ORIGINAL

Supreme Court of Ohio
65 S. Front Street
Columbus, Ohio 43215-3431

OHIO STATE BAR ASSOCIATION

Relator

v.

John Allen,

Respondent.

Case No. 2004-2150

Request For Findings of Fact and Conclusions of Law

Respondent, John Allen timely files this request pursuant to Civ. R. 52 (attached hereto as Exhibit B and made a part hereof) to demand the Court to state in writing its findings of fact and conclusions of law regarding its June 16, 2010 "ORDER" (attached hereto as Exhibit A and made a part hereof). Said "ORDER" was received by Respondent on June 22, 2010.

Such findings and conclusions must state:

1. How this action applies to Respondent, who is a non-attorney, since the Disciplinary Process must begin with a grievance against a judge or attorney. See Exhibit C attached hereto and made a part hereof.

2. How the practice of law as a common right can be converted into a crime. See *Schware v. Board of Examiners*, 353 U.S. 238; and *Sims v. Aherns*, 271 S.W. 720 (1925).

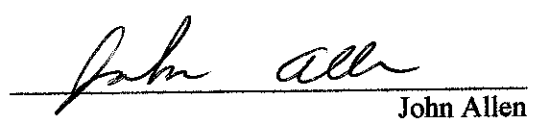
3. Even assuming that the Disciplinary Process does in fact apply to Respondent, how any penalty under ORC 4705.99 can be assessed against Respondent since Respondent has never held himself out in any manner as an attorney at law or represented that he was authorized to practice law.

4. Why all officers involved in this matter should not be removed from office under ORC 3.04, 3.07 or 3.08.

Wherefore, Respondent demands that this Court state in writing its findings of fact and conclusions of law as herein requested.

All Rights Reserved:

Dated: June 22, 2010



John Allen

A true and correct copy of the foregoing has been served on the above date via First Class mail upon Jeffrey J. Fanger and Eugene P. Whetzel.

RECEIVED
JUN 24 2010
CLERK OF COURT
SUPREME COURT OF OHIO

FILED
JUN 24 2010
CLERK OF COURT
SUPREME COURT OF OHIO

FILED

JUN 18 2010

CLERK OF COURT
SUPREME COURT OF OHIO

The Supreme Court of Ohio

Ohio State Bar Association,
Relator,
v.
John Allen,
Respondent.

Case No. 2004-2150

ORDER

This cause came on for further consideration upon the filing by relator of a Motion for an Order to Show Cause. Respondent filed a Demand/Motion to Dismiss, relator filed a memo opposing the demand, and respondent filed a Demand/Motion to Strike and Dismiss the memo in opposition. Upon consideration thereof,

It is ordered by the court that respondent's Demand/Motion to Dismiss and respondent's Demand/Motion to Strike and Dismiss are denied.

ERIC BROWN
Chief Justice

Exhibit A

RULE 52. Findings by the Court

When questions of fact are tried by the court without a jury, judgment may be general for the prevailing party unless one of the parties in writing requests otherwise before the entry of judgment pursuant to Civ. R. 58, or not later than seven days after the party filing the request has been given notice of the court's announcement of its decision, whichever is later, in which case, the court shall state in writing the conclusions of fact found separately from the conclusions of law.

When a request for findings of fact and conclusions of law is made, the court, in its discretion, may require any or all of the parties to submit proposed findings of fact and conclusions of law; however, only those findings of fact and conclusions of law made by the court shall form part of the record.

Findings of fact and conclusions of law required by this rule and by Rule 41(B)(2) are unnecessary upon all other motions including those pursuant to Rule 12, Rule 55 and Rule 56.

An opinion or memorandum of decision filed in the action prior to judgment entry and containing findings of fact and conclusions of law stated separately shall be sufficient to satisfy the requirements of this rule and Rule 41(B)(2).

[Effective: July 1, 1970; amended effective July 1, 1971; July 1, 1989.]

