

IN THE SUPREME COURT OF OHIO

Disciplinary Counsel,	:	
	:	
Relator,	:	CASE NO. 2010-1805
	:	
vs.	:	
	:	
Richard Vincent Hoppel, Esq.	:	
	:	
Respondent.	:	

**RELATOR'S MOTION TO STRIKE RESPONDENT'S
MOTION TO SUPPLEMENT THE RECORD**

INTRODUCTION

On or about May 16, 2010, respondent, Richard C. Hoppel, filed a motion asking that this court supplement the record in this case by considering evidence that he extended his OLAP contract. Relator, Disciplinary Counsel, submits this response to respondent's motion to supplement the record.

RELATOR'S RESPONSE TO RESPONDENT'S MOTION

Oral argument in this matter was held on February 2, 2011. At the oral argument, the Court did not order either party to provide additional information. In fact, respondent's motion states that the information he now submits was not available at either his disciplinary hearing or the oral argument.

S.Ct. Prac. R. 9.9 prohibits a party from filing additional briefs, motions or other material after oral argument because the record is closed. The only exception to the rule is if the Court has ordered the supplement or a party is filing the citation of relevant authority issued after oral argument. Neither exception applies in this case.

Further, respondent's Motion to Supplement the Record does not contain a certificate of service in violation of S.Ct. Prac. R. 14.2(C), which states that a document filed without a certificate of service shall not be accepted for filing, unless the document must be served by the Clerk's office. Respondent's motion does not require that the clerk's office serve it upon relator; therefore, a certificate of service is required.

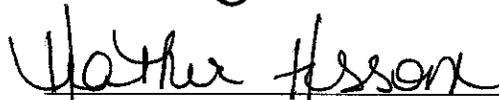
CONCLUSION

Relator requests that respondent's Motion to Supplement the Record be stricken from the record in this case.

Respectfully submitted,



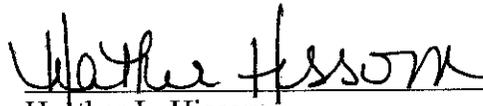
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CERTIFICATE OF SERVICE

A copy of the foregoing *Relator's Motion To Strike Respondent's Motion To Supplement The Record* has been served upon respondent's counsel, Harry J. DePietro, The DePietro Law Office, LLC, 7 West Liberty Street, Girard, Ohio 44420, via regular U.S. mail, postage prepaid, this 19th day of May, 2011.



Heather L. Hissom
Counsel of Record