

ORIGINAL

**IN THE
SUPREME COURT OF OHIO**

Joseph Anthony Pfundstein, Esq.
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Pepper Pike, OH 44122
Attorney Registration No. (0056167)

CASE NO. 2010-1243

Respondent

**STIPULATED MOTION FOR
AN EXTENSION OF TIME BY SEVEN
(7) DAYS, OR UNTIL AUGUST 25, 2010,
FOR RESPONDENT TO FILE AN ANSWER
BRIEF TO RELATOR'S OBJECTIONS
TO THE BOARD OF COMMISSIONERS'
REPORT AND RECOMMENDATION**

Disciplinary Counsel
250 Civic Center Drive, Suite 325
Columbus, OH 43215

Relator

**STIPULATED MOTION FOR AN EXTENSION OF TIME BY SEVEN (7) DAYS, OR UNTIL
AUGUST 25, 2010, FOR RESPONDENT TO FILE AN ANSWER BRIEF TO RELATOR'S
OBJECTIONS TO THE BOARD OF COMMISSIONERS' REPORT AND RECOMMENDATION**

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S. Ct. # 0026424
ROBERT R. BERGER, ESQ.
S. Ct. # 0064922
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COUNSEL FOR RELATOR

**ATTORNEYS FOR RESPONDENT
JOSEPH ANTHONY PFUNDSTEIN**

FILED
AUG 16 2010
CLERK OF COURT
SUPREME COURT OF OHIO

MOTION AND BRIEF

Now comes Respondent Joseph A. Pfundstein, Esq., by and through counsel, and as stipulated and consented to by Counsel for Relator, and pursuant to S. Ct. Prac. R. 14.3(B)(2) hereby moves this Honorable Court for an order extending the period of time by seven (7) days, or until August 25, 2010, for Respondent to file an Answer Brief to Relator's Objections to the Board of Commissioners' Report and Recommendation.

Relator filed its aforementioned Objections and accompanying brief on August 3, 2010 and Respondent's Counsel received a copy of those pleadings on August 6, 2010. Therefore, per Rule V, §8(C) of the Ohio Rules for the Government of the Bar, Respondent's Answer Brief is due fifteen (15) days thereafter, or on August 18, 2010.

The instant motion is being brought on the grounds that counsel's efforts to prepare an Answer Brief on behalf of the Respondent have been set back and delayed by a computer virus which has infected the computers in the office of Respondent's counsel for the several days leading up to Respondent's deadline. In addition, and with the set back caused by counsel's computer difficulties, Respondent's primary counsel, Richard S. Koblentz, is required to be out of the state from Tuesday, August 17, 2010 through Sunday, August 22, 2010 on business matters which cannot be rescheduled and as such, will be unable to assist in the preparation of the Answer Brief under the present deadline.

In view of these facts, this request has been stipulated and consented to by the Office of Disciplinary Counsel. It is, therefore, Counsel's request to receive an extension of seven (7) days, or until August 25, 2010, to file an Answer brief. The instant motion is not being brought for purposes of delay, or to otherwise burden, harass, or prejudice any party to this matter or the administration of justice.

WHEREFORE, Respondent Joseph A. Pfunstein, Esq. hereby prays that this Honorable Court finds the instant motion to be well-taken and thereupon, as has been stipulated and consented to by Relator's Counsel, issue an order extending the period of time by seven (7) days, or until August 25, 2010, for Respondent to file a Reply to Relator's Objections to the Board of Commissioners' Report and Recommendation.

Respectfully submitted,



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Attorneys for Respondent
Joseph A. Pfunstein, Esq.

CERTIFICATE OF SERVICE

A copy of the foregoing has been sent to Robert R. Berger, Senior Disciplinary Counsel and Jonathan A. Coughlan, Disciplinary Counsel, Office of Disciplinary Counsel of the Supreme Court of Ohio, 250 Civic Center Drive, Suite 325, Columbus, Ohio 43215-5454 via facsimile at 1-614-461-7205 on this 16th day of August, 2010.



RICHARD S. KOBLENTZ

BRYAN L. PENVOSE

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