Exhibit B

DISCIPLINARY PROCESS

Grievances can be made about a judge or attorney to the Disciplinary Counsel or a certified grievance committee of a local bar association. If either of those bodies finds that the grievance has probable cause, a formal complaint is drafted. It then moves to a probable cause panel of the Board of Commissioners on Grievances & Discipline, which determines if there is probable cause. If the panel determines that there is probable cause, the formal complaint becomes public and is filed with the Board of Commissioners on Grievances & Discipline. Hearings are then conducted by the board and if it finds a violation, a recommendation is made to the Supreme Court of Ohio. The Supreme Court of Ohio makes the final decision as to findings of misconduct and issues an appropriate sanction.

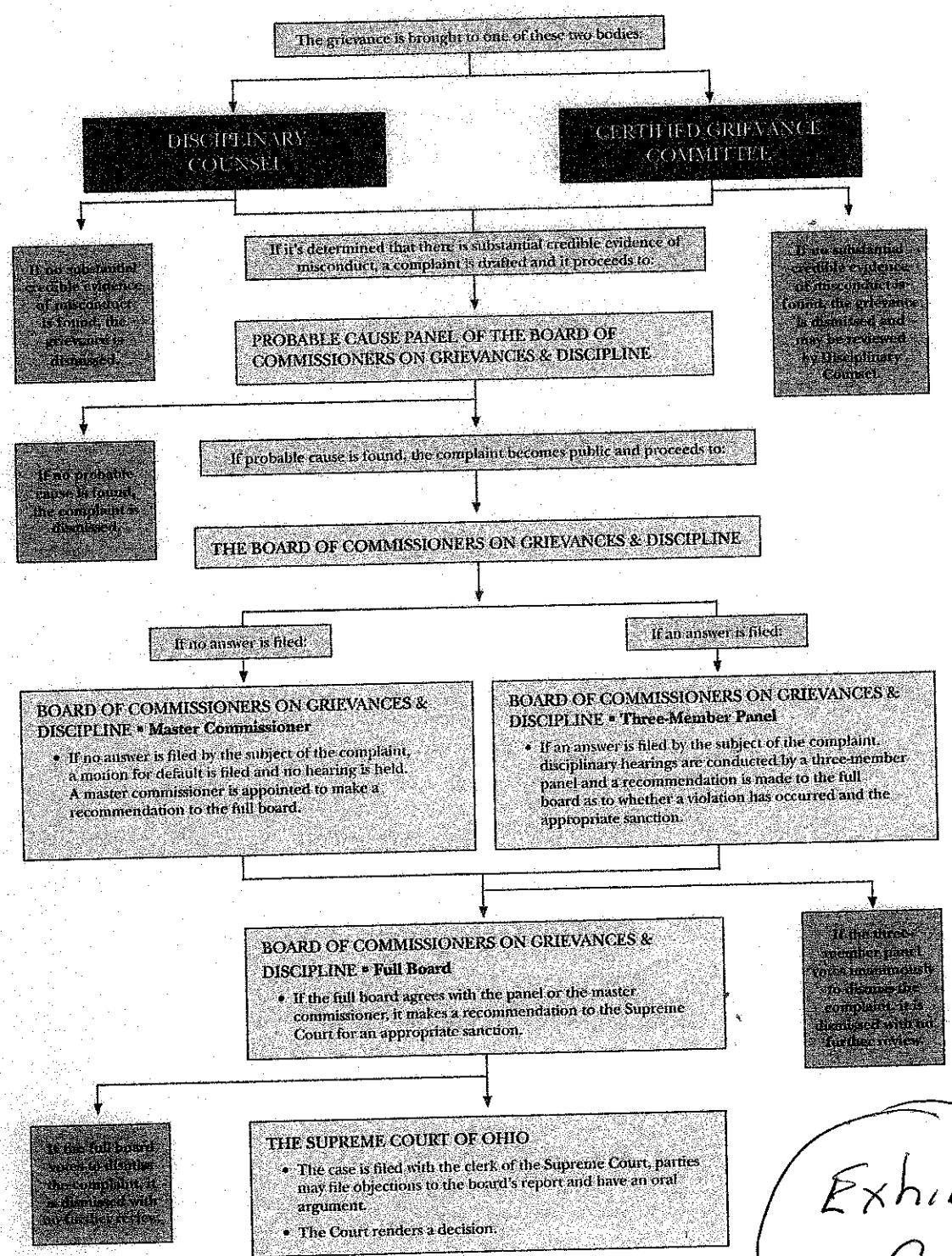


Exhibit C