

NO. 19-5163

IN THE
SUPREME COURT OF THE UNITED STATES

Michael A. Kelley Jr.

Petitioner,

v.

Phillip W. Gerth,

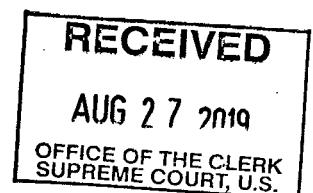
Respondant,

REPLY TO; BRIEF IN OPPOSITION FOR PETITION WRIT CERTIORARI

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San Francisco, Ca. 94103
Telephone No. (415) 619-2319

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REPLY TO OBJECTION FROM RESPONDANT

Attorney, David A. Herd, counsel for defendant-respondant, Phillip W. Gerth, In the matter of legal Malpractice, Ohio R.C. 2305.11 against Phillip W. Gerth, As stated in this Petitioner's request to the United States Supreme Court, invoking Jurisdiction, under 28 U.S.C. 1254 (1) upon the Court, That does have Jurisdiction, un-like what respondent, states in page (1) of their objection, Quote giving that the Petitioner did not obtain jurisdiction in Ohio 10th dist. court of appeals, he has NO jurisdiction here. (end- quote)

The respondent is Leading this court into more of his deceptive ways.

Once again, Petitioner Michael A. Kelley Jr. has filed within the Courts statute, asking The United States Supreme Court who has Jurisdiction, & Supervisory Authority to review the Lower Courts, rulings/decisions.

The Courts Journal Entry of Ohio Supreme Court, Date April 17th 2019 injunction with The Ohio 10th dist. Court of Appeals, Case No. 18-AP-000487 Also, Franklin County Common Ples, Civil Division Court Case No. 17-CV-005235 Presiding Judge Guy Resse II, In my list of assignment of Error's To; The 10th Dist. Court Of Appeals, In that corrective brief that respondent keeps referring to that was dismissed From; The Tenth District Cout Of Appeals, based upon Plaintiff-Appellant's failure to submit a brief that complies with Appellate rules. (calibri) issues.

As stated in Plaintiff- Appellants, list of assignment of errors To; the 10th dist. court of Appeals, The courts legal advisor and or administrator negected to inform Plaintiff-appellant, Michael A. Kelley Jr. that a corrective breif was needed before the Court render Thier decision. On case No. 18-AP-000487

Please Note; that This same Courts Legal advisor administrator Jack Kullman, did inform Plaintiff-Appellant, Michael A. Kelley Jr. that a corrective breif was needed to; be submitted upon case No. 02-AP-1149 This corrective breif was submitted by paid Attorney Joquette S. Wells, (0030585) Tolling The Aplicable statute of Limitation, Ohio R.C. 2743.16

concerning the very same issues before this court, now and was Ohio Medicaid's processing Claims Dept. second time denial. cost/coverage issues, concerning Plaintiff-Appellants medical necessity oral maxillofacial reconstructive surgery, To; alleviate excruciating pain T.M.J. jaw joint dysfunction, and botched EMS. rushed procedure @ (O.S.U.) hospital To; Left eye orbit, Left check bone, & both Jaw sockets, all of this could have been proven at Trial. by expert witnesses and testimony from; specialist, To; collorbrate substantiate each allegation, Also, as To, when The statute expired on Aetna Better Health of Ohio's Greivance,

That defendant-respondant, knew that the day of his Tele. con. That said grievance from; Aenta Better Health of Ohio had expired.

The same date, defendant-respondant, Phillip W. Gerth, claimed he discovered I had a zero probability change with appeal, To; The sixth circuit, court of Appeals From; The Case That had gotten dismissed From; The United States Dist. Southern Dist. Eastern Division, Court.

WITHOUT PREJUDICE

which means that an appeal, or a new case can be filed. and respondent has not addressed The tel. con. call the same date of the expiration of said grievance, From; Aetna Better Health of Ohio and that he ask for additional \$3,600.00 more dollars and the remainder of his retainer fee. Once again I found this to be very deceptive knowing perfectly well that June 9th 2016 was the date of his Tel. con. and he ended his Attorney-Cleint relationship June 10th 2016 This should have been Un-covered @ Trial. with said expert witnesses. which is why The question was ask whether the termination of attorney-client relationship for purposes of the Ohio R.C. 2305.11 statute of limitations dependent upon the filing of a motion for withdrawl by counsel.

