

IN THE SUPREME COURT OF OHIO

IN THE MATTER OF THE RESIGNATION OF

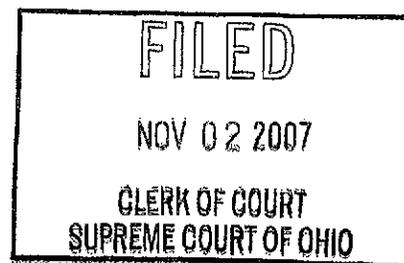
MARK DENNIS SCHNITKEY

Case No. 2007-0973

AS AN ATTORNEY AND COUNSELOR AT LAW

MEMORANDUM TO SHOW CAUSE

Mark Dennis Schnitkey
Attorney Registration No. 0006075



IN THE SUPREME COURT OF OHIO

IN THE MATTER OF THE RESIGNATION OF

MARK DENNIS SCHNITKEY

Case No. 2007-0973

AS AN ATTORNEY AND COUNSELOR AT LAW

**MEMORANDUM TO SHOW CAUSE
AND RESUBMISSION OF AFFIDAVIT**

Mark Dennis Schnitkey
Attorney Registration No. 0006075

Now comes Respondent, Mark Dennis Schnitkey, pursuant to this Court's Order of October 16, 2007, and files his Memorandum to Show Cause and respectfully resubmits his Affidavit of Compliance, which is attached hereto.

MEMORANDUM

1. Although the Court issued its Order on August 30, 2007 mandating certain actions by Respondent and mandating the filing of Respondent's Affidavit of Compliance within thirty days of the issuance of the Order, said Order was sent by Certified Mail on Labor Day weekend and it was not delivered to Respondent until Tuesday, September 4, 2007 giving Respondent only 26 days to fulfill all obligations of the Order.
2. Respondent performed all requirements of the Order and mailed to the Court his Affidavit of Compliance on Friday, September 28, 2007, twenty-four days after receiving the Order, reasonably believing that said mail would be

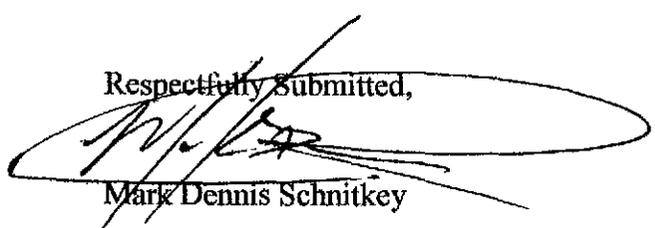
received by the Clerk of the Court by the end of the business day on Monday, October 1, 2007, there being three full days of mail delivery service available to get the mail from Napoleon, Ohio to Columbus, Ohio.

3. On Wednesday, October 3, 2007, Respondent received from the Clerk of the Court a letter in the ordinary US Mail dated October 2, 2007 (one day delivery time), a copy of which is attached hereto, telling Respondent that his Affidavit of Compliance, which had been mailed out through ordinary US Mail on September 28, 2007 (three days delivery time available) had not been received until that day, October 2, 2007 and thus the Clerk could not accept the Affidavit for filing.
4. Respondent submits that if the Court's ordinary US Mail service to Respondent reached Respondent in one days' delivery time, it was thus reasonable for Respondent to believe that his mail to the Court on September 28, 2007 was sent in sufficient time have the package received by the Court on or before October 1, 2007.
5. On October 8, 2007, Respondent used Express Mail, and sent to the Court for filing, a Petition to Resubmit his Affidavit Instantor, a copy of which is attached hereto. That Petition and Respondent's resubmitted Affidavit were received by the Clerk of the Court on October 9, 2007. A copy of the cover page with the Court's stamp affixed is attached hereto. Again, the Clerk returned the Petition and Respondent's Affidavit with a letter, a copy of which is attached hereto, stating that the Clerk could not accept the filing because the time for filing the Affidavit had passed.

6. On October 16, 2007 the Court issued its Order giving Respondent twenty days from October 16th to file a response to show cause why Respondent should not be found in contempt of the Court's Order of August 30, 2007.
7. Respondent is now, in a timely fashion, filing his Memorandum to show cause and is again submitting his Affidavit of Compliance for filing with the Court as ordered.
8. Respondent performed all tasks mandated by the Court's Order of August 30, 2007 within twenty-three days of his receipt of the Order and then took all reasonable actions to comply with the Court's Order as to the filing of his Affidavit. There was an apparent unreasonable delay in the mail delivery, which was completely unforeseeable and out of the control of Respondent, that led to his Affidavit not being received by the Clerk of the Court in a timely manner. Respondent then made an additional effort to file his Affidavit which was returned by the Clerk. Respondent is now filing his Memorandum and refiling his Affidavit within the twenty days set forth in the Court's Order of October 16, 2007.

