



**FILED**

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

By: \_\_\_\_\_  
CLERK, U.S. SUPREME COURT  
CHURK  
TRIAL DIVISION

communication with third party defendant, Marion Olter.” Order of May 13, 2013 page 6-7, including Footnote #3.

Plaintiff maintains the trial court abused its discretion by including the subject discussion in its judgment after the plaintiff had submitted evidence that no ex parte communication ever occurred. Plaintiff therefore seeks to have the subject discussion stricken from the case record and judgment and clear counsel’s name from all insinuations of improper litigation practice.

**ISSUE ON APPEAL**

Plaintiff asks the Appellate Court to consider the question now raised on appeal:

1. Whether or not the trial court abused its discretion by including in its May 13, 2013 Order the discussion of the plaintiff’s counsel’s alleged ex parte communication with the third party defendant, Marion Olter, after counsel had submitted competent evidence from Ms Olter herself that no such ex parte communication ever taken place and asked the trial court to strike all such references from the case files?

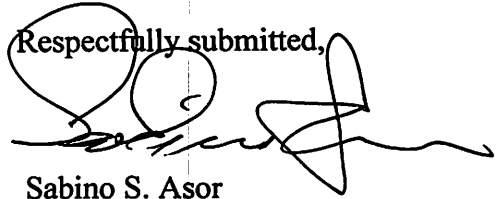
**APPELLEES’ COUNSELS:**

The Appellees in this appeal are the opposing parties in the trial court:

1. Defendant Truk Transportation Company;
2. The Third Party Defendant, Marion Olter;

Appellees’ respective counsels are their same counsels in the court below. The counsels’ business addresses are on file in the case file.

Respectfully submitted,

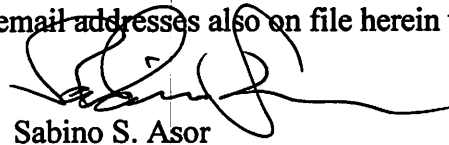


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Counsel for the Appellant

Certificate of Service

I, Sabino Asor, do certify that I have caused to be served on the opposing parties true copies of the foregoing Notice of Appeal by regular mail to their counsels of record at their business addresses on file herein, and also by digital copies to their email addresses also on file herein this

June 20, 2013.



Sabino S. Asor