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IN THE SUPREME COURT OF OHIO

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

RELATOR'S MEMORANDUM IN RESPONSE TO RESPONDENT'S REQUEST FOR JUDICIAL NOTICE UNDER EVIDENCE RULE 201 AND REQUEST TO BE HEARD

COUNSEL FOR RELATOR

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I. INTRODUCTION

Respondent's instant request constitutes a supplemental argument and attempt to submit additional evidence relating to points presented in his previously submitted objections to the report and recommendation of the Board of Commissioners on Grievances and Discipline. As such, the motion is in violation of Gov. Bar R. V (8) (B).

Relator by this filing requests to be heard as to the propriety of taking judicial notice and the tenor of the matter noticed.

II. THE REQUEST IS AN OUT OF RULE FILING

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 request was not filed within twenty days, and to the extent that it constitutes new argument or additional objections should be overruled as untimely.

III. A PARTY IS ENTITLED, UPON TIMELY REQUEST, TO BE HEARD

Evidence Rule 201 (E) provides: "A party is entitled upon timely request to an opportunity to be heard on the propriety of the taking of judicial notice and the tenor of the matter noticed." This matter will be scheduled for hearing on the objections that

were timely filed. Relator respectfully requests that the propriety of taking judicial notice and the tenor of the matter respondent proposes to be noticed, be reserved for the hearing.

IV. CONCLUSION

To the extent that the request is an untimely submission of supplemental evidence it should be overruled. Relator, upon timely request, is entitled to be heard as to the propriety of taking judicial notice and the tenor of the matter noticed which should be reserved for the oral hearing on objections to the report and recommendation of the Board of Commissioners on Grievances and Discipline.

Respectfully submitted,

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CERTIFICATE OF SERVICE

A copy of the foregoing Relator's Memorandum In Response to Respondent's Request for Judicial Notice Under Evidence Rule 201, And Request to Be Heard 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 16 day of July, 2010, by regular United States Mail, postage prepaid.

Michael E. Murman, Special Prosecutor to
Disciplinary Counsel