

ORIGINAL

IN THE SUPREME COURT OF OHIO

CINCINNATI BAR ASSOCIATION, :

Relator, :

v. :

Kathleen S. Hardy, :

Respondent. :

12-0029

RELATOR'S MOTION TO HOLD RESPONDENT IN CONTEMPT

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Respondent

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CINCINNATI BAR ASSOCIATION, :
Relator, :
v. :
Kathleen S. Hardy, : MOTION FOR CONTEMPT
Respondent. :

Relator, Cincinnati Bar Association, hereby moves the Supreme Court of Ohio to find Respondent, Kathleen S. Hardy, in contempt for failing to obey an order to undergo a psychiatric examination issued by Joseph Wittenberg, Master Commissioner of the Board of Commissioners on Grievances and Discipline. Respondent was ordered to make an appointment with Dr. Douglas Mossman in Cincinnati within ten days of the date of the October 13, 2011 entry. To date, Respondent has failed to make an appointment.

Memorandum In Support

Respondent was admitted to the practice of law in Ohio in 1996. She has maintained an active license at all times relevant to this case.

Gov. Bar R. V (7) (C) provides that the Board or hearing panel may order a medical of psychiatric examination of the Respondent if a complaint alleges mental illness but is unsupported by a journal entry.

On November 17, 2010, Respondent was found to be mentally ill by the Hamilton County Probate Court. This fact was publicly accessible on the court's online docket. On February 8, 2011, Relator's investigator sent a letter to Respondent informing her that her mental condition was being investigated. *See Exhibit A*. This letter was mailed to the address listed on

the Supreme Court's website, which is 9891 Montgomery Rd. #264, Cincinnati, OH 45242, and was copied to her court-appointed attorney, Michael L. Tranter. On February 25, Respondent telephoned Relator's investigator and informed the investigator that she had just received the correspondence. She did not provide any other relevant information.

In March, 2011, Relator filed a formal complaint with the Board of Commissioners on Grievances and Discipline. *See Exhibit B.*

On April 8, 2011, a probable cause panel certified Relator's complaint to the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio. *See Exhibit C.* Respondent was notified of the filing complaint at the Montgomery Rd. mailing address. Respondent failed to file an answer. *See Exhibit D.*

On August 22, 2011, Relator filed a Motion for Default Judgment. *See Exhibit E.* However, Relator was unable to obtain a copy of the entry from Judge James Cissell. Respondent failed to respond to this motion. On October 5, 2011, Relator filed a Supplement to Motion for Default. *See Exhibit F.* The Supplement stated that Respondent has been released from the jurisdiction of the Hamilton County Probate Court; however, the court did not alter its determination that Respondent is presently mentally ill.

On October 13, 2011, Master Commissioner Wittenberg put on an entry ordering Respondent to make an appointment with Dr. Douglas Mossman at the University of Cincinnati College of Medicine within ten days of the order. *See Exhibit G.* Respondent did not schedule an appointment and has not responded in any way to the entry.

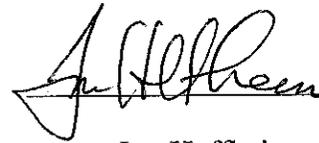
A copy of Master Commissioner Wittenberg's entry was mailed to Respondent at her Montgomery Rd. mailing address. On September 1, 2011, Respondent renewed her active license

with the Supreme Court of Ohio, listing her address as the same Montgomery Rd. address. *See Exhibit H.*

Wherefore, based upon the foregoing, Relator hereby moves the Supreme Court of Ohio to find Respondent in contempt for failing to comply with the October 13, 2011 order of the Master Commissioner and to enter such an order as it finds proper.

Respectfully Submitted,

CINCINNATI BAR ASSOCIATION



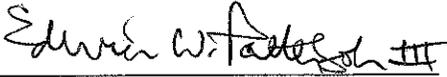
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Relator's Motion to Hold Respondent in Contempt was served via regular mail, this 5th day of January, 2012, upon Respondent, Kathleen S. Hardy, 9891 Montgomery Rd., #264, Cincinnati, OH 45242.



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ATTACHMENT NOT SCANNED