Wherefore, Respondent respectfully requests that he not be found in contempt of the Court's prior Order and that the Court accept his Affidavit of Compliance for filing at this time.

Respectfully Submitted,



Mark Dennis Schmitkey

THE SUPREME COURT OF OHIO

IN THE MATTER OF THE RESIGNATION OF

MARK DENNIS SCHNITKEY

Case No. 2007-0973

AS AN ATTORNEY AND COUNSELOR AT LAW

AFFIDAVIT

Now comes Mark Dennis Schnitkey, pursuant the prior Order of the Court, having been duly sworn, and states as follows:

1. I am Mark Dennis Schnitkey, the respondent herein.
2. Pursuant to the Order of this Court I have complied with the following:
 - A. I have notified all clients that I was representing in pending matters of my resignation and referred them to new counsel.
 - B. I have delivered to or had clients come in and pick up their case files and all other papers or documents pertaining to them.
 - C. I have refunded and made arrangements to refund any unused retainer fees to all clients who had unused fees owing to them.
 - D. I immediately notified all opposing counsel in all of my pending cases of my resignation and disqualification by telephone.
 - E. I have sent notices of my resignation and disqualification to all courts wherein I had cases pending for inclusion in the courts' files. These were sent by US Certified Mail. Not all of the cards have been returned as of this time. I attach a copy of the receipt from the post office for the cost of the Certified Mail letters.

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Total Postage & Fees	\$ 3.06	09/28/2007

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Return Receipt Fee (Endorsement Required)	\$1.00	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	SEP 26 2007
Total Postage & Fees	\$ 3.06	09/28/2007

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 City, State, ZIP+4: *Nap OH*

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THE SUPREME COURT OF OHIO

IN THE MATTER OF THE RESIGNATION OF

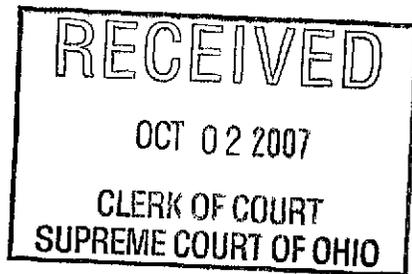
MARK DENNIS SCHNITKEY

Case No. 2007-0973

AS AN ATTORNEY AND COUNSELOR AT LAW

AFFIDAVIT OF RESIGNED ATTORNEY

Mark Dennis Schnitkey
Attorney Registration No. 0006075



The Supreme Court of Ohio

OFFICE OF THE CLERK

65 SOUTH FRONT STREET, COLUMBUS, OH 43215-3431

CHIEF JUSTICE
THOMAS J. MOYER

JUSTICES
PAUL E. PFEIFER
EVELYN LUNDBERG STRATTON
MAUREEN O'CONNOR
TERRENCE O'DONNELL
JUDITH ANN LANZINGER
ROBERT R. CUPP

TELEPHONE 614.387.9530
FACSIMILE 614.387.9539
www.supremecourtsohio.gov

October 2, 2007

Mark Dennis Schnitkey
1480 W. High Street
Defiance, Ohio 43512

Re: *In the Matter of the Resignation of: Mark Dennis Schnitkey*
Supreme Court of Ohio Case Number 07-973

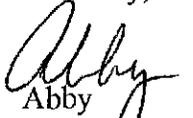
Dear Mr. Schnitkey:

The enclosed affidavit of compliance could not be filed because the time for submitting it has passed. The Court's judgment order of August 30, 2007, required the affidavit of compliance to be received in the Clerk's Office by 5 p.m., October 1, 2007. We did not receive the affidavit until Tuesday, October 2, 2007. The Clerk's Office is prohibited from filing late documents by Rule XIV, Section 1(C), of the Rules of Practice of the Supreme Court of Ohio.

In the event that the Court issues an order allowing you to show cause why you should not be held in contempt for failing to timely file your affidavit of compliance, you will be permitted to file an affidavit of compliance along with your response to the order to show cause.

Please note that your attorney registration card was filed. An updated case docket is enclosed for your records.

