



**A. RESPONDENT DID NOT RECEIVE A SERVICE COPY OF RELATOR'S MOTION FOR ORDER TO SHOW CAUSE UNTIL WEDNESDAY, NOVEMBER 10, 2010.**

On Wednesday, November 10, 2010, Respondent, Bruce A. Brown ("Brown") received a service copy of Relator's Motion For Order To Show Cause ("Relator's Motion") in the case, *sub judice*. (**Exhibit A**). On Thursday, November 11, 2010, Brown completed, filed, and served, via mail, his Opposition to Relator's Motion. **Id.** Much to Brown's chagrin, however, he was advised by the Clerk of this Court that his Opposition was untimely. (**Exhibit B**).

We submit that in the interests of fairness and justice, the relief sought herein should be granted. First off, Brown who checks his mail on a daily basis, has no control over the distribution of the United States Mail. (**Exhibit A**). Secondly, Brown could not have filed a response to Relator's Motion on or before November 8, 2010 because he did not receive the mailed copy of Relator's Motion until November 10, 2010.

The relief sought herein is warranted as Brown will be severely prejudiced if his Opposition to Relator's Motion is not considered by this Court. Moreover, Relator will not be prejudiced if the relief sought herein is granted.

**CONCLUSION**

In light of all of the foregoing, Respondent hereby respectfully requests that Petitioner's Motion For Order To Show Cause Be Stricken inasmuch as Respondent was not timely served and is unable to file an adequate response.

Respectfully Submitted,



Bruce Andrew Brown

**CERETIFICATE OF SERVICE**

I hereby certify that I served a true and correct copy of the foregoing Motion To Strike Petitioner's Motion For Order To Show Cause on Lori J. Brown, 250 Civic Center Drive, Suite 325, Columbus, Ohio 43215-7411 this 3<sup>rd</sup> day of December, 2010 via first class mail, postage prepaid.



Bruce A. Brown

**AFFIDAVIT**

**STATE OF OHIO**

**.SS:**

**COUNTY OF CUYAHOA**

The Affiant, Bruce A. Brown ("Brown"), being duly sworn, deposed and states the following:

1. That Brown checks his mail on a daily basis and removes and reviews all mail daily that is received at his home.
2. That on Wednesday, November 10, 2010, Brown received, via mail, Relator's Motion For Order To Show Cause in the case, *sub judice*,
3. That at no time prior to November 10, 2010, was the Motion referred to in ¶1 above, in Brown's mailbox.
4. That Brown completed, filed and served, vial mail, his Opposition to the Motion referred to in ¶1 above on, Thursday, November 11, 2010.

THE AFFIANT FURTHER SAYETH NAUGHT



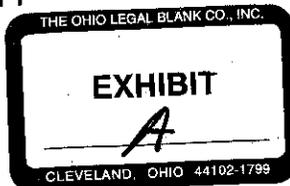
Bruce A. Brown

Subscribed and sworn to before me this 22<sup>nd</sup> day of November, 2010.



Notary Public

**Deborah A. Folan**  
My Commission expires  
May 10, 2014



# The Supreme Court of Ohio

OFFICE OF THE CLERK

65 SOUTH FRONT STREET, COLUMBUS, OH 43215-3431

CHIEF JUSTICE  
ERIC BROWN

CLERK OF THE COURT  
KRISTINA D. FROST

JUSTICES  
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EVELYN LUNDBERG STRATTON  
MAUREEN O'CONNOR  
TERRENCE O'DONNELL  
JUDITH ANN LANZINGER  
ROBERT R. CUPP

TELEPHONE 614.387.9530  
FACSIMILE 614.387.9539  
[www.supremecourt.ohio.gov](http://www.supremecourt.ohio.gov)

November 16, 2010

Bruce Andrew Brown  
6075 Penfield Lane  
Solon, Ohio 44139

Re: *Disciplinary Counsel v. Bruce A. Brown*  
Supreme Court of Ohio Case No. 2002-1380

Dear Mr. Brown:

Your “[motion] for appointment of counsel and respondent’s request that any hearing . . . be held in Cleveland, Ohio” was filed in the above-referenced case on November 15, 2010. A file-stamped copy of the document and a copy of the docket are enclosed.

We are unable, however, to file your “opposition to motion for order to show cause” because it is untimely. Rule 14.4(B) of the Rules of Practice of the Supreme Court of Ohio provides that an opposition to a motion must be filed within ten days from the date the motion is filed. As the enclosed copy of the docket indicates, the motion for order to appear and show cause was filed on October 27, 2010. Therefore, any response was due in the Clerk’s Office no later than November 8, 2010.

We did not receive the enclosed opposition to the motion for an order to show cause until November 15, 2010. Under Rule 14.1(D), the Clerk’s Office cannot file a document that is not timely received. Accordingly, your opposition to the motion was not filed and is being returned.

Sincerely,

Nathan  
Deputy Clerk

Enclosures

