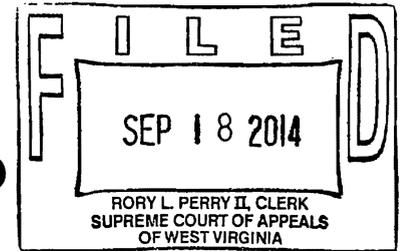


The Miley Legal Group

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September 17, 2014

Rory L. Perry, II, Clerk of Court
State Capitol Room E-317
1900 Kanawha Blvd. East
Charleston, WV 25305

Re: *State of WV ex rel. Ford Motor Co., et al. v.
The Honorable David W. Nibert, et al.,*
Docket No.: 14-0766

Dear Mr. Perry:

This letter is written pursuant to Rule 10(i) of the West Virginia Rules of Appellate Procedure. By letter dated September 8, 2014, the Petitioners wrote to the Court indicating that the Respondents' separate but related causes of action filed in the Court of Common Pleas, Cuyahoga County, Ohio¹, were dismissed without prejudice based upon the doctrine of *forum non conveniens*.

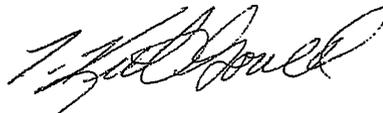
So that the Court will be fully apprised of the procedural status of the Ohio matter, attached is a *Notice of Appeal* filed by the Respondents (Ohio Plaintiffs) from the Cuyahoga County, Ohio, Court of Common Pleas to the Eighth District Court of Appeals. It is accompanied by an *Appeal Confirmation* (proof of filing) which is also attached. The *Notice of Appeal* was filed to challenge the *forum non conveniens* dismissal.

The Respondents do not believe that Rule 10(i) permits additional argument unless requested by the Court; therefore, other than to disagree with the arguments made by the Petitioners in their September 8, 2014, letter, the Respondents maintain reliance upon the arguments set forth in their *Response Brief*.

¹ The matter is styled *Siegel, et al. v. Boss, et al.*, Case No.: CV14826326.

We appreciate your consideration of this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "T. Keith Gould". The signature is fluid and cursive, with the first name "T." and last name "Gould" clearly distinguishable.

T. Keith Gould
Counsel for the Respondents
kgould@mileylegal.com

TKG

Enclosures

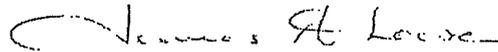
cc: William J. Hanna, Esq.
The Honorable David W. Nibert
Brian Chase, Esq.
Douglas Carasso, Esq.

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

CHRISTIE SIEGEL, etc., et al.,)	CASE NUMBER CV14826326
)	
Plaintiffs,)	
)	JUDGE TIMOTHY McCORMICK
vs.)	
)	
KRISTIN KAE BOSS, et al.,)	<u>NOTICE OF APPEAL</u>
)	
Defendants.)	

Plaintiffs hereby submit their Notice of Appeal to the Eighth District Court of Appeals from the Trial Court's Journal Entry entered August 21, 2014, in which the Trial Court granted the Motion to Dismiss based upon *Forum Non Conveniens* filed by Defendants Kristin Kae Boss and Garrett J. Brown and granted the Motion to Dismiss based upon *Forum Non Conveniens* filed by Defendants Prestige Delivery Systems, Inc. and Prestige Delivery Systems, LLC, and dismissed the within case, without prejudice.

Respectfully submitted,



JAMES A. LOWE (0002495)
MEGHAN P. CONNOLLY (0089682)
Lowe Eklund Wakefield Co., LPA
1660 West Second Street, Suite 610
Cleveland, OH 44113-1454
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jlowe@lewlaw.com
mconnolly@lewlaw.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

A copy of the foregoing Notice of Appeal has been served, this 16th day of September, 2014, upon:

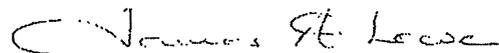
Kerry Rhoads-Reith (0087176)
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Attorneys for Defendants Prestige Delivery Systems, Inc.
and Prestige Delivery Systems, LLC

Defendants:

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Attorney for Defendants
Kristin Kae Boss and Garrett J. Brown



JAMES A. LOWE (0002495)
MEGHAN P. CONNOLLY (0089682)
Attorneys for Plaintiffs

APPENDIX A

EIGHTH DISTRICT COURT OF APPEALS — LOCAL APPELLATE RULE NO. 9

PRAECIPE

Christie Siegel, Individually and as Pers. Rep. E/O Jordan
and Ashley Siegel; Marc Siegel; Dawn Siegel; Erica Fox;
Christopher Fox; Brooklyn Siegel by and Plaintiff,
through Guardian Marc Siegel; Madison
Owens by and through Guardian Dawn Siegel.
vs.

