

The Supreme Court of Ohio

FILED

MAR 10 2010

CLERK OF COURT
SUPREME COURT OF OHIO

In re: Lucy Kathleen Mullen

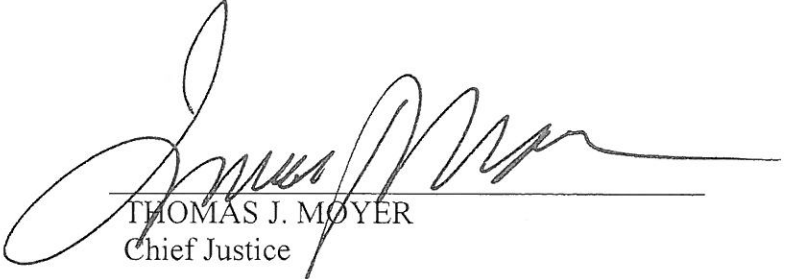
Case No. 2010-0276

ENTRY

This cause is pending before the Court as a discretionary appeal. Upon consideration of appellant's motion for stay of the court of appeals' decision vacating the stay of the order terminating interim visitation,

It is ordered by the Court that the motion is granted.

(Hamilton County Court of Appeals; Nos. C090285 and C090407)



THOMAS J. MOYER
Chief Justice

IN THE SUPREME COURT OF OHIO

In re:		
LUCY KATHLEEN MULLEN		APPEAL NO. C090285; C090407
MICHELE HOBBS, Plaintiff/Appellant,		TRIAL NO. F07-2803
v.		
KELLY MULLEN, Defendant/Appellee,		
and		
SCOTT LIMING, Defendant/Appellee.		

**MOTION FOR STAY OF COURT OF APPEALS DECISION
VACATING STAY OF ORDER TERMINATING
INTERIM VISITATION**

Plaintiff/Appellant Michele Hobbs, through counsel, moves for a stay of the Court of Appeals decision that vacated the stay of the trial court's order terminating interim visitation. A memorandum in support follows.

MEMORANDUM IN SUPPORT


On October 28, 2007, Ms. Mullen took Lucy from the home she had shared with Ms. Hobbs since her birth on July 27, 2005, and refused to allow Ms. Hobbs to have contact with the child. Ms. Hobbs was granted interim visitation on April 8, 2008. The trial court dismissed Ms. Hobbs' petition for shared custody and terminated the order for interim visitation. Ms. Hobbs successfully moved for a stay of the order terminating visitation during the pendency of her appeal. The appellate court issued its order on December 31, 2009, affirming the trial court as to shared custody and terminating the interim visitation order. Once again, Ms. Mullen has refused to allow Ms. Hobbs contact

with Lucy pending appeal to this court. Lucy is now 4 ½ years old. Ms. Hobbs has been a constant in the child's life for all of her life but for the months that Ms. Mullen has separated them.

The court of appeals had “[no] doubt that Hobbs bonded with Lucy. The record is replete with evidence that Hobbs loves this little girl.” The trial judge noted that “[f]or approximately two years after the birth the mother and [Ms. Hobbs] jointly cared for the child.” The magistrate concluded that “[i]t is in the child's best interests to maintain ties with Ms. Hobbs.”

Ms. Hobbs filed an appeal concurrent with her motion to stay. Ms. Hobbs respectfully submits that it would be psychologically and emotionally harmful to Lucy to abruptly sever all contact with Ms. Hobbs where it is undisputed that Ms. Hobbs has had a loving, bonded relationship with Lucy and where it is probable that Lucy will experience severe emotional and psychological harm when this bond is severed. Ms. Hobbs asks this court to stay the court of appeals decision terminating visitation and reinstate the terms of the original interim order of visitation (6 consecutive hours each week) until this matter is conclusively determined on appeal.

Respectfully submitted,



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CERTIFICATION

I hereby certify that a copy of the foregoing was served upon the following individuals by ordinary U.S. Mail this 10th day of February, 2010.

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