MR. ZELL merely assisted FBT, FBT advised MRS. ZELL (through MR. ZELL) on the key statute-of-limitations issue, FBT advised MRS. ZELL erroneously on this issue and, in so doing, actually overcame MR. ZELL's doubts that FBT's advice was correct:

According to Plaintiff, Mr. Zell's role generally was to oversee the work of outside counsel and advise her about matters as necessary. (Doc. 50-1 at ¶ 4). Plaintiff asserts that Mr. Zell has served as a "conduit" between herself and outside counsel when she has hired outside counsel for matters related to the loan. (*Id.* at ¶ 7).

Specifically, as related to the $90,000 loan at issue, Mr. Zell assisted Plaintiff by: ... selecting FBT, the law firm employing the Defendants in this case, as the firm tasked ... [with] representing Plaintiff in the litigation related to the underlying action; assisting Plaintiff ... by "consult[ing]" with FBT and "continu[ing] to give [Plaintiff] extensive advice" regarding the loan; and generally assisting FBT in preparation of Plaintiff's case. (*Id.* at ¶ 4-9; Doc. 50-2 at ¶ 5-11).

* * *

On the statute of limitations issue, Mr. Zell presents evidence of correspondence between himself and the Defendants in which he questions Defendants' statute of limitations analysis and expresses doubt as to whether Defendants properly considered the issue. Moreover, Mr. Zell presents correspondence indicating that Plaintiff's … belief that the Missouri statute of limitations would apply was based on a

> review of Defendants' recommendation and reasoning, as opposed to any independent research or investigation conducted by Plaintiff or by Mr. Zell.

District court's *Opinion & Order* dated 12/23/2014 (RE 121, Page ID # 2684, 2685, 2689, n.2) (citations omitted).

Then, at the trial held three and one-half years later, FBT falsely claimed — ***for the very first time*** — it had ***oral*** agreements with MRS. ZELL and her son whereby supposedly (1) the son (a non-practicing lawyer with no access to online legal research) was responsible for doing all the legal research in MRS. ZELL's case, with FBT's four litigators relegated to the role of advising the son; and (2) those four FBT litigators ***never*** researched the key statute-of-limitations issue in the case.

However, in its premature *Opinion,* this panel went even further. To ***help*** the FBT litigators explain what they could have been doing in the case if not representing MRS. ZELL (and why they charged MRS. ZELL over $73,000 on an $82,000 claim), the panel misrepresented FBT as being more like a continuing-legal-education trainer than a law firm providing legal services, ***falsely*** claiming: "Jonathan [Zell] wanted other attorneys to double-check his work. So, he and [Mrs.] Zell hired lawyers

from Frost Brown Todd ... to be Jonathan's co-counsel." *Id*.

In its premature *Opinion*, the panel also mischaracterized a dispute between FBT attorney Shannah Morris ("MORRIS") and MR. ZELL as having been about which one of them was "lead counsel" (with the panel continuing to suggest it was MR. ZELL). *See* Doc. 60-2 at 3. However, as MRS. ZELL pointed out during the pre-trial proceedings, this dispute was instead about

> Mr. Zell's sincerely-held beliefs that he was not a *bona fide* co-counsel and that Defendant Morris' listing of Mr. Zell on Plaintiff's pleadings had been a mistake that would henceforth be corrected.

(RE 134, Page ID 3054).

MORRIS' and MR. ZELL's contemporaneous e-mail correspondence — which bears this out — was quoted in and attached to MR. ZELL's successful *Motion for Summary Judgment on the Third-Party Complaint* (RE 50, 50-1, 50-2). Here is but one example, which comes from MR. ZELL's e-mail to MORRIS of 11/30/2010:

> I would like to have an arrangement whereby you are the one representing my mother in court, yet I am free to suggest strategy to you based on my intimacy with the facts[.]

and

> [B]y having you do the actual courtroom work, we can all be confident that my mother has fully competent counsel. Furthermore, my overseeing the litigation in the way an outside counsel might should ***theoretically*** help my mother's case.

(RE 50-2, Page ID 641.)

