

**IN THE SUPREME COURT OF OHIO**

**Disciplinary Counsel,  
Petitioner**

250 Civic Center Drive  
Suite 325  
Columbus, OH 43215

CASE NO. 2002-1380

**Bruce A. Brown**

(aka B. Andrew Brown,  
aka Amir Jamal Tauwab),  
**Respondent**

6075 Penfield Lane  
Solon, OH 44139

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**PETITIONER'S RESPONSE TO RESPONDENT'S  
MOTION TO STRIKE MOTION FOR ORDER TO  
APPEAR AND SHOW CAUSE**

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**Jonathan E. Coughlan (0026424)**

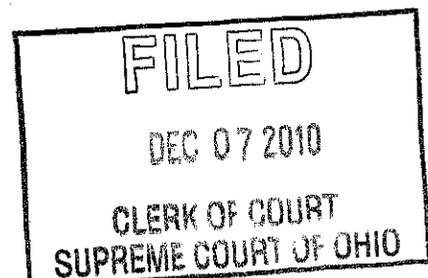
Disciplinary Counsel  
Petitioner

**Lori J. Brown (0040142)**  
Chief Assistant Disciplinary Counsel  
Counsel for Petitioner

250 Civic Center Drive, Suite 325  
Columbus, OH 43215

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**INTRODUCTION**

Now comes petitioner, Disciplinary Counsel, and hereby submits this response in opposition to respondent, Bruce Andrew Brown's (aka B. Andrew Brown, aka Amir Jamal Tauwab), motion to strike petitioner's motion for an order that respondent appear and show cause.

By order of this Court filed May 28, 2003, respondent was enjoined from engaging in the unauthorized practice of law. After that order was entered and notwithstanding the order,

this Court expressly determined that respondent, a disbarred New York lawyer, repeatedly engaged in the unauthorized practice of law in the state of Ohio. See *Disciplinary Counsel v. Brown*, 121 Ohio St.3d 423, 2009-Ohio-1152, 905 N.E.2d 163. On October 27, 2010 petitioner moved this Court for an order requiring that respondent show cause why he should not be held in contempt for repeatedly violating this Court's 2003 order.<sup>1</sup>

On November 15, 2010, respondent filed a motion seeking an appointment of counsel as well as a request that any hearing on this matter be held in Cleveland, Ohio. On December 2, 2010, this Court denied both of respondent's November 15<sup>th</sup> requests.

On December 6, 2010, respondent filed a motion to strike petitioner's October 27, 2010 motion for an order to appear and show cause. Respondent claims to have filed the motion to strike pursuant to S.Ct. Prac. R.14.2(D). Respondent asserts that the motion to show cause should be stricken because he was "not timely served." Respondent claims that he did not receive "the mailed copy of Relator's (sic) Motion until November 10, 2010." For the reasons set forth in the following memorandum, respondent's motion to strike should be denied by this Court.

### **MEMORANDUM IN OPPOSITION TO MOTION TO STRIKE**

In asking this Court to strike petitioner's motion for an order to appear and show cause, respondent relies upon S.Ct. Prac. R.14.2(D). In relevant part, this rule provides, "When a party or amicus curiae fails to provide service upon a party or parties to the case in accordance with S.Ct.Prac.R. 14.2(A), any party adversely affected may file a motion to strike the

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<sup>1</sup> On the same date, petitioner also filed a motion for an order to appear and show cause against respondent in Case No. 2008-1573. That motion alleges that respondent has also violated the

document that was not served. Within ten days after a motion to strike is filed, the party or amicus curiae against whom the motion is filed may file a memorandum opposing the motion.”

Service of a copy of a document filed with this Court pursuant to S.Ct.Prac.R.14.2(A) must be effectuated in accord with S.Ct.Prac.R.14.2(B). To wit:

Except as otherwise provided by this rule, service may be personal or by delivery service, mail, e-mail or facsimile transmission. Except as provided in division (A), personal service includes delivery of the copy to counsel or to a responsible person at the office of counsel and is effected upon delivery. Service by delivery service is effected by depositing the copy with the delivery service. Service by mail is effected by depositing the copy with the United States Postal Service for mailing.

