

ORIGINAL

IN THE SUPREME COURT OF OHIO

Disciplinary Counsel : Case No. 10-0851

Relator, :

vs. :

Scott Allan Pullins :

Respondent. :

RELATOR'S MEMORANDUM OBJECTING TO RESPONDENT'S
 SECOND REQUEST FOR JUDICIAL NOTICE
 OF THE DECISION OF
 THE KNOX COUNTY COURT OF APPEALS

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: SECOND REQUEST FOR JUDICIAL
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BRIEF

I. THIS REQUEST IS BARRED BY THE LAW OF THE CASE DOCTRINE AND THE RELATED DOCTRINES OF JUDICIAL PRECLUSION, COLLATERAL ESTOPPEL AND RES JUDICATA

Respondent filed a request that this Court take judicial notice of the decision referred to in the instant request on June 15, 2010. This request was overruled by this Court on July 20, 2010. *07/20/2010 Case Announcements, 2010-Ohio-3372.*

Consequently, the issue presented by the instant request has been considered and decided by this Court. Thus, the instant request is barred by the law of the case doctrine, the related doctrines of res judicata, collateral estoppel, and preclusion by judgment. Thus, it is without merit and should be overruled.

II. THIS REQUEST IS BARRED BECAUSE IT IS NOT ACCORD WITH S. CT. R. VI (8)

S. Ct. R. VI (8) provides in pertinent part:

... If a relevant authority is issued after the deadline has passed for filing a party's merit brief, that party may file a citation to the relevant authority but shall not file additional argument.

S. Ct. R. IV (8) applies to the instant filing by respondent because it does not comply with this rule and contains a purported copy of the decision referred to, whereas

the rule requires that only the citation be identified in the filing.

Furthermore, the filing refers to S. Ct. R. 9.9, which relates to the issuance of authorities after oral argument in the case under consideration. Oral argument has not occurred in this case.

III. CONCLUSION

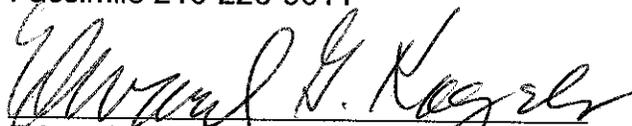
The instant request is a second request for judicial notice of the same legal precedent. The first request was overruled. Thus, this request should be overruled as it violates the law of the case doctrine and the related doctrines of res judicata, collateral estoppel, and preclusion by judgment.

The instant request should be overruled because it violates S. Ct. R. VI (8) and refers to S. Ct. R. 9.9, which is immaterial to this case.

Respectfully submitted,



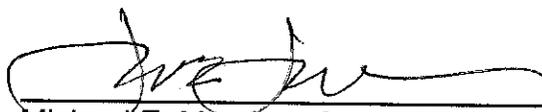
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CERTIFICATE OF SERVICE

A copy of the foregoing Relator's Memorandum Objecting to Respondent's Second Request for Judicial Notice of the Decision of the Knox County Court of Appeals 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 27 day of July, 2010, by regular United States Mail, postage prepaid.



Michael E. Murman, Special Prosecutor to
Disciplinary Counsel