

**ORIGINAL**

**THE SUPREME COURT OF OHIO**

**CASE NO.  
2011-0299**

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**MAHONING COUNTY BAR ASSOCIATION,**

**Relator,**

**-vs-**

**JAMES VIVO,**

**Respondent.**

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**MOTION TO REMAND OF RELATOR, MAHONING COUNTY BAR ASSOCIATION**

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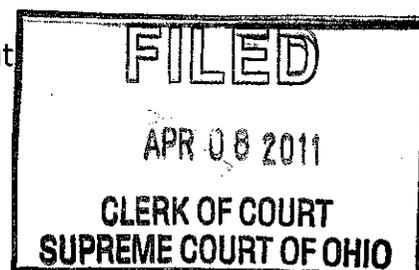
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James Vivo



Relator, Mahoning County Bar Association, moves this Court to remand this case to the Board of Commissioners on Grievances and Discipline.

Relator asks that this matter be remanded for a determination as to whether or not respondent, James Vivo, suffers from a medical condition that disabled him from responding to the allegations made against him before the Board of Commissioners on Grievances and Discipline. *Cleveland Metropolitan Bar Association v. Saylor*, 125 Ohio St.3d 403 (Ohio 2010), 2010-Ohio-1810. Relator asks that, if the Board determines that respondent was disabled from responding to the allegations, the Board further determine whether or not respondent is now able to assist in responding to the allegations made against him.

If the Board determines that respondent was disabled from dealing with the allegations against him, relator asks that the Board take the appropriate steps to provide respondent with a hearing on the merits of the allegations against him.

If the Board determines that respondent was not disabled, relator asks that this matter be returned to this Court for further action with regard to respondent's Objections.

Relator's motion to remand is explained more fully in its Answer Brief filed contemporaneously with this motion.

MAHONING COUNTY BAR ASSOCIATION

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### **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Motion to Remand of Relator, Mahoning County Bar Association has been sent via regular U. S. mail on this 7<sup>th</sup> day of April, 2011, to JOHN B. JUHASZ, 7330 Market Street, Youngstown, OH 44512-5610 and LYNN MARO, Maro & Schoeniké Co., 7081 West Boulevard, Suite No. 4, Youngstown, OH 44512-4362, Attorneys for Respondent, James Vivo.

MAHONING COUNTY BAR ASSOCIATION

By   
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