The mischaracterizations of fact ***and argument***[1] in the panel's premature *Opinion* cannot be held against this panel, of course, inasmuch as that *Opinion* was apparently written by an over-enthusiastic law clerk ***before*** the case was even submitted to the panel! But both of those reasons — the gross mischaracterizations in the *Opinion* and the apparent failure to have had this case adjudicated by the panel — ***compel*** a rehearing.

II. FROST BROWN TODD'S PERJURIOUS TESTIMONY

As MRS. ZELL explained in her *Opening and Reply Briefs* (Doc. 40 at 84-94 and Doc. 58 at 6, 14-36), the district court based its findings of fact on two Big Lies in the FBT attorneys' testimonies, while the panel of this Court based its *Opinion* on only the first lie. Yet, since the panel recognized the second lie, it shouldn't have deferred to the district court's finding that the FBT attorneys were credible.

---

[1] As shown in Section II, the panel ***falsely*** claimed: "Zell does not specifically challenge any of the trial court's factual findings" (Doc. 60-2 at 9).

A. Big Lie # 1

The first Big Lie came in FBT attorney Jeffrey Rupert's ("RUPERT's") testimony and involved an ***unanswered*** 6/24/2011 e-mail MR. ZELL had sent to RUPERT before the plaintiffs in the underlying case filed their summary-judgment motion on the statute-of-limitations issue on 7/5/2011. With regard to "the run-of-the-mill pleadings that plaintiffs' counsel is churning out," MR. ZELL suggested several ***possible*** ways to "minimize my mother's pre-trial litigation costs — without, however, making my mother wholly dependent on my own inadequate legal research and writing skills." *See* RE 86-19, Page ID # 1629.

Although other suggestions were also made, the only one later implemented was that MR. ZELL would start signing MRS. ZELL's pleadings and list RUPERT as "of counsel" so RUPERT would not have to make so many stylistic changes to the first drafts of MRS. ZELL's pleadings that MR. ZELL would continue to submit to MR. RUPERT to revise and review. *Amended Complaint* at ¶¶ 52-54 (RE 117, Page ID # 2622-2623); Transcript (RE 221, Page ID # 6137, line 11 to 6138, line 22) (testimony improperly struck).

Since MR. ZELL had received no response to his 6/24/2011 e-mail, he sent a 6/26/2011 e-mail explaining the signing change was intended to relieve RUPERT of responsibility ***only*** for the professional "tone that would befit a pleading that you would sign," but ***not*** for any "legal[] insufficien[cy]" MR. ZELL's first drafts might contain. *See* ¶ 52 of *Amended Complaint* (RE 117, Page ID # 2622-2623). MR. RUPERT's only response on 6/27/2011 was: "I talked with Joe [DEHNER], and I think we may be able to work something out. I'll get back to you shortly on that." E-mail (RE 86-18, Page ID # 1627).

RUPERT then testified that, in the 6/24/2011 e-mail proposing that MR. ZELL sign MRS. ZELL's pleadings, MR. ZELL was actually asking FBT "not to do any[more legal] research" in the underlying case unless "there was a specific issue that [MR. ZELL] wanted researched." Transcript (RE 219, Page ID # 5555, line 19 to # 5556, line 15). RUPERT falsely added he and the Zells then agreed, in a meeting in his office on 7/1/2011, this is what they would do going forward. (*Id.*, Page ID # 5517, lines 11-21; # 5571, lines 17-21; # 5590, lines 12-17.)

RUPERT's testimony, which the district court uncritically adopted in its findings, was demonstrably false for seven reasons:

1. RUPERT's characterization of the 6/24/2011 e-mail was belied by the e-mail's own words. The e-mail did not say MR. ZELL wanted MRS. ZELL to be dependent on MR. ZELL for all the legal research. On the contrary, it stated MR. ZELL did ***not*** want MRS. ZELL to be "wholly dependent on my own inadequate legal research and writing skills."

2. RUPERT's testimony ignored the later e-mail dated 6/26/2011, which emphasized that, under MR. ZELL's proposal, RUPERT was still to revise MR. ZELL's drafts if they were "legally insufficient," but not simply to make the "tone" sound more "professional." Yet, of the two e-mails, this was the only one to which RUPERT responded.

