



IN THE SUPREME COURT OF OHIO

Disciplinary Counsel, :  
 :  
 Relator, :  
 : CASE NO. 2008-1768  
 vs. :  
 :  
 Timothy J. Jarabek, :  
 :  
 Respondent. :

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MOTION FOR ORDER TO APPEAR AND SHOW CAUSE

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Petitioner, Disciplinary Counsel, hereby moves the Supreme Court of Ohio for an order requiring respondent, Timothy J. Jarabek, to appear and show cause why he should not be held in contempt for failing to obey this Court's February 25, 2009 order. In its order, the Court suspended respondent for a period of two years, staying the second year of the suspension on the condition that, among other things, respondent sign a contract with the Ohio Lawyers' Assistance Program ("OLAP") within 60 days of the court's order and submit to random drug testing. Additionally, the court ordered respondent to return any unearned fees to clients within 30 days of the court's order. A copy of the Court's order is attached hereto as Exhibit A. Respondent has failed to comply with both of these conditions.

Although respondent entered into contract with OLAP shortly after the July 25, 2008 hearing on this matter, he was no longer in compliance with the contract by the time that this Court's February 25, 2009 order was issued. Since February 25, 2009, respondent has not signed a new contract with OLAP, is not participating with OLAP

and, to relator's knowledge, has not submitted to any random drug testing. Respondent's participation with OLAP was critical to the sanction relator recommended at respondent's hearing and that which the Board of Commissioners on Grievances and Discipline adopted.

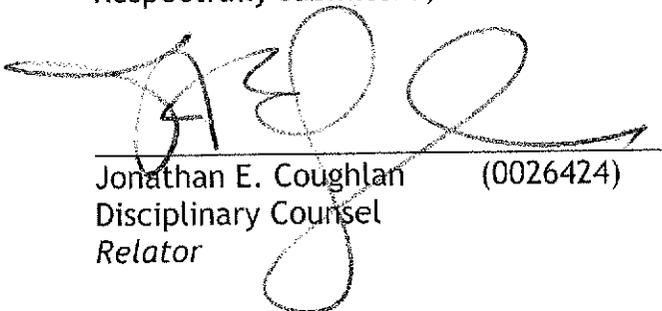
Additionally, one of respondent's former clients advised relator in March 2009 that respondent had received a \$500 retainer to represent the client in June of 2006 and had not completed any work on the case. Although respondent assured relator that he would return the money to the client, to date, respondent has not done so.

Given respondent's failure to comply with the Court's order, relator respectfully requests that this Court vacate its previous order imposing a two-year suspension, with one year stayed, and impose an actual two-year suspension of respondent from the practice of law.

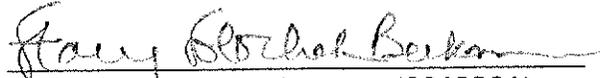
#### CONCLUSION

Based upon the foregoing, petitioner hereby moves the Supreme Court of Ohio to issue an order requiring respondent to appear and show cause as to why he should not be held in contempt for failing to obey this Court's February 25, 2009 order. It is further requested that the Court vacate its previous order imposing a two-year suspension, with one year stayed, and impose an actual two-year suspension.

Respectfully submitted,



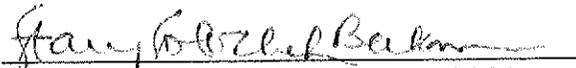
Jonathan E. Coughlan (0026424)  
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Relator



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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this **MOTION FOR AN ORDER TO APPEAR AND SHOW CAUSE** was sent via ordinary U.S. Mail to respondent, Timothy J. Jarabek, 24 Aberdeen Court, Rocky River, OH 44116, this 24th day of November 2009.



Stacy Solochek Beckman (0063306)  
Counsel for Petitioner