

October 7, 2016

October 6, 2016..... Attorney Curt C. Hartman, filed on behalf of “City of Madeira ex rel. Douglas Oppenheimer, Relator-Appellant” The Relator’s Notice of Appeal. Case number A-15-6891 is the case number that is being appealed, and C-16-792 is the case number assigned to the appeal.

Mr. Hartman, Attorney representing Madeira Tax Payers, will present a strong argument as part of the appeal process. The City of Madeira and Land Developer Thomas Powers, are both represented by the Law Firm of Graydon Head & Ritchey LLP, Attorneys, Brian W. Fox and Steven P. Goodin. Brian W. Fox is also the Madeira City Law Director, and was formally an Attorney with the Law Firm, Wood & Lamping.

- 1) Order Granting City of Madeira and City Manager Tom Moeller’s Motion For Judgement on The Pleadings.
- 2) City of Madeira, News Release, “Litigation Update” September 26, 2016.
- 3) Relator’s Notice of Appeal dated October 6, 2016.
- 4) E-mail correspondence, with Mr. Steve Goodin, Attorney for Mr. Powers?

Scroll Down Please.....

COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO

FOR COURT USE ONLY  
S. C. Line #: 7

CITY OF MADEIRA *ex rel.*  
DOUGLAS OPPENHEIMER,

Case No. A-15-06891

Relator,

Judge Dinkelacker

v.

ENTERED  
SEP 21 2016



CITY OF MADEIRA, *et al.*,

Respondents.

ORDER GRANTING  
CITY OF MADEIRA AND CITY MANAGER TOM MOELLER'S  
MOTION FOR JUDGMENT ON THE PLEADINGS

This matter is before the Court on the Motion of Respondents City of Madeira and Tom Moeller for Judgment on the Pleadings pursuant to Ohio Civil Rule 12(C). Having considered the record, including the memoranda submitted by counsel, this Court finds said Motion well-taken.

IT IS HEREBY ORDERED AND DECLARED:

1. Respondents City of Madeira and Tom Moeller's Motion for Judgment on the Pleadings is granted in its entirety.
2. Relator City of Madeira *ex rel.* Oppenheimer's Complaint is hereby dismissed.

IT IS SO ORDERED.

COURT OF COMMON PLEAS  
ENTER  
*Patrick C. Dinkelacker*  
Judge Patrick C. Dinkelacker  
THE CLERK SHALL SERVE NOTICE  
TO PARTIES PURSUANT TO CIVIL  
RULE 5B WHICH SHALL BE TAXED  
AS COSTS HEREIN. 9-20-16

**City of Madeira Litigation Update**  
**September 26, 2016**

On December 18, 2015, Mr. Douglas Oppenheimer filed a Complaint against the City in the Hamilton County Court of Common Pleas, Case No. A 1506891. Mr. Oppenheimer's lawsuit made a number of allegations regarding the City's ability to sell a portion of the Muchmore House Property.

A couple of months ago, the City filed a *Motion for Judgment on the Pleadings*, asking that the Court grant judgment in the City's favor. Both the City and Mr. Oppenheimer, through legal counsel, filed additional documents with the Court and attended hearings arguing their positions.

Last week, Judge Patrick Dinkelacker ruled in the City's favor. On September 21, 2016, he signed an Order granting the City's Motion, and dismissed Mr. Oppenheimer's Complaint.

While Council is pleased that Judge Dinkelacker ruled in our favor, it is unknown whether the Court's decision will be appealed, which would then require the City to expend additional Madeira taxpayer resources in its defense of this case.

OCT 06 2016

**COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO**

TRACY WINKLER  
CLERK OF COURTS  
HAMILTON COUNTY, OH

**CITY OF MADEIRA *ex rel.*  
DOUGLAS OPPENHEIMER,**  
**Relator-Appellant,**

v.

**CITY OF MADEIRA,  
and  
THOMAS E. MOELLER,  
and  
THOMAS POWERS,**  
**Respondents-Appellees.**

**Trial Case No. A-15-06891**

**Judge Dinkelacker**

**C 1600762**

**RELATOR'S NOTICE OF APPEAL**



D115924066 INI

Now comes the CITY OF MADEIRA, by and through Relator DOUGLAS OPPENHEIMER, and, hereby appeals to the Hamilton County Court of Appeals, First Appellate District, from the Order/Judgment entered herein on September 21, 2016, a copy of which is attached hereto, so as to include all orders and decisions merging into said Order/Judgment including, without limitation, the entry of dismiss entered herein on March 24, 2016, a copy of which is also attached hereto.

Respectfully submitted,

Curt C. Hartman (0064242)  
THE LAW FIRM OF CURT C. HARTMAN  
7394 Ridgepoint Drive, Suite 8  
Cincinnati, Ohio 45230  
(513) 379-2923  
hartmanlawfirm@fuse.net

*Attorneys for Relator-Appellant*

TRACY WINKLER  
CLERK OF COURTS  
HAMILTON COUNTY, OH  
COMMON PLEAS

2016 OCT -6 A 10:44

**FILED**

**Submitted by:**

/s/ Steven P. Goodin

Steven P. Goodin (0071713)

Brian W. Fox (0086851)

*Attorneys for Defendant*

GRAYDON HEAD & RITCHEY LLP

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**Distribution:**

Curt Hartman

3749 Fox Point Court

Amelia, OH 45102

Civil Docket Statement

(Must Be Typed and Filed In Duplicate and Served On Opposing Counsel)

