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 REQUEST TO STRIKE RELATOR'S MEMORANDUM IN OPPOSITION TO RESPONDENT'S REQUEST TO STRIKE COUNTS V, VI AND VII

COUNSEL FOR RELATOR

Michael E. Murman, Esq. (0029076)
Edward G. Kagels, Esq. (0025958)
Office of Disciplinary Counsel of
The Supreme Court of Ohio
14701 Detroit Avenue, Suite 555
Lakewood, Ohio 44107
216-228-6996
216-226-9011 facsimile
murmanlaw@aol.com
edkagels@yahoo.com

COUNSEL FOR RESPONDENT- pro se

Scott A. Pullins, Esq. (0076809)
110 East Gambier Street, 2nd Floor
Mount Vernon, Ohio 43050
740-392-4594
202-330-4594 facsimile
scott@pullinslaw.com
www.pullinslaw.com

RECEIVED
AUG 03 2010
CLERK OF COURT
SUPREME COURT OF OHIO

FILED
AUG 03 2010
CLERK OF COURT
SUPREME COURT OF OHIO

IN THE SUPREME COURT OF OHIO

Disciplinary Counsel	:	Case No. 10-0851
Relator,	:	RELATOR'S MEMORANDUM OBJECTING TO RESPONDENT'S REQUEST TO STRIKE RELATOR'S MEMORANDUM IN OPPOSITION TO RESPONDENT'S REQUEST TO STRIKE COUNTS V, VI AND VII
vs.	:	
Scott Allan Pullins	:	
Respondent.	:	

I. THE REQUEST TO STRIKE SHOULD BE DENIED ON THE MERITS

Respondent evidently disagrees with relator and may have misunderstood relator's position relative to respondent's request for sanctions. Relator never stated and did not mean to imply that the Supreme Court of Ohio was without power or authority to impose sanctions against attorneys in appropriate circumstances. If relator's argument against striking counts of the amended complaint is incorrect, the court may overrule the board's findings relative to those counts in its final order following oral argument. If, in the exercise of its sound discretion, the court deems relator's arguments to be frivolous, it can take appropriate action. Relator's position was and continues to be that the responses to respondent's several post objections filings are neither frivolous nor the basis for sanctions. Disagreement between the parties as to the law or the facts should be resolved by the court without any need to strike filings made in good faith.

II. RESPONDENT'S FILINGS ARE UNTIMELY

The court, by order of July 20, 2010, directed the clerk to schedule this case for oral argument.

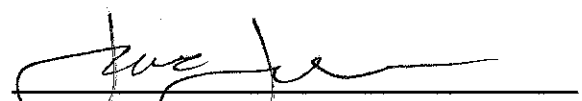
Gov.Bar R. V (8) (B) establishes the post hearing procedure to object to the report and recommendation of the Board of Commissioners on Grievances and Discipline. Once the court issues its order to show cause, all objections to the report of of the Board must be filed within twenty (20) days. Respondent's request to strike counts in the amended complaint, however styled, stated new or restated previously argued objections. It was filed beyond the time permitted for objections and should be overruled as untimely.

The current filing, styled a request to strike a memorandum, filed by respondent in reply to relator's response constitutes argument about collateral matters that need not be addressed by the court before oral argument. Thus, it too is untimely.

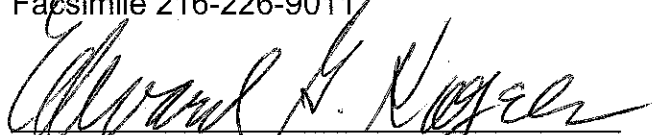
III. CONCLUSION

Respondent's request to strike should be overruled.

Respectfully submitted,



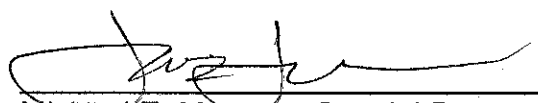
Michael E. Murman (0029076)
Special Prosecutor to
Office of Disciplinary Counsel
The Supreme Court of Ohio
14701 Detroit Avenue, Suite 555
Lakewood, Ohio 44107
Telephone 216-228-6996
Facsimile 216-226-9011



Edward G. Kagels (0002595[illegible])
Associate Counsel to the Special Prosecutor
Office of the Disciplinary Counsel
The Supreme Court of Ohio
14701 Detroit Avenue, Suite 555
Lakewood, Ohio 44107
Telephone 216-228-6996
Facsimile 216-226-9011

CERTIFICATE OF SERVICE

A copy of the foregoing Relator's Memorandum Objecting to Respondent's Request to Strike Relator's Memorandum In Opposition to Respondent's Request to Strike Counts V, VI and VII 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 2nd day of August, 2010, by regular United States Mail, postage prepaid.



Michael E. Murman, Special Prosecutor to
Disciplinary Counsel