3. While arranging a meeting with RUPERT for himself and MRS. ZELL on 7/1/2011, MR. ZELL stated in his 6/29/2011 e-mail to RUPERT:

> I do not have access to legal research on the Internet … so you are right that the drafts I give to you will ***always*** be lacking such research. In the past, both you and Shannah Morris have simply added the relevant case law where necessary to my drafts. However, if instead you would like to send me the relevant cases and have me weave them into my drafts by myself as a way to further minimize my mother's legal fees, then I am certainly willing to try that.

(RE 50-2, Page ID # 637) (emphasis added). Does this e-mail sound like it was written by someone who, a few days later on 7/1/2011, would have

agreed to an arrangement whereby the legal sufficiency of his mother's pleadings would now become his own ***sole*** responsibility and not that of the law firm his mother was ***continuing*** to employ?

4. While a meeting did take place on 7/1/2011, there was never any discussion, let alone any agreement, on even the key ***signing*** component of MR. ZELL's proposal. Proof is that, on 7/5/2011, MR. ZELL sent RUPERT an e-mail asking: "(a) Who — you or me — should sign [the next pleading] … and (b) who should be listed as 'of counsel' on it?" RUPERT then replied back: "I think you should sign it and list me as 'of counsel' in the signature block." *See* Trial Exhibit P-127 (Appendix V).

5. FBT could produce no personal notes, no notes to the file, no e-mails, or any other documentation to back up this supposed agreement. However, in his 6/27/2011 e-mail to MR. ZELL, RUPERT stated he had discussed MR. ZELL's proposal with FBT attorney DEHNER (RE 86-18, Page ID # 1627), who did ***not*** testify about it.

6. In almost four years of pretrial litigation — including litigation on the *Third-Party Complaint* specifically concerning MR. ZELL's potential liability — FBT never even once mentioned this supposed agreement.

7. MR. ZELL's testimony was that he was to do a large part of the writing, but the FBT's attorneys were ***always*** responsible for doing the legal research, for MRS. ZELL's pleadings and briefs. (Transcript, RE 222, Page ID # 6189, line 16 to # 6190, line 11; RE 221, Page ID # 6137, line 11 to 6138, line 22.) More importantly, the e-mails cited in section "VIII.B" of Mrs. Zell's *Opening Brief* support MR. ZELL's testimony by showing the FBT attorneys always provided MR. ZELL with the legal research he used — ***even after*** the 7/1/2011 meeting.

For example, the last nail in FBT's coffin is the following statements taken from MR. ZELL's and RUPERT's e-mails relating to the drafting of MRS. ZELL's *Amended Reply Brief* on the statute-of-limitations issue:

ZELL (8/8/2011)

"[S]omeone at FBT will need to review what I wrote for legal sufficiency."
(Appendix VII, p. 183)

RUPERT (8/9/2011)

"I am having someone research the two points you identified"
(Appendix VII, p. 175)

RUPERT (8/10/2011)

"I will have an associate research these [additional] issues." (Appendix VIII, p. 186)

RUPERT (8/11/2011)

"Below is the results of the research." (Appendix IX, p. 191)

B. Big Lie # 2

The second Big Lie was when the FBT attorneys testified that — throughout the pendency of the trial-court proceedings — MR. ZELL had ***never*** asked any FBT attorney to research the statute-of-limitations issue for MRS. ZELL's Note nor had any FBT attorney ***ever*** indicated to MR. ZELL that Missouri's statute of limitations would apply.

The district court then uncritically accepted the FBT attorneys' perjurious testimonies and incorporated them wholesale into the court's findings of fact. Yet, as shown by the examples in MRS. ZELL's *Reply Brief* (Doc. 58 at 6), the district court's findings of fact were directly contradicted by all the evidence in the Record:

***Specifically, the district court held that, during the entire trial-court proceedings*:**

"[T]here's no evidence that she [Ms. Klingelhafer] *** researched statute of limitations[.]"

"Mr. Zell asked and authorized Mr. Rupert to research only *Standard Agencies*, not procedural choice of law [i.e., the statute of limitations]."

