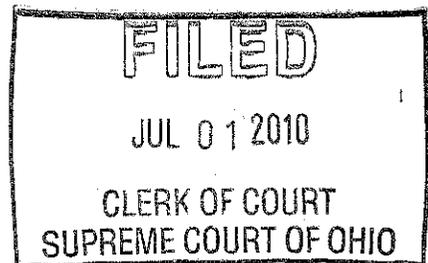


IN THE SUPREME COURT OF OHIO

APPEAL FROM
THE BOARD OF COMMISSIONERS ON GRIEVANCES AND DISCIPLINE
CASE NO. 09-022

Disciplinary Counsel : Case No. 10-0851
Relator, :
vs. :
Scott Allan Pullins :
Respondent. :



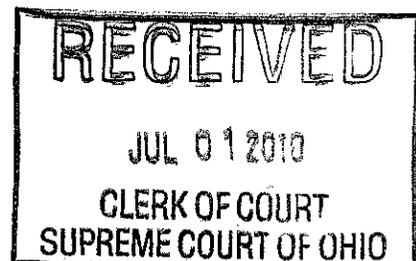
RELATOR'S MEMORANDUM OBJECTING TO
RESPONDENT'S REQUEST TO STRIKE COUNT FOUR
AND FOR SANCTIONS FOR FRIVOLOUS CONDUCT AGAINST REALTOR

COUNSEL FOR RELATOR

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: REQUEST TO STRIKE COUNT FOUR
Scott Allan Pullins : AND FOR SANCTIONS FOR
: FRIVOLOUS CONDUCT
Respondent. : AGAINST RELATOR

I. INTRODUCTION

Respondent's motion to strike and for sanctions is a reiteration of arguments presented in his previously filed objections to the findings of the board. As such, the motion is in violation of Gov. Bar R. V (8) (B).

Furthermore, the motion should be overruled on the merits because it is grounded on factual allegations not a part of Count IV of the Amended Complaint; and Count IV encompasses conduct other than referred to in the letter of dismissal of grievance upon which the motion is based.

II. THE MOTION TO STRIKE COUNT IV OF THE
AMENDED COMPLAINT WAS FILED OUT OF RULE

Gov. Bar R. V (8) (B) establishes the mandatory post hearing procedure to object to the report and recommendation of the Board of Commissioners on Grievances and Discipline in an attorney discipline case. Once the court issues its order to show cause, all objections to the report of the Board must be filed within twenty (20) days. The motion was filed long after the time permitted. It should be overruled as untimely.

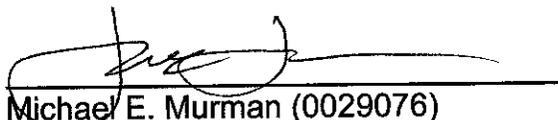
III. THE MOTION IS NOT WELL TAKEN AND SHOULD BE OVERRULED ON THE MERITS

The motion to strike should be overruled on the merits because the dismissal of the Miriam St. Jean grievance and adjudication of Count IV of the amended complaint relate to different facts and issues. Comparison of the facts and issues in the documents supporting the motion to strike with the allegations of Count IV and the evidence at hearing reveal that the facts and issues referred to in the motion are not the facts alleged or the issues to which the evidence was directed and proved in Count IV, which were the basis for the Board's recommended sanctions. The motion and referenced exhibits refer to evidence directed at issues relating to respondent's dispute with Miriam St. Jean that were not alleged or adjudicated in these proceedings. Therefore the panel and the Board properly applied the doctrine of res judicata and found it inapplicable.

IV. CONCLUSION

The motion is an untimely submission of additional argument and an attempt to supplement and expand objections already filed. The panel chair, the panel and the Board properly overruled respondent's objections that Count IV was barred by res judicata. The motion should be overruled.

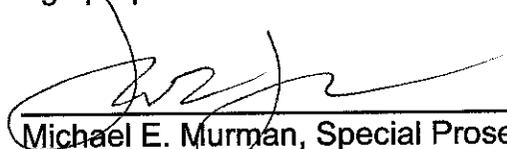
Respectfully submitted,



Michael E. Murman (0029076)
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Facsimile 216-226-9011

CERTIFICATE OF SERVICE

A copy of the foregoing Relator's Memorandum Objecting to Respondent's Request to Strike Count Four and For Sanctions For Frivolous Conduct Against Relator was served upon Respondent Scott A. Pullins, Esq., 110 East Gambier Street, P.O. Box 1186, Mount Vernon, Ohio, 43050 and on Jonathan Marshall, Esq., Secretary, The Board of Commissioners on Grievances and Discipline, The Supreme Court of Ohio, 65 South Front Street, 5th Floor, Columbus, Ohio 43215-3431 this 30 day of June, 2010, by regular United States Mail, postage prepaid.



Michael E. Murman, Special Prosecutor to
Disciplinary Counsel