

FILED
 LORAIN COUNTY
 2019 OCT -8 P 12:40
 COURT OF COMMON PLEAS
 TORONTO, OHIO

19CA011563
 FILED
 LORAIN COUNTY

IN THE COURT OF COMMON PLEAS
 LORAIN COUNTY, OHIO

GIBSON BROS., INC., et al.,
 Plaintiffs-Appellees,

v.

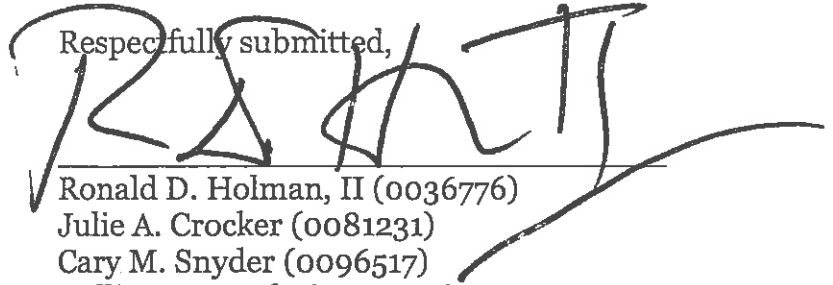
OBERLIN COLLEGE, et al.,
 Defendants-Appellants.

CASE NO. 17CV193761
 JUDGE JOHN R. MIRALDI

NOTICE OF APPEAL

Notice is hereby given that Defendants Oberlin College and Dr. Meredith Raimondo appeal to the Court of Appeals of Lorain County, Ohio, Ninth Appellate District, from the April 22, 2019 entry and ruling on Defendants' motions for summary judgment (attached as Ex. A); the June 27, 2019 judgment entry reducing the jury's verdicts to judgment (attached as Ex. B); the July 17, 2019 judgment entry awarding attorneys' fees and litigation expenses (attached as Ex. C); the September 9, 2019 entry and ruling denying Defendants' motion for judgment notwithstanding the verdict (attached as Ex. D); the September 10, 2019 entry and ruling denying Defendants' motion for new trial or remittitur (attached as Ex. E); and all interlocutory orders merged into the judgment.

Respectfully submitted,



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PROOF OF SERVICE

I hereby certify that a copy of the foregoing was served on October 8, 2019, via email, pursuant to Civ.R. 5(B)(2)(f) of the Ohio Rules of Civil Procedure, upon the following:

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COURT OF APPEALS OF OHIO

COURT OF NINTH APPELLATE DISTRICT

Docketing Statement

Appeal No.

19CA011563

FILED

A time-stamped copy of the final judgment being appealed must be attached to this statement.

Trial Court Name Lorain County Common Pleas

Trial Court Caption GIBSON BROS., INC., et al.

(Name of first plaintiff)

Trial Court Case Number 17CV193761

Trial Court Judge John R. Miraldi

OBERLIN COLLEGE, et al.

(Name of first defendant)

Date of judgment appealed July 17, 2019

Was the time to appeal extended

by App.R. 4(B)? [X] Yes [] No

CALENDAR DESIGNATION

THIS APPEAL SHOULD BE ASSIGNED TO:

[X] Regular Calendar.

[] Accelerated Calendar. See Loc.R. 21.

[] Expedited Calendar (generally for appeals involving termination of parental rights). See App.R. 11.2.

THE RECORD

Mark the paragraph that applies.

