

Supreme Court of Ohio
65 South Front Street
Columbus, OH 43215-3431

Ohio State Bar Association,
Relator,

Case No. 2004-2150

v.

Emergency Motion

John Allen,
Respondent.

This Emergency Motion replaces the Motion and Demand filed August 9, 2010.

This is an Emergency Motion to stay and/or vacate all proceedings in Case No. 2004-2150.

This Emergency Motion calls for immediate action (see *State v. Perry*, 29 Ohio App.2d 33, 278 N.E.2d 50) because Respondent, John Allen, faces the immediate and continuous peril of being deprived of his liberty. See *McClelland v. Interstate Transit Lines*, 142 Neb. 439, 6 N.W.2d 384.

Respondent, John Allen, has filed a Chapter 7 Bankruptcy Petition, Case No. 2:10-bk-59631 in the United States Bankruptcy Court for the Southern District of Ohio.

Under the Bankruptcy Act, "the automatic stay is one of the fundamental debtor protections provided by the bankruptcy laws. It gives the debtor a breathing spell from his creditors. It stops all collection efforts, all harassment, and all foreclosure actions. It permits the debtor to attempt a repayment or reorganization plan, or simply to be relieved of the financial pressures that drove him into bankruptcy."

This case concerns a judgment for \$40,000 against Respondent by the Ohio State Bar Association/Ohio Supreme Court.

Because Respondent is unable to pay this judgment, on July 20, 2010 this Court issued an Order of Contempt. This Order must be vacated until the bankruptcy is adjudicated.

Additionally, on July 20, 2010 this Court issued an Arrest Warrant for Contempt Order. This Arrest Warrant must be purged until the bankruptcy is adjudicated.

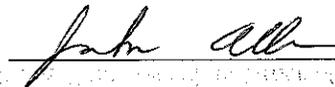
It is more likely than not that Respondent will receive a discharge in his favor as a result of his voluntary Chapter 7 Bankruptcy Petition.

Consequently, there will no longer be a debt (judgment) for Respondent to pay, to be found in contempt of and to be arrested for.

Wherefore, Respondent respectfully moves and demands that all the proceedings mentioned herein cease and desist until Respondent's Bankruptcy is finally adjudicated.

All Rights Reserved,

Dated August 13, 2010



John Allen
PO Box 2911
Zanesville, Ohio 43702

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SUPREME COURT OF OHIO

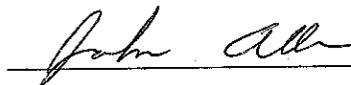
FILED
AUG 16 2010
CLERK OF COURT
SUPREME COURT OF OHIO

Certificate of Service

I, John Allen, hereby certify that a true and correct copy of the foregoing has been served to the below persons via First Class Mail on August 13, 2010:

Jeffrey J. Fanger
600 Superior Avenue E
Suite 1300
Cleveland, OH 44114

Eugene P. Whetzel
1700 Lake Shore Drive
Columbus, OH 43204



John Allen