Sincerely,


Abby
Deputy Clerk

Enclosures

THE SUPREME COURT OF OHIO

IN THE MATTER OF THE RESIGNATION OF

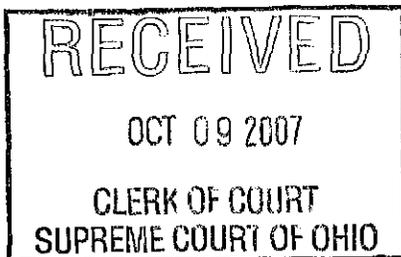
MARK DENNIS SCHNITKEY

Case No. 2007-0973

AS AN ATTORNEY AND COUNSELOR AT LAW

**PETITION TO RESUBMIT AFFIDAVIT
OF COMPLIANCE INSTANTOR**

Mark Dennis Schnitkey
Attorney Registration No. 0006075



THE SUPREME COURT OF OHIO

IN THE MATTER OF THE RESIGNATION OF

MARK DENNIS SCHNITKEY

Case No. 2007-0973

AS AN ATTORNEY AND COUNSELOR AT LAW

**PETITION TO RESUBMIT AFFIDAVIT
OF COMPLIANCE INSTANTOR**

Mark Dennis Schnitkey
Attorney Registration No. 0006075

Now comes Respondent, Mark Dennis Schnitkey, and respectfully petitions this Court for an Order allowing said respondent to resubmit for filing his attached Affidavit of Compliance instantor.

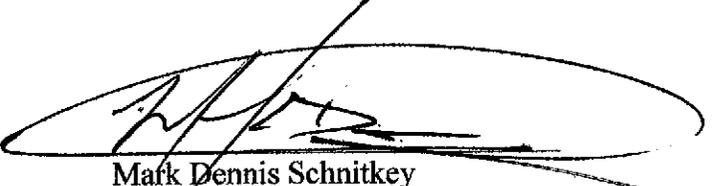
In support of this Petition, Respondent states as follows:

1. Although the Court issued its Order on August 30, 2007 mandating certain actions by Respondent and mandating the filing of his Affidavit of Compliance within thirty days of the issuance of the Order, said Order was sent by Certified Mail on the Labor Day weekend and it was not delivered to Respondent until Tuesday, September 4, 2007 giving Respondent only 26 days to fulfill all obligations of the Order.
2. Respondent performed all requirements of the Order and mailed to the Court his Affidavit of Compliance on Friday, September 28, 2007, twenty-four days after receiving the Order, reasonably believing that said mail would be received by the Clerk of the Court by the end of the business day on Monday, October 1, 2007,

there being three full days of mail delivery service available to get the mail from Napoleon, Ohio to Columbus, Ohio.

3. On Wednesday, October 3, 2007 Respondent received from the Clerk of the Court a letter in the ordinary US Mail dated October 2, 2007 (one day delivery time), a copy of which is attached hereto, telling Respondent that his Affidavit of Compliance, which had been mailed out through ordinary US Mail on September 28, 2007 (three days delivery service available) as noted above, had not been received until that day, October 2, 2007. If the Court's ordinary mail service to Respondent reached Respondent in one day's delivery time, it was thus reasonable for Respondent to believe that his mail to the Court on September 28, 2007 was sent in sufficient time to have the package received by the Clerk of the Court on or before October 1, 2007.
4. Respondent thus took all reasonable actions to comply with this Court's Order as to the filing of his Affidavit. There had to have been an unreasonable delay in the mail delivery, which was completely out of the control of the Respondent, that led to his Affidavit not being received by the Clerk in a timely manner.

WHEREFORE, Respondent respectfully requests that he be allowed to resubmit his Affidavit of Compliance at this time.



Mark Dennis Schnitkey

The Supreme Court of Ohio

OFFICE OF THE CLERK

65 SOUTH FRONT STREET, COLUMBUS, OH 43215-3431

CHIEF JUSTICE
THOMAS J. MOYER

JUSTICES
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October 9, 2007

Mark Dennis Schnitkey
1480 W. High Street
Defiance, Ohio 43512

Re: *In the Matter of the Resignation of: Mark Dennis Schnitkey*
Supreme Court of Ohio Case Number 07-973

Dear Mr. Schnitkey:

The enclosed affidavit of compliance could not be filed because the time for submitting it has passed. The Clerk's Office is prohibited from filing late documents by Rule XIV, Section 1(C), of the Rules of Practice of the Supreme Court of Ohio. Motions to waive this rule are prohibited and shall not be filed.

In the event that the Court issues an order allowing you to show cause why you should not be held in contempt for failing to timely file your affidavit of compliance, you will be permitted to file an affidavit of compliance along with your response to the order to show cause. Please do not hesitate to contact the Clerk's Office if you have additional questions.

Sincerely,


Abby
Deputy Clerk

Enclosures