TO THE CLERK OF COURTS: Please immediately assemble and transmit the record in this case. I certify that the paragraph I marked accurately describes the complete record to be filed:

- 1. [] The record will consist of ONLY the original papers, exhibits, a certified copy of the docket and journal entries, and any transcripts of proceedings that were filed in the trial court prior to final judgment.
2. [X] The record will include the original papers and exhibits filed in the trial court, a certified copy of the docket and journal entries, and a full or partial transcript of proceedings prepared for this appeal by a court reporter appointed by the trial court, who I served with a praecipe that I also filed with this court. If only a partial transcript of proceedings is requested, see App.R. 9(B).
3. [] The record will include the original papers and exhibits filed in the trial court and a certified copy of the docket and journal entries, and a statement of the evidence or proceedings pursuant to App.R. 9(C) or an agreed statement of the case pursuant to App.R. 9(D).
4. [] The record will include the original papers and exhibits filed in the trial court and a certified copy of the docket and journal entries, and both a transcript of proceedings prepared by a court reporter appointed by the trial court and a statement of the evidence or case pursuant to App.R. 9(C) or (D). If only a partial transcript of proceedings is requested, see App.R. 9(B).

If you intend to rely upon a transcript of proceedings filed in an earlier appeal, you must seek permission from the court to supplement the record in this appeal with the transcript filed in the earlier appeal.

A time-stamped copy of the final judgment being appealed must be attached to this statement. If the order appealed is not final and appealable under R.C. 2505.02, the Court must dismiss the appeal.

THE PARTIES

Please provide the following information for all parties to the proceedings in the trial court.

A party who files a notice of appeal is an appellant. A party who would be adversely affected if the judgment below is reversed should be designated as an appellee. All other parties to the action below should retain their trial court designation (plaintiff, defendant, third-party plaintiff, third-party defendant, petitioner, respondent, etc). See Local Rule 3.

If a party was not represented by counsel in the proceedings below, please provide the address and phone number of the party. If there are additional parties and/or attorneys, please copy this page, complete the information for the additional parties, and attach it to this statement. **Appellant must attach a copy of any order that resolved a claim against any of the parties.**

Party's name <u>Oberlin College and Dr. Meredith Raimondo</u> Party's designation <u>Appellant</u> Attorney's name <u>Benjamin C. Sassé</u> Attorney's registration number <u>0072856</u> Address of counsel or party <u>Tucker Ellis LLP</u> <u>950 Main Ave., Suite 1100</u> <u>Cleveland, OH 44113</u> Phone <u>216.592.5000</u> Fax <u>216.592.5009</u> Email <u>benjamin.sasse@tuckerellis.com</u>	Party's name <u>Oberlin College and Dr. Meredith Raimondo</u> Party's designation <u>Appellant</u> Attorney's name <u>Julie A. Crocker</u> Attorney's registration number <u>0081231</u> Address of counsel or party <u>Taft Stettinius & Hollister LLP</u> <u>200 Public Square, Suite 3500</u> <u>Cleveland, OH 44114-2302</u> Phone <u>216.241.2838</u> Fax <u>216.241.3707</u> Email <u>jcrocker@taftlaw.com</u>
Party's name <u>Oberlin College and Dr. Meredith Raimondo</u> Party's designation <u>Appellant</u> Attorney's name <u>Irene C. Keyse-Walker</u> Attorney's registration number <u>0013143</u> Address of counsel or party <u>Tucker Ellis LLP</u> <u>950 Main Ave., Suite 1100</u> <u>Cleveland, OH 44113</u> Phone <u>216.592.5000</u> Fax <u>216.592.5009</u> Email <u>ikeyse-walker@tuckerellis.com</u>	Party's name <u>Oberlin College and Dr. Meredith Raimondo</u> Party's designation <u>Appellant</u> Attorney's name <u>Cary M. Snyder</u> Attorney's registration number <u>0096517</u> Address of counsel or party <u>Taft Stettinius & Hollister LLP</u> <u>200 Public Square, Suite 3500</u> <u>Cleveland, OH 44114-2302</u> Phone <u>216.241.2838</u> Fax <u>216.241.3707</u> Email <u>csnyder@taftlaw.com</u>
Party's name <u>Oberlin College and Dr. Meredith Raimondo</u> Party's designation <u>Appellant</u> Attorney's name <u>Ronald D. Holman, II</u> Attorney's registration number <u>0036776</u> Address of counsel or party <u>Taft Stettinius & Hollister LLP</u> <u>200 Public Square, Suite 3500</u> <u>Cleveland, OH 44114-2302</u> Phone <u>216.241.2838</u> Fax <u>216.241.3707</u> Email <u>rholman@taftlaw.com</u>	Party's name <u>Oberlin College and Dr. Meredith Raimondo</u> Party's designation <u>Appellant</u> Attorney's name <u>William A. Doyle</u> Attorney's registration number <u>0090987</u> Address of counsel or party <u>Taft Stettinius & Hollister LLP</u> <u>200 Public Square, Suite 3500</u> <u>Cleveland, OH 44114-2302</u> Phone <u>216.241.2838</u> Fax <u>216.241.3707</u> Email <u>wdoyle@taftlaw.com</u>