Petitioner’s motion for an order to appear and show cause was filed on October 27, 2010. Page four of the motion is a Certificate of Service signed by petitioner’s counsel, Lori J. Brown. In compliance with S.Ct. Prac. R.14.2(C), the Certificate of Service indicates that a copy of the motion was “sent via ordinary U.S. Mail to respondent, Bruce A. Brown, 6075 Penfield Lane, Solon, OH 44139, this 27<sup>th</sup> day of October, 2010.”

In conjunction with his motion to strike, respondent executed an affidavit in which he asserts “[t]hat on Wednesday, November 10, 2010, [respondent] received, via mail, Relator’s (sic) Motion for Order to Show Cause in the case, *sub judice*[.]” (Italics sic). By his own admission, respondent was “served” with petitioner’s motion for an order to appear and show cause. Accordingly, S.Ct. Prac. R.14.2(D) is simply inapplicable to this case.

As set forth in S.Ct.Prac.R.14(D), a motion to strike may be filed only if a party “fails to provide service upon a party[.]” (Emphasis added). Clearly, respondent was served;

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express terms of this Court’s 2009 judgment entry.

therefore, petitioner did not “fail” to serve him. Respondent’s motion to strike is without merit and should be denied.

Moreover, respondent has not provided this Court with a photocopy of the envelope in which the motion was ostensibly delivered to respondent “on November 10, 2010.”<sup>2</sup> Petitioner submits that notwithstanding respondent’s claims, the postmark on that envelope would be consistent with petitioner’s certificate of service, i.e. a copy of the motion was deposited with the United States Postal Service for mailing on October 27, 2010.

Respondent claims that “he did not receive a mailed copy of Relator’s (sic) Motion until November 10, 2010;” however, respondent’s “Request for Appointment of Counsel” and “Request that any Hearing in this Cause be Held in Cleveland, Ohio,” filed in this case on November 15, 2010, do not mention anything about the allegedly untimely service of the motion. Likewise, the “Opposition to Motion for Order to Show Cause” that respondent tried to file with this Court, does not mention the alleged service date of the motion. It was only after this Court rejected respondent’s opposition as “untimely,” that respondent claimed that he purportedly did not receive service until November 10, 2010.<sup>3</sup>

It is evident that respondent was served with both motions that were filed by petitioner on October 27, 2010. Respondent filed a timely response in opposition to the motion filed in Case No. 2009-1573 yet wants this Court to believe that he failed to file a timely response in the instant case because “he did not receive the mailed copy of Relator’s Motion until

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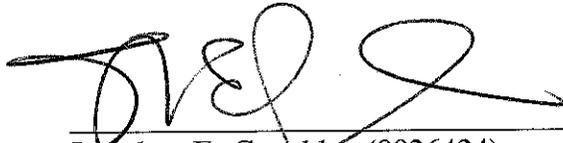
<sup>2</sup> Respondent is the only person who could possess such envelope; therefore and in conjunction with any request for relief, it was his burden to provide that envelope to this Court.

<sup>3</sup> Respondent’s “Opposition to Motion for Order to Show Cause” was rejected by the Clerk’s office on November 16, 2010.

November 10, 2010.” Respondent does not explain how two motions mailed to him on the same date to the same address purportedly arrived weeks apart.

As set forth herein, S.Ct.Prac.R.14.2(D) is inapplicable to the instant case. Respondent was served with petitioner’s motion to for an order to appear and show cause; therefore, respondent’s motion to strike should be denied.

Respectfully submitted,



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Jonathan E. Coughlan (0026424)  
Disciplinary Counsel, Petitioner

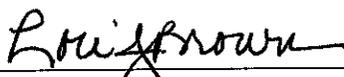


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Lori J. Brown (0040142)  
Chief Assistant Disciplinary Counsel  
Counsel of Record

**Certificate of Service**

I hereby certify that a copy of this response was sent via ordinary U.S. Mail to respondent, Bruce A. Brown, 6075 Penfield Lane, Solon, OH 44139, this 7<sup>th</sup> day of December, 2010.



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Lori J. Brown (0040142)  
Counsel for Petitioner