

ORIGINAL

**IN THE
SUPREME COURT OF OHIO**

Norbert M. Doellman
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Attorney Registration No. (0002122)

CASE NO. 2010-0805

Respondent

Disciplinary Counsel
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Relator

RELATOR'S MOTION TO STRIKE

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NORBERT M. DOELLMAN (0002122)
Respondent

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CLERK OF COURT
SUPREME COURT OF OHIO

IN THE SUPREME COURT OF OHIO

Disciplinary Counsel,

Relator,

CASE NO: 2010-0805

vs.

Norbert M. Doellman

Respondent.

RELATOR'S MOTION TO STRIKE

On May 28, 2010 Relator, Disciplinary Counsel, filed objections to the recommendation of the Board of Commissioners on Grievances and Discipline (Board) in the disciplinary matter of Respondent Norbert M. Doellman. On June 30, 2010, respondent filed his answer to relator's objection. The answer brief filed by respondent includes a document attached as Appendix C which was never admitted into evidence in this matter and is not a part of the official record. Further, respondent has not filed a motion requesting permission to supplement the record, offering the basis for consideration of additional new information, not previously considered by the Board.

Appendix C attached to respondent's brief is a decision of the United States Bankruptcy Court Southern District of Ohio Western Division in an adversary proceeding filed by First Financial Bank in respondent's bankruptcy case. The bank filed the adversary proceeding in an effort to prevent respondent from discharging a judgment the bank obtained against respondent. Relator was not a party or participant in the bankruptcy proceeding. Further, the record in the

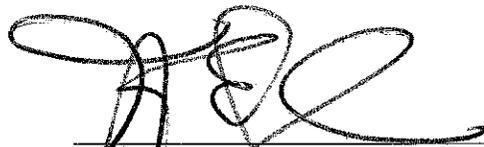
bankruptcy proceeding was not submitted into evidence in this disciplinary proceeding. However, it is clear that the bankruptcy court did not consider the specific allegations of misconduct associated with respondent's admitted acceptance, concealment and conversion of \$1,842.97, as detailed in the agreed stipulations 47-56 in the present matter. As such, the bankruptcy court's limited conclusion that respondent did not engage in defalcation, is not dispositive of the different factual issues before this Court.

Based upon respondent's failure to file a motion requesting to supplement the record, and the irrelevance of the bankruptcy court decision to the present disciplinary matter, relator requests that respondent's Appendix C be stricken from the record.

CONCLUSION

For the foregoing reasons, relator requests that respondent's Appendix C be stricken from the record in this matter.

Respectfully submitted,



Jonathan E. Coughlan (0026424)
Disciplinary Counsel



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CERTIFICATE OF SERVICE

A copy of the foregoing Motion to Strike has been served upon Respondent's Counsel
George D. Jonson, Montgomery, Rennie & Jonson, 36 East Seventh Street, Suite 2100,
Cincinnati, OH 45202-4452, via regular U.S. mail, postage prepaid, this 2nd day of July, 2010.



Robert R. Berger (0064922)