Then how do you explain why, during the summary-judgment briefing period in early July 2011:

- Mr. Zell sent e-mails to Rupert, which Rupert then forwarded to Klingelhafer, asking for research on "the statute of limitations"?
- In return, Mr. Zell received research memos from both Klingelhafer and Rupert on "the statute of limitations"?
- FBT's billing statements contained several time entries for Klingelhafer stating "research on statute of limitations" and "Conference with J. Rupert re research on statute of limitations"?

And why did FBT admit in its *Responses to Mrs. Zell's Request for Admissions* that, during the trial-court proceedings, FBT attorneys provided advice to Mrs. Zell on "whether or not the Ohio statute of limitations would apply"?

III. FBT'S OBVIOUS PERJURIES WOULD HAVE BEEN EXPOSED AT ORAL ARGUMENT

By deciding this case without oral argument, this Court has protected FBT's obvious perjuries from being exposed. As the undersigned stated in MRS. ZELL's *Reply Brief* (Doc. 58 at 21):

> This is precisely why FBT and their experienced malpractice counsel are opposing my request for oral argument. *See* Appellees' Brief, Doc. 43 at 1. With the Truth against them, they fear giving this Court an opportunity to ask them the three questions I stated on pages 6-7 of my mother's Opening Brief that "FBT *cannot* answer."
>
> As expected, FBT did not even attempt to answer any of those three questions in its responsive brief. Yet, on those three questions this entire appeal hinges. So I implore this Court to ask FBT's counsel those questions at the oral argument. If he can give an adequate answer to any *one* of those questions, my mother will instantly drop this appeal.

As stated in MRS. ZELL's *Opening Brief* (Doc. 40 at 6-7 and 94-95), the three questions "FBT *cannot* answer" were:

1. How could Appellees Morris, Rupert, and Klingelhafer and FBT attorney Aaron Bernay testify truthfully that, throughout the entire trial-court proceedings in the Ohio action, they did not think they were supposed to research the procedural choice-of-law issue of the statute of limitations applicable to MRS. ZELL's Note (and therefore did not do it) or that MR. ZELL had not asked them to do so when they had each received MR. ZELL's e-mails asking for research ***specifically*** on the applicable statute of limitations (which was essentially the only issue in the case) and some of their own research memos even discussed the "statute of limitations"?

2. Why did neither Appellee Rupert nor Appellee Dehner have any notes to themselves, meeting notes, notes to the file, e-mails, or any written agreement with the Zells regarding what Appellee Rupert testified to was an agreement under which Mrs. Zell's son Jonathan Zell (a non-practicing attorney with zero trial experience and no access to online legal research) — rather than FBT

(whose attorneys Mrs. Zell was paying every month) — was to be responsible for the legal sufficiency of Mrs. Zell's pleadings and briefs in the Ohio litigation?

3. Why in almost four years of litigation — including litigation specifically concerning Jonathan Zell's potential liability — did FBT never even once mention this supposed agreement before?

The *sine qua non* of MRS. ZELL's present *Petition* is that — when either the panel or the full Court en banc rehears this case — the parties ***must*** be granted oral argument. This is because to deny oral argument is to

hide the facts of this case,

which seem to have been ***purposefully*** covered up in both the district court's decision and the premature *Opinion* of a panel of this Court.

IV. THE DENIAL OF ORAL ARGUMENT HAS CREATED THE APPEARANCE OF A COVER-UP, AN APPEARANCE THAT CAN ONLY BE DISPELLED BY PROVIDING ORAL ARGUMENT *NOW*

Accordingly, the question of "exceptional importance" that Fed. R. App. P. 35(b) states must be present for a rehearing is simply this:

> Can an opinion of the Sixth Circuit (and of the district court before it) be left to stand when, instead of attempts to find out the facts, they were concerted efforts to cover up the facts?

In her *Opening* and *Reply Briefs*, MRS. ZELL provided a number of controlling legal precedents on which this panel could have reversed the district court's decision and remanded the case for a new trial. Nonetheless, the panel chose to ignore those precedents and, in some cases, the entire legal issues involved. Although MRS. ZELL will not attempt to re-argue these legal issues here, they will nevertheless remain if, on rehearing, this Court would prefer to base its new *Opinion* on the errors of law in the district court's decision rather than on the district court's having adopted as its findings of fact FBT's obvious perjury at trial.