Kristin Kae Boss, Garrett J. Brown, Prestige Delivery
Systems, Inc., Prestige Delivery Systems, LLC

Defendant.

Trial Court Case No. CV-14-826326

Date Of Final Judgment

In Trial Court August 21, 2014

The Notice Of Appeal Was Filed

Timely In Compliance With:

- App.R. 4(A) — within 30 days
of the entry of judgment
- App.R. 4(B) — exceptions to
the 30-day requirement

TO THE CLERK OF THE TRIAL COURT:

1. Appellant requests that the clerk immediately prepare and assemble the original papers and exhibits filed in the trial court and a certified copy of docket and journal entries.
2. In addition, appellant will cause the record in this appeal to include the following (if applicable):
- a. Complete transcript under Appellate Rule 9(B).
 - b. Partial transcript under Appellate Rule 9(B).
 - c. Statement of evidence or proceedings under Appellate Rule 9(C).
 - d. Agreed statement under Appellate Rule 9(D).

/s/ James A. Lowe

Appellant or Attorney for Appellant

PLEASE NOTE:

1. The appellant must instruct the court reporter to prepare the transcript.
2. If the items checked above are not timely filed with the court, then the appeal will be dismissed. App.R. 10(A).



APPENDIX B

EIGHTH DISTRICT COURT OF APPEALS — LOCAL APPELLATE RULE NO. 9

DOCKETING STATEMENT

Christie Siegel, Individually and as Pers. Rep. E/O Jordan
and Ashley Siegel; Marc Siegel; Dawn Siegel; Erica Fox;
Christopher Fox; Brooklyn Siegel by and Plaintiff,
through Guardian Marc Siegel; Madison
Owens by and through Guardian Dawn Siegel.
vs.

Trial Court Case No. CV-14-826326

Kristin Kae Boss, Garrett J. Brown, Prestige Delivery
Systems, Inc., Prestige Delivery Systems, LLC

Defendant.

A. CHOOSE THE APPROPRIATE DESIGNATION FOR THIS CASE (check one):

- Accelerated calendar (*see* Loc.App.R. 11.1.)
 Regular calendar
 Denial of bail appeal
 Appeal (check one of the following):
 A. From an order granting or denying:
 1. Adoption of a minor child; or
 2. Termination of parental rights. *See* App.R. 11.2.
 B. Concerning a dependent, neglected, unruly, or delinquent child. *See* App.R. 7(C).

(Item A of this docketing statement was adopted at the Judges meeting on February 15, 2001 to comply with Appellate Rule 11.2.)

Assigned to the accelerated calendar for the reason(s) checked (*see* Local Rule 11.1).

1. No transcript required.
 2. Transcript and all other evidentiary materials consist of one hundred (100) or fewer pages.

Assigned to the regular calendar with full briefing for the reason(s) checked.

1. Transcript and all other evidentiary materials are more than one hundred (100) pages.
 2. Brief in excess of fifteen (15) pages is necessary to argue the issues adequately.

3. Appeal concerns unique issue of law that will be of substantial precedential value in determining similar cases.
4. Appeal concerns multiple or complex issues.
5. A statement is submitted under App.R. 9(C).

B. THE FOLLOWING QUESTIONS APPLY TO ALL CIVIL AND ADMINISTRATIVE APPEALS:

1. Final appealable order:

- (a) Has the trial court disposed of all claims by and against all parties?
- Yes. Attach copies of all judgments and orders indicating that all claims against all parties have been dismissed.
- No.
- (b) If the answer to (a) is "No," has the trial court made an express determination that there is "no just reason for delay," per Civ.R. 54(B), with respect to the judgment or order from which the appeal is taken?
- Yes, in the same judgment or order.
- Yes, in a subsequent order dated _____. Attach a copy of the subsequent order.
- No.
- (c) Is the judgment or order subject to interlocutory appeal under R.C. 2505.02 (check all that apply)?
- Yes, because the order affects a substantial right in an action and prevents a judgment. *See* R.C. 2505.02(B)(1).
- Yes, because the order was made in a special proceeding. *See* R.C. 2505.02(B)(2).
- Yes, because the order vacates or sets aside a judgment or grants a new trial. *See* R.C. 2505.02(B)(3).
- Yes, because the order grants or denies a provisional remedy and meets the other criteria of R.C. 2505.02(B)(4).
- Yes, because the order determines that an action may or may not be maintained as a class action. *See* R.C. 2505.02(B)(5).
- No.

(d) Does the right to an immediate appeal arise from a provision of a statute other than R.C. 2505.02?

Yes. Identify statute: _____.

No.

NOTE: IF THE ANSWER TO ALL OF THE ABOVE IS "NO," THE ORDER IS NOT A FINAL APPEALABLE ORDER, AND THE APPEAL WILL BE SUMMARILY DISMISSED FOR LACK OF APPELLATE JURISDICTION.

