

Subject: FW: 123057.000001 Mark DeCoursey and Carol DeCoursey v. Paul Stickney

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Mark and Carol - -

Attached is an amicus submission filed by the Bloors and Ruebels on your behalf, asking the court to deny Windermere's petition for review. We were surprised to see this, as we had no idea it was coming, and had not been contacted by anyone from the Talmadge firm before we received it today in the mail. It is unusual for amicus to file something without first reaching out to counsel to coordinate strategy or, at a minimum, as matter of professional courtesy. I called Mr. Lohnes to understand his thinking on this. During our conversation, he informed me that he had spoken with you. That was surprising to learn as well.

I asked Mr. Lohnes if he had explained the downside and risks to you regarding such an amicus submission. He said he did. Since you never asked us for our input on the issue, I will repeat those risks here: (1) Windermere has a right to file a 10 page answer to the amici memorandum (assuming leave to file the memo is granted); since the amicus brief largely parrots our legal arguments, this gives Windermere an opportunity to file a de facto substantive reply brief in support of its petition - - a right it would not otherwise have; (2) one of the grounds for review is that the case involves issues of substantial public importance; for this reason, we wanted to posture our case as factually unique with the lowest profile possible; the amicus brief -- while undoubtedly well-intended -- might have the opposite effect of lending weight to the issues. Let's hope not.

Ryan P. McBride



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— Attachments: —

MAIL_RUEBEL & BLOOR_S MOTION FOR LEAVE TO FILE AMICI CURIAE BRIEF.PDF

343 KB