

IN THE SUPREME COURT OF OHIO

Disciplinary Counsel

Relator,

vs.

Scott Allan Pullins

Respondent,

NO. 10-0851

Before the Board of Commissioners
On Grievances and Discipline
Case No. 09-022

**RESPONDENT SCOTT ALLAN PULLINS' SECOND REQUEST FOR JUDICIAL
NOTICE UNDER EVIDENCE RULE 201**

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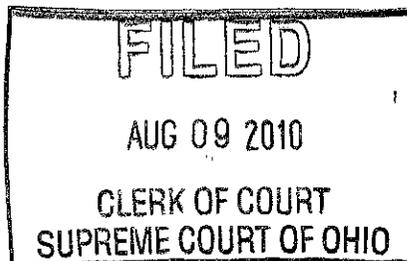
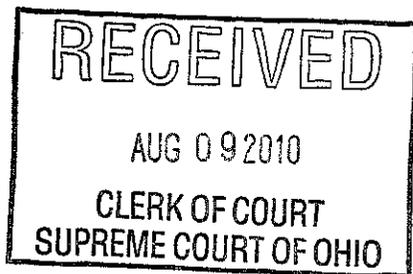
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Respondent – Pro Se

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Now comes the Respondent, pro se, and requests that this Honorable Court take Judicial Notice, pursuant to Evidence Rule 201, of the cited Ohio cases within which clearly illustrate the undisputed fact that *it has been the common practice of attorneys to allege violations of the Canons or Code of Judicial Conduct concerning judges in court filings. These attorneys have not been punished for alleging a violation of the Canons or Code of Judicial Conduct in a court filing.* A memorandum in support is provided.

Respectfully Submitted,



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CERTIFICATE OF SERVICE

A copy of this document was served upon counsel for the Relator, Michael Murman and Edward Kagels, 14701 Detroit Av., Suite #555 Lakewood, OH 44107-4109, and Jonathan Marshall, Secretary, The Board of Commissioners on Grievances and Discipline, the Supreme Court of Ohio, 65 South Front Street, 5th Floor, Columbus, Ohio 43215 via first class, regular mail, this 6th Day of August, 2010.



Scott A. Pullins (0076809)

MEMORANDUM IN SUPPORT

I. THIS COURT'S AUTHORITY ON THIS MATTER

This Court has authority under Evidence Rule 201 to take judicial notice of the Ohio cases cited within which clearly illustrate that *it has been the common practice of attorneys to allege violations of the Canons or Code of Judicial Conduct concerning judges in court filings. These attorneys have not been punished for alleging a violation of the Canons or Code of Judicial Conduct in a court filing.*

(B) Kinds of facts.

A judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.

Ohio Evid. R. 201

Because Respondent has requested the Court to take judicial notice and has provided the material needed for the Court to rely upon, this Court must take judicial notice of this matter.

(D) When mandatory.

A court shall take judicial notice if requested by a party and supplied with the necessary information.

Ohio Evid. R. 201

The rule expressly provides that Respondent can make this request at any stage of the proceeding.

(F) Time of taking notice.

Judicial notice may be taken at any stage of the proceeding.

Ohio Evid. R. 201

The cases cited are as follows:

Camburn v. Camburn, 2005 Ohio 6502 (Ohio Ct. App., Franklin County Dec. 8, 2005)

State v. Freeman, 20 Ohio St. 3d 55 (Ohio 1985)

State ex rel. Estate of Hards v. Klammer, 110 Ohio St. 3d 104 (Ohio 2006)

In re Disqualification of Olivito, 74 Ohio St. 3d 1261 (Ohio 1994)

State v. Pelfrey, 167 Ohio App. 3d 388 (Ohio Ct. App., Wyandot County 2006)

State v. Wright, 2004 Ohio 677 (Ohio Ct. App., Franklin County Feb. 12, 2004)

Miller v. Miller & Miller Accountants, Inc., 2003 Ohio 5913 (Ohio Ct. App., Richland County Nov. 4, 2003)

State ex rel. Corn v. Russo, 133 Ohio App. 3d 57 (Ohio Ct. App., Cuyahoga County 1999)

State v. Hoover, 1993 Ohio App. LEXIS 3160 (Ohio Ct. App., Stark County June 14, 1993)

Neal v. Hamilton County, 87 Ohio App. 3d 670 (Ohio Ct. App., Hamilton County 1993)

A. R. Decato, M.D., Inc. v. Schultz, 1990 Ohio App. LEXIS 5832 (Ohio Ct. App., Ashtabula County Dec. 28, 1990)

Cleveland v. Elgart, 1987 Ohio App. LEXIS 8975 (Ohio Ct. App., Cuyahoga County Oct. 1, 1987)

In re Leonhardt, 62 Ohio Misc. 2d 783 (Ohio C.P. 1993)

Bowling v. Broadnax (In re Cunningham), 100 Ohio St. 3d 1216 (Ohio 2002)

In re Maloney, 88 Ohio St. 3d 1215 (Ohio 1999)

State v. Gillard, 78 Ohio St. 3d 548 (Ohio 1997)

State v. Starkey (In re Knece), 81 Ohio St. 3d 1212 (Ohio 1997)

State v. Scudder, 71 Ohio St. 3d 263 (Ohio 1994)

McMillan v. Ashtabula County Bd. of Elections, 68 Ohio St. 3d 31 (Ohio 1993)

State v. Coomer, 2010 Ohio 3474 (Ohio Ct. App., Clinton County July 26, 2010)