See attached sheet for Additional Parties and/or Attorneys

Additional Parties and/or Attorneys

<p>Party's Name: Oberlin College and Dr. Meredith Raimondo</p> <p>Party's Designation: Appellant</p> <p>Attorney's Name: Josh M. Mandel</p> <p>Attorney's Registration number: 0098102</p> <p>Address of counsel or party: Taft Stettinius & Hollister LLP 200 Public Square, Suite 3500 Cleveland, OH 44114-2302</p> <p>Phone: 216.241.2838 Fax: 216.241.3707</p> <p>Email: jmandel@taftlaw.com</p>	<p>Party's Name: Oberlin College and Dr. Meredith Raimondo</p> <p>Party's Designation: Appellant</p> <p>Attorney's Name: Malorie A. Alverson</p> <p>Attorney's Registration number: 0089279</p> <p>Address of counsel or party: Wickens Herzer Panza 35765 Chester Road Avon, OH 44011-1262</p> <p>Phone: 440.695.8000 Fax: 440.695.8098</p> <p>Email: MAlverson@WickensLaw.com</p>
<p>Party's Name: Oberlin College and Dr. Meredith Raimondo</p> <p>Party's Designation: Appellant</p> <p>Attorney's Name: Richard D. Panza</p> <p>Attorney's Registration number: 0011487</p> <p>Address of counsel or party: Wickens Herzer Panza 35765 Chester Road Avon, OH 44011-1262</p> <p>Phone: 440.695.8000 Fax: 440.695.8098</p> <p>Email: RPanza@WickensLaw.com</p>	<p>Party's Name: Oberlin College and Dr. Meredith Raimondo</p> <p>Party's Designation: Appellant</p> <p>Attorney's Name: Wilbert V. Farrell IV</p> <p>Attorney's Registration number: 0088552</p> <p>Address of counsel or party: Wickens Herzer Panza 35765 Chester Road Avon, OH 44011-1262</p> <p>Phone: 440.695.8000 Fax: 440.695.8098</p> <p>Email: WFarrell@WickensLaw.com</p>
<p>Party's Name: Oberlin College and Dr. Meredith Raimondo</p> <p>Party's Designation: Appellant</p> <p>Attorney's Name: Matthew W. Nakon</p> <p>Attorney's Registration number: 0040497</p> <p>Address of counsel or party: Wickens Herzer Panza 35765 Chester Road Avon, OH 44011-1262</p> <p>Phone: 440.695.8000 Fax: 440.695.8098</p> <p>Email: MNakon@WickensLaw.com</p>	<p>Party's Name: Oberlin College and Dr. Meredith Raimondo</p> <p>Party's Designation: Appellant</p> <p>Attorney's Name: Rachelle Kuznicki Zidar</p> <p>Attorney's Registration number: 0066741</p> <p>Address of counsel or party: Wickens Herzer Panza 35765 Chester Road Avon, OH 44011-1262</p> <p>Phone: 440.695.8000 Fax: 440.695.8098</p> <p>Email: RZidar@WickensLaw.com</p>