1. Case Caption  
 City of Madeira ex rel. Oppenheimer vs. City of Madeira, et al.,

2. Appeal No. \_\_\_\_\_  
 3. Trial No. A-15-06891  
 4. Trial Judge Dinkelacker  
 5. Related Appeals \_\_\_\_\_  
 6. Date of Judgment/  
 Order Appealed From 9/21/2016  
 7. Date Appeal Filed 10/6/2016

8. Counsel for Appellant  
 Curt. C Hartman (0064242)  
 E-Mail address hartmanlawfirm@fuse.net

9. Counsel for Appellee  
 Steve Goodin (0071713, Brian Fox (0086851)  
 E-Mail address sgoodin@graydon.com, bfox@graydon.com

10(A) Civil Rule 54-B  
 If multiple judgments or claims:  
 Does Civil Rule 54-B Apply:  Yes  No

If yes, does the judgment include a certification of "No Just Cause for Delay?"  Yes  No

11. Record  
 There will be a partial transcript of proceedings filed.  Yes  No  
 The parts to be ordered are: \_\_\_\_\_  
 There will be a complete transcript of proceedings filed.  Yes  No  
 If either of the above are applicable the court reporter's certification below must be completed.  
 If neither of the above are applicable then one of the following must be circled:  
 There will be a statement filed pursuant to App. R. 9(C)  Yes  No  
 There will be an agreed statement filed pursuant to App. R. 9(D)  Yes  No  
 There is no transcript, statement or agreed statement to be filed.  Yes  No  
 Circling any of the above three will be deemed sufficient compliance with App. R. 9(C) and Local Rule 5.

**FILED**  
COURT OF APPEALS

OCT 06 2016

TRACY WINKLER  
CLERK OF COURTS  
HAMILTON COUNTY

12. Court Reporter's Certification  
 The transcript as ordered consists of approximately \_\_\_\_\_ pages and pursuant to Local Rule 10, the transcript will be prepared and ready for filing on 1-6-16  
 Date: 10-6-16 Signature: [Signature]



D115924221

13. Brief  
 Upon the filing of the complete record I request \_\_\_\_\_ days to file the brief and assignments of error.

14. Nature of Appeal  
 Please Check All That Apply and Provide Specific Information Whenever Space Is Provided.  
**BE SURE TO INDICATE IF THE APPEAL IS PURSUANT TO APP. R. 11.2 ADOPTION OR TERMINATION OF PARENTAL RIGHTS.**

<input type="checkbox"/> Adoption or Termination of Parental Rights	<input type="checkbox"/> Insurance	<input type="checkbox"/> Trial Matters
<input type="checkbox"/> Administrative	<input type="checkbox"/> Landlord/Tenant	<input type="checkbox"/> Evidence
<input type="checkbox"/> Attorney's Fees	<input type="checkbox"/> Procedure/Rules	<input type="checkbox"/> Jury Instructions
<input type="checkbox"/> Civil Rights	<input type="checkbox"/> Real Property	<input type="checkbox"/> Expert Witnesses
<input type="checkbox"/> Constitutional Law	<input type="checkbox"/> Summary Judgment	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Contract	<input type="checkbox"/> Tax	<input type="checkbox"/> Weight of Evidence
<input type="checkbox"/> Corporations/Partnerships	Tort	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Damages	<input type="checkbox"/> Intentional Tort - Workplace	<input type="checkbox"/> Unemployment Compensation
<input checked="" type="checkbox"/> Declaratory Judgment	<input type="checkbox"/> Malpractice	<input type="checkbox"/> Weight/Sufficiency of Evidence
Domestic Relations/Children	<input type="checkbox"/> Negligence - Auto	<input type="checkbox"/> Workers Compensation
<input type="checkbox"/> Child Support	<input type="checkbox"/> Negligence - _____	<input type="checkbox"/> Writs
<input type="checkbox"/> Custody	<input type="checkbox"/> Product Liability	<input type="checkbox"/> Zoning
<input type="checkbox"/> Dependency	<input type="checkbox"/> Slip and Fall	<input checked="" type="checkbox"/> Other: <u>Municipal taxpayer action</u>
<input type="checkbox"/> Divorce	<input type="checkbox"/> Other: _____	
<input type="checkbox"/> Other: _____		

15. Probable Issues for Review  
Final Appealable Order / Motion Judgment of the Pleadings / Necessary Party

16. Case[s] and/or Statute[s] to be Discussed  
R.C. 733.59

17. Certificate of Service  
 I certify that I have mailed or otherwise delivered a copy of this docket statement to all counsel of record or the parties if unrepresented.  
 Date: \_\_\_\_\_ Signature: [Signature]

Print

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Date: Thursday, October 6, 2016 6:59 PM  
From: Goodin, Steven P. <SGoodin@Graydon.law>  
To: 'The Law Firm of Curt C. Hartman' <hartmanlawfirm@fuse.net>, Fox, Brian W. <BFox@Graydon.law>  
Cc: consultdoug@cinci.rr.com <consultdoug@cinci.rr.com>  
Subject: RE: City of Madeira adv. Oppenheimer

Curt, we'll be in touch.

Thanks,

Steve

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**From:** The Law Firm of Curt C. Hartman [mailto:hartmanlawfirm@fuse.net]  
**Sent:** Thursday, October 06, 2016 3:46 PM  
**To:** Goodin, Steven P.; Fox, Brian W.  
**Cc:** consultdoug@cinci.rr.com  
**Subject:** City of Madeira adv. Oppenheimer

Steve and Brian –

Please find attached the Notice of Appeal, together with the Docket Statement, which was filed today. Please advise if I need to serve Tom Powers separately or if your representation continues.

Thanks,

Curt