In this *Petition*, the undersigned is arguing only that the panel gave the ***appearance*** of having corruptly "fixed" this case by denying

MRS. ZELL's request for oral argument given that, like the district court's decision, the panel's *Opinion* was directly based on FBT's obvious, blatant, and wholesale perjury at trial — which would have been ***clearly*** exposed for all to see if the panel had granted MRS. ZELL's request for oral argument.

However, if MRS. ZELL's petition for rehearing is denied, what was once alleged to be only the appearance of impropriety will then be alleged to be the fact of impropriety. The undersigned will not only make this allegation the central focus of MRS. ZELL's *cert.* petition before the U.S. Supreme Court. But the undersigned will also spend ***the rest of his life*** protesting that the law itself is a complete fraud since the courts routinely disregard it to favor their friends.

As a result, the undersigned ***will*** eventually obtain the desired oral hearing through disbarment proceedings before the Ohio Supreme Court that the undersigned will ***demand*** be instituted against himself for his future allegations against this Court in particular and the courts in general.

In addition, both MRS. ZELL and the undersigned intend to file additional lawsuits against FBT based on (1) FBT's wholesale perjury

during the trial and (2) FBT's use of that perjury to ***frame*** the undersigned for FBT's own malpractice. In these lawsuits — which will provide still other opportunities for a hearing — the question of why this Court covered up FBT's blatant, wholesale, and obvious perjury will be the ***300-pound elephant in the room***.

Finally, the undersigned is hereby announcing a $100,000 Challenge to anyone who can convince three full-time law professors from Ivy-League schools that FBT did ***not*** commit perjury. (The rules for the Challenge are posted at http://occupythefranklincountycourts.com.)

CONCLUSION

MRS. ZELL respectfully requests this panel or preferably the full Court en banc rehear this case, give the parties an ***oral argument***, and then remand the case for a new trial.

Respectfully submitted,

/s/ Jonathan R. Zell
Jonathan R. Zell
5953 Rock Hill Road
Columbus, Ohio 43213-2127
(614) 864-2292
jzell@justice-for-pro-ses.org
Counsel for Plaintiff-Appellant

CERTIFICATE OF COMPLIANCE

I hereby certify that this *Petition* complies with the type-volume limitation of Fed. R. App. P. 35(b)(2)(a) because it contains 3900 words, excluding the parts of the *Petition* exempted by Fed. R. App. P. 32(f) and 6 Cir. R. 32(b)(1). The preceding statement was made in reliance on the word-count utility in the Microsoft Word 2010 software program that was used to prepare this brief, consistent with Fed. R. App. P. 32(g)(1).

This *Petition* complies with the typeface requirements of Fed. R. App. P. 32(a)(5); and with the type-style requirements of Fed. R. App. P. 32(a)(6) because it has been prepared in a proportionally-spaced typeface using Microsoft Word 2010 in 14 point (or larger), Century Schoolbook.

This *Petition* is virus-free.

/s/ Jonathan R. Zell
Jonathan R. Zell
5953 Rock Hill Road
Columbus, Ohio 43213-2127
(614) 864-2292
jzell@justice-for-pro-ses.org
Counsel for Plaintiff-Appellant

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of October, 2018, I electronically filed the foregoing *Petition* with the Clerk of the Court for the United States Court of Appeals for the Sixth Circuit by using the CM/ECF system, causing notice of such filing to be served on the following registered CM/ECF participants in this case:

David P. Kamp and Brian Goldwasser
White, Getgey & Meyer Co., L.P.A.
1700 Fourth & Vine Tower
One West Fourth Street
Cincinnati, OH 45202
Counsel for Defendants-Appellees

/s/ Jonathan R. Zell
Jonathan R. Zell
5953 Rock Hill Road
Columbus, Ohio 43213-2127
(614) 864-2292
jzell@justice-for-pro-ses.org
Counsel for Plaintiff-Appellant