<p>Party's Name: Oberlin College and Dr. Meredith Raimondo</p> <p>Party's Designation: Appellant</p> <p>Attorney's Name: Michael R. Nakon</p> <p>Attorney's Registration number: 0097003</p> <p>Address of counsel or party: Wickens Herzer Panza 35765 Chester Road Avon, OH 44011-1262</p> <p>Phone: 440.695.8000 Fax: 440.695.8098</p> <p>Email: MRNakon@WickensLaw.com</p>	<p>Party's Name: Gibson Bros., Inc., David R. Gibson, and Allyn W. Gibson</p> <p>Party's Designation: Appellees</p> <p>Attorney's Name: Owen J. Rarric</p> <p>Attorney's Registration number: 0075367</p> <p>Address of counsel or party: Krugliak, Wilkins, Griffiths & Dougherty Co., LPA 4775 Munson Street, NW P.O. Box 36963 Canton, OH 44735</p> <p>Phone: 330.497.0700 Fax: 330.497.4020</p> <p>Email: orarric@kwgd.com</p>
<p>Party's Name: Gibson Bros., Inc., David R. Gibson, and Allyn W. Gibson</p> <p>Party's Designation: Appellees</p> <p>Attorney's Name: Terry A. Moore</p> <p>Attorney's Registration number: 0015837</p> <p>Address of counsel or party: Krugliak, Wilkins, Griffiths & Dougherty Co., LPA 4775 Munson Street, NW P.O. Box 36963 Canton, OH 44735</p> <p>Phone: 330.497.0700 Fax: 330.497.4020</p> <p>Email: tmoore@kwgd.com</p>	<p>Party's Name: Gibson Bros., Inc., David R. Gibson, and Allyn W. Gibson</p> <p>Party's Designation: Appellees</p> <p>Attorney's Name: Matthew W. Onest</p> <p>Attorney's Registration number: 0087907</p> <p>Address of counsel or party: Krugliak, Wilkins, Griffiths & Dougherty Co., LPA 4775 Munson Street, NW P.O. Box 36963 Canton, OH 44735</p> <p>Phone: 330.497.0700 Fax: 330.497.4020</p> <p>Email: monest@kwgd.com</p>
<p>Party's Name: Gibson Bros., Inc., David R. Gibson, and Allyn W. Gibson</p> <p>Party's Designation: Appellees</p> <p>Attorney's Name: Lee E. Plakas</p> <p>Attorney's Registration number: 0008628</p> <p>Address of counsel or party: Tzangas, Plakas, Mannos & Raies 220 Market Avenue South, 8th Floor Canton, OH 44702</p> <p>Phone: 330.453.5466 Fax: 330.455.2108</p> <p>Email: lplakas@lawlion.com</p>	<p>Party's Name: Gibson Bros., Inc., David R. Gibson, and Allyn W. Gibson</p> <p>Party's Designation: Appellees</p> <p>Attorney's Name: Brandon W. McHugh</p> <p>Attorney's Registration number: 0096348</p> <p>Address of counsel or party: Tzangas, Plakas, Mannos & Raies 220 Market Avenue South, 8th Floor Canton, OH 44702</p> <p>Phone: 330.453.5466 Fax: 330.455.2108</p> <p>Email: bmchugh@lawlion.com</p>

<p>Party's Name: Gibson Bros., Inc., David R. Gibson, and Allyn W. Gibson</p> <p>Party's Designation: Appellees</p> <p>Attorney's Name: Jeananne M. Ayoub</p> <p>Attorney's Registration number: 0097838</p> <p>Address of counsel or party: Tzangas, Plakas, Mannos & Raies 220 Market Avenue South, 8th Floor Canton, OH 44702</p> <p>Phone: 330.453.5466 Fax: 330.455.2108</p> <p>Email: jayoub@lawlion.com</p>	<p>Party's Name: Gibson Bros., Inc., David R. Gibson, and Allyn W. Gibson</p> <p>Party's Designation: Appellees</p> <p>Attorney's Name: James N. Taylor</p> <p>Attorney's Registration number: 0026181</p> <p>Address of counsel or party: James N. Taylor Co., LPA 409 East Avenue, Suite A Elyria, OH 44035</p> <p>Phone: 440-323-5700 Fax:</p> <p>Email: taylor@jamestaylorlpa.com</p>
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GENERAL INFORMATION

