

IN THE SUPREME COURT OF OHIO

In Re: )  
 )  
 Complaint against )  
 )  
 RITA JOHNSON )  
 Attorney Reg. Nos. 0065959 )  
 )  
Respondent. )  
 )  
 CLEVELAND METROPOLITAN BAR )  
 ASSOCIATION, )  
Relator. )

CASE NO. CV09-039

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**RELATOR CLEVELAND METROPOLITAN BAR ASSOCIATION'S BRIEF IN  
 RESPONSE TO RESPONDENT'S MOTION, FILED JULY 6, 2010, FOR  
 CONTINUANCE OF ORAL ARGUMENT OR, IN THE ALTERNATIVE, TO WAIVE  
 ORAL ARGUMENT**

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Timothy A. Marcovy (0006518)  
 Thomas P. Marotta (0024884)  
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*Attorneys for Relator, Cleveland Metropolitan  
 Bar Association*

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FILED  
 JUL 15 2010  
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 SUPREME COURT OF OHIO

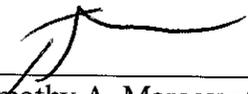
Respondent, *Pro Se*

BRIEF IN RESPONSE

Oral argument in the above-referenced case was held on Tuesday, July 6, 2010 at approximately 9:40 AM, EDT. Respondent did not attend. Mr. Marcovy appeared for the Relator. At that time, Mr. Marcovy was unaware that Respondent had filed a motion for a continuance or to waive oral argument, since the motion had only been served upon his co-counsel, Thomas Marotta, Esq., via electronic mail transmission at 10:48 PM, EDT, on Monday, July 5, 2010 (*See*, Ex. A attached). No other service of the motion has ever been made upon counsel for Relator. Mr. Marotta was not present at the oral argument, and Respondent's counsel respectfully represents to the Court that Mr. Marotta did not look into his email account until after the oral argument was concluded. At oral argument, Mr. Marcovy correctly stated to the Court that he had not received any communication from the Respondent other than the written objections to the Report of the Board of Commissioners on Grievances and Discipline

Relator submits that Respondent's motion was either untimely pursuant to S.Ct. Prac. R. 9.3(A), or is now moot.

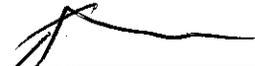
Respectfully submitted,

  
\_\_\_\_\_  
Timothy A. Marcovy (0006518)  
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*Attorneys for Relator,  
Cleveland Metropolitan Bar Association*

SERVICE

A copy of the foregoing Brief in Response was served by ordinary U.S. Mail, postage prepaid, upon the *pro se* Respondent, Rita Johnson, 3546 Washington Blvd. University Heights, Ohio 44118, this 14<sup>th</sup> day of July, 2010.

  
\_\_\_\_\_  
TIMOTHY A. MARCOVY

**Subject: motion to continue or waive oral argument**

**Date:** Monday, July 5, 2010 10:48 PM

**From:** groundzerori@aol.com

**To:** <tpm@wlmlaw.com>

**Conversation:** motion to continue or waive oral argument

see attached

BEFORE THE BOARD OF COMMISSIONERS ON  
GRIEVANCES AND DISCIPLINE OF  
THE SUPREME COURT OF OHIO

In Re: : CASE NO. CV09-039  
Complaint against : Motion to Continue Oral  
Rita Johnson : Argument of Waive same  
Attorney reg. No. 0065959 :  
:  
Respondent. :  
:  
Cleveland Metropolitan bar Association :  
:  
Relator. :  
:

Now comes Respondent, Rita R. Johnson, pro se, to move This Honorable Court to continue the oral argument set for July 6, 2010 at 9:30 or in the alternative waive same. Respondent is the mother of two small children (3 and 8 years). Because the check in time is 8:45 am respondent would need to leave Cleveland, Ohio at 5:00 am to ensure a prompt arrival. Respondent had arranged for her children to stay overnight with a friend, however, Respondent was informed late early evening on July 5, 2010 that she would need to make other arrangements. Respondent was unable to procure another overnight sitter for her children.

This motion is not made for purposes of delay.

Respectfully Submitted,

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Rita R. Johnson, pro se  
3546 Washington Blvd.  
University Heights, Ohio 44118  
(216) 214-2895

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Motion to Continue Oral Argument or Waive same was served upon Thomas Marotta, Esq., counsel for Relator, 1468 West Ninth Street, Suite 700 Cleveland, Ohio 44113 via regular U.S. mail on this \_\_\_\_\_ day of July 2010 and via email to [tpm@lwmlaw.com](mailto:tpm@lwmlaw.com) on this same day.

\_\_\_\_\_  
Rita R. Johnson  
Pro Se