2. Nature of case:

- Administrative Appeal
- Contract
- Declaratory Judgment
- Domestic Relations
- Juvenile
- Medical Malpractice
- Personal Injury
- Probate
- Other (describe): _____

3. Do you know of another case pending before this court that raises the same issue or issues?

Yes No

If yes, please cite the case(s): _____

4. Does the appeal turn on an interpretation or application of a particular case or statute?

Yes No

If yes, please cite the case(s) or statute(s): _____

5. How would you characterize the extent of your settlement discussions before judgment?

- None
- Minimal
- Moderate
- Extensive

6. Have settlement discussions taken place since the judgment or order appealed from was entered?

Yes No

7. Would a prehearing conference assist the resolution of this matter?

Yes No Maybe

Please explain (optional): _____

8. Briefly summarize the assignments of error presently anticipated to be raised on appeal. (Attach a separate sheet if necessary.)

The trial court erred in granting the Motion to Dismiss based upon Forum Non Conveniens filed by Defendants Kristin Kae Boss and Garrett J. Brown, and the Motion to Dismiss Based upon Forum Non Conveniens filed by Defendants Prestige Delivery Systems, Inc. and Prestige Delivery Systems, LLC, and dismissing Plaintiffs' case.

/s/ James A. Lowe

Appellant or Attorney for Appellant

The primary purpose of a prehearing conference is to encourage the parties to explore any possibilities there may be for settlement of the case before incurring additional expenses or, if that is not possible, to limit the issues.

Loc.App.R. 20(E) provides that this court may assess reasonable expenses, including attorney fees, assess all or a portion of the appellate costs, or dismiss the appeal for failure to comply with provisions of this Rule.

[Amended effective July 1, 1999.]

FILING CONFIRMATION

Your filing has been submitted. Below is a summary of this transaction you may [Print] or copy for your records.

Confirmation Number: 236484
Date/Time Submitted: 9/16/2014 1:00:20 PM

Court: COURT OF APPEALS
Type of Filing: NOTICE OF APPEAL
Filing Attorney: LOWE/JAMES/A
Title: Christie Siegel, etc., et al.
Title: Kristin Kae Boss, et al.
Public Notice: N
Poverty Affidavit: N

APPELLANT INFORMATION

APPELLANT 1: Christie Siegel
Name Overflow: Ind. and as Pers. Rep. Est. of Jordan Siegel, Dec'd and on Behalf of the Heirs and Next-of-Kin of Jordan Siegel, Dec'd
16429 Locke Drive
Linden, MI 48451
USA

APPELLANT 2: Christie Siegel
Name Overflow: Ind. and as Pers. Rep. Est. of Ashley Siegel, Dec'd and on Behalf of the Heirs and Next-of-Kin of Ashley Siegel, Dec'd
16429 Locke Drive
Linden, MI 48451
USA

APPELLANT 3: Marc Siegel
22843 Brookforest
Novi, MI 48375
USA

APPELLANT 4: Dawn Siegel
22843 Brookforest
Novi, MI 48375
USA

APPELLANT 5: Erica Fox
22843 Brookforest
Novi, MI 48375
USA

APPELLANT 6: Christopher Fox
22843 Brookforest
Novi, MI 48375
USA

APPELLANT 7: Brooklyn Siegel
Name Overflow: by and Through her Guardian, Marc Siegel
22843 Brookforest
Novi, MI 48375
USA

APPELLANT 8: Madison Owens
Name Overflow: by and Through Her Guardian, Dawn Siegel
22843 Brookforest
Novi, MI 48375
USA

APPELLEE INFORMATION

APPELLEE 1: Kristin Kae Boss
1301 Woodville Road
Millbury, OH 43447
USA

APPELLEE 2: Garrett J. Brown
1301 Woodville Road
Millbury, OH 43447
USA

APPELLEE 3: Prestige Delivery Systems, Inc.
Name Overflow: In care of Statutory Agent ACSB Incorporated
200 Public Square
Suite 2300
Cleveland, OH 44114
USA

APPELLEE 4: Prestige Delivery Systems, LLC
Name Overflow: In care of Statutory Agent ACSB Incorporated
200 Public Square
Suite 2300
Cleveland, OH 44114
USA

DOCUMENT INFORMATION

File Type	File Name
NOTICE OF APPEAL	Siegel Not Appeal and JE.pdf
PRAECIPE	Siegel Praecipe.pdf
DOCKETING STATEMENT	Siegel docketing statement.pdf

PAYMENT

Filing Cost: \$175.00
Convenience Fee: \$4.95
Total Withdrawn: \$179.95
Payment Type: Credit Card
Credit Card Number: *****2004
Payment Date: 9/16/2014

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