Was a stay requested in the trial court? Yes No

If a stay was requested, how did the trial court rule? Granted Denied Pending

If this case has previously been before this Court, list prior appellate case number(s): N/A

List case names and numbers of cases pending in this court that involve the same transaction or controversy involved in this appeal: _____

Probable issues for appeal: See attached sheet.

CRIMINAL CASE

Misdemeanor Felony
 Trial Guilty/No contest plea

Charges _____

Sentence _____

Type of Appeal: Defendant's Appeal as of Right State's Appeal as of Right
 Defendant's Appeal by Leave of Court State's Appeal by Leave of Court

CIVIL CASE

Type of action in trial court? Tort action

Did the judgment dispose of all claims by and against all parties? Yes No

If not, is there a determination that there is "no just reason for delay?" Civ.R. 54(B). Yes No

Have the parties previously participated in mediation of this dispute? (pretrial) / Yes No

Would a mediation conference assist in the resolution of this matter? Yes No Maybe

Must this case be expedited as being one of the following types of cases? Yes No

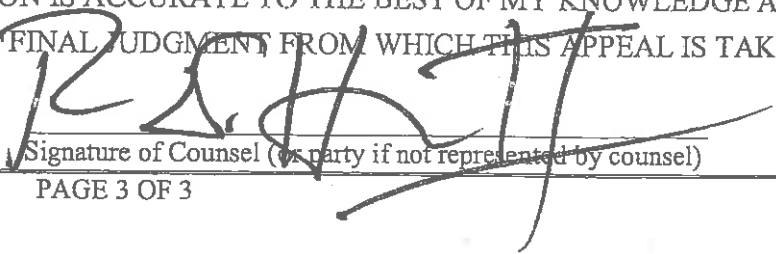
App.R. 11.2(B) or (C) appeals (abortion without parental consent, adoption, and parental rights)

App.R. 11.2(D) appeals (dependent, abused, neglected, unruly, or delinquent child appeals)

Appeal under determination of local fiscal emergency brought by municipal corporation

Election contests as provided in R.C. 3515.08

I CERTIFY THAT THE ABOVE INFORMATION IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND THAT I HAVE ATTACHED A COPY OF THE FINAL JUDGMENT FROM WHICH THIS APPEAL IS TAKEN.


Signature of Counsel (or party if not represented by counsel)

Probable issues for appeal:

Defendants-Appellants anticipate that the following will be included as issues on appeal:

1. Whether Defendants are entitled to judgment as a matter of law on Plaintiffs' libel claim where the student speech at issue is constitutionally protected and Defendants did not publish that speech, much less do so with the constitutionally-required degree of fault;

2. Whether Oberlin College is entitled to judgment as a matter of law on Plaintiffs' intentional infliction of emotional distress claim where the student speech at issue is constitutionally protected and/or Plaintiffs failed to prove the essential elements of their claim;

3. Whether Dr. Meredith Raimondo is entitled to judgment as a matter of law on Plaintiff Gibson Bros., Inc.'s tortious interference claim where, as a matter of law, Dr. Raimondo cannot interfere with Defendants' own relationship with Plaintiff;

4. Whether, in the alternative, Defendants are entitled to a new trial where the trial court erroneously excluded evidence of conflicting information Defendants received about the underlying incident and Plaintiffs' reputation within the community, erroneously admitted other evidence, failed to give jurors proper instructions, wrongly allowed Plaintiffs to attempt to prove actual malice twice, and the jury awarded excessive compensatory and punitive damages;

5. Whether, in the alternative, the trial court improperly applied compensatory (R.C. 2315.18) and punitive (R.C. 2315.21) damages caps.