None of defendant-respondant zero probability was discussed @ our Three in hour face2face consualtation at his 465 Waterbury Ct. ste (a) Gahanna Ohio Law Office,

Please Note; Defendant-Respondant, Phillip W. Gerth, did however returned a partial refund of \$755.00 To; My Father Michael A. Kelley Sr. retired Federal Gov. employee, for services not rendered, and the Franklin County Common Pleas, Civil Division, Court Presiding Judge deemed copy of defendant-respondants canceled check as miscellaneous.

Enclosing

The Defendant-Respondant, States that This case involves no grate constitutional general or public issues,

This Petitioner objects To; This statement, and to, thire objection To; My Petition for writ certiorari, To The United States Supreme Court,

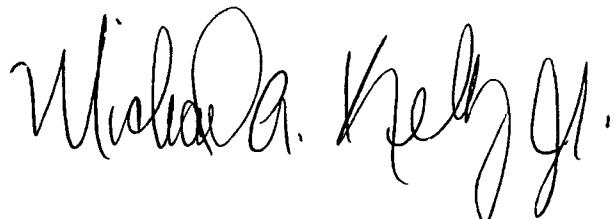
This case does involve a grate constitutional question being brought under Deperivation of civ. R. act .of 1871 and Claims 42, U.S.C. (1983) claims may be brought in either state or federal court, and the amount of damages depends largely on the credibilty of Plaintiff's testimony @ trail, and This Petitioner was denied his Fourteenth Amendment right to The United States Constitution guaranteed To; The United States of American citizens. But Franklin County Common Pleas, Civil Division Court Presiding Judge Guy Resse II (de-novo) Plaintiff-Appellant's {ALj} bench Trail as required. case No. 17-CV-005235

As stated in This Petitioner's reasons for Granting writ certiorari, To; The United States Supreme Court, NONE of my Pro-se, cases filed In Forma Pauperis, have been Frivolous, Malicious, or Failed To; state a claim upon which relife could be granted, PART {PLRA} which congress amended U.S.C. 1915 Cain V, Commonwealth of Va. 982 F. Supp.

Also, Franklin County Common Pleas, Civil Division Clerk of Court's has submitted collection upon case No. 17-CV-005235 Presiding Judge Guy Resse filing fees, which I know I did correctley submit my Affidavit of Verity, In-Forma pauperis, To proceed waving the courts cost filing Fees, As I did with The United States Supreme Court, The case would not have gotten slated or docketed without said Doc's Enclosed is ONE copy of said correspondance, which I deem as harassment. do to my several calls To; There fiscal Dept. 4 correction, Un-successful.

Respectfully Submitted

Michael A. Kelley Jr.

A handwritten signature in black ink, appearing to read "Michael A. Kelley Jr." The signature is fluid and cursive, with "Michael" and "A." on the first line, and "Kelley Jr." on the second line.

FRANKLIN COUNTY CLERK OF COURTS



**MICHAEL KELLEY
88 6TH STREET #201
SAN FRANCISCO, CA 94103**

**First Reminder
07/29/2019**

**17-CV-5235
MICHAEL A KELLEY -VS- PHILIP W GERTH**

Dear Litigant:

Our records indicate that the court cost statement for the above referenced case was mailed to you on 06/26/2019 and to date \$84.00 remains unpaid.

In accordance with the provisions of Ohio Revised Section 2335.19, your failure to promptly remit payment has resulted in the assessment of an additional ***non-negotiable*** collection related late fee of \$10.00. Additionally, Ohio Revised Code Sections 2335.19 and 2335.21 authorize the Clerk of Courts to file a certificate of judgement for court costs and to execute that judgement against you should this account be deemed delinquent.

Please mail payment in full of the total sum due of **\$94.00** in the form of a certified check or money order payable to the Franklin County Clerk of Courts. Mail the payment to the Franklin County Clerk of Courts, Office of Fiscal Services, 345 S. High St. 1st Floor, Columbus, Ohio 43215. Credit card payments are accepted at (614) 525-2386 or (614) 525-4662.

To obtain a copy of the cost statement, please visit the Clerk of Courts website at <https://clerk.franklincountyohio.gov/>. If you should have any questions or concerns regarding your statement, please feel free to contact the Office of Fiscal Services at (614) 525-5905.

**Maryellen O'Shaughnessy
Clerk of the Franklin County Court of Common Pleas**