

ORIGINAL

IN THE SUPREME COURT OF OHIO

CINCINNATI BAR ASSOCIATION, :

Relator, :

v. : Case No. 2011-0023

John W. Hauck, :

Respondent. :

RELATOR'S MOTION TO HOLD RESPONDENT IN CONTEMPT

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*Respondent*

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JAN 24 2012  
CLERK OF COURT  
SUPREME COURT OF OHIO

FILED  
JAN 24 2012  
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SUPREME COURT OF OHIO

IN THE SUPREME COURT OF OHIO

*In re*  
*Complaint Against*

John W. Hauck (#0023153)  
RESPONDENT

Case No. 2011-0023

CINCINNATI BAR ASSOCIATION  
RELATOR

MOTION FOR CONTEMPT

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**MOTION FOR CONTEMPT**

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Relator, Cincinnati Bar Association, hereby moves the Supreme Court of Ohio to find Respondent, John W. Hauck, in contempt for failing to obey the Court's July 7, 2011 order suspending Respondent from the practice of law for one year with six months stayed.

**Memorandum in Support**

On July 7, 2011, The Supreme Court of Ohio issued an order in Case No. 2011-0023 suspending Respondent from the practice of law for one year with six month stayed. Respondent received notice of this order on July 12, 2011 at both his home and his office. Subsequent to July 12, 2011, the following events have taken place.

1. During the period July 13-July 29, 2011, on behalf of a client named Geisha Palmer, Respondent, by his own admission, initiated four contacts with GEICO

insurance and a medical provider attempting to negotiate and consummate a settlement distribution in a personal injury case. See *Exhibit A*.

2. Relator was contacted by in-house counsel for Farmers Insurance (Farmers) in Cleveland, Ohio regarding Respondent's representation of Anthony Griffin and Kervin Robinson in a personal injury case. Respondent admits to calling Farmers on July 12, 2011. Respondent also admits that, on the following day, he contacted his clients and informed them of the maximum settlement offers made by Farmers. See *Exhibit B*. Farmers provided to Relator's investigator correspondence dated July 20, 2011 from Respondent to Farmers. The correspondence was sent on letterhead indicating that Respondent was an "Attorney at Law". Attached to the correspondence was a draft copy of a complaint with a signature line for Respondent as trial counsel. *Exhibit C*.

Respondent, by his own admission, contacted Farmers and his clients on several occasions during the period July 13 through October, 2011. See *Exhibit B*. On August 5, 2011, Respondent sent Farmers letter attempting to assert an "attorney lien" on the personal injury settlement. *Exhibit D*. On October 17, 2011, Respondent sent a letter to Farmers reducing his attorney fee lien. See *Exhibit B*. On October 20, 2011, Respondent sent a letter to his clients confirming information provided by the clients and offering to waive all attorney fees. See *Exhibit B*. Also on October 20, 2011, Respondent sent a letter to Farmers waiving his attorney fee. See *Exhibit B*.

3. Respondent overdrew his IOLTA account on November 29, 2011.

Respondent's check, issued August 4, 2011, included a notation that it was to be in full and final settlement of a subrogation claim for a client named Ross Burton. *Exhibit E*.

4. On August 3, 2011, Respondent executed and mailed his Affidavit of Compliance in Case No. 2011-0023 which was received and filed with the Court on August 5, 2011. In the affidavit, Respondent indicated that he understood and had complied with all of the conditions of the July 7 order.

Based on the foregoing facts, Respondent has violated this Court's order of July 7, 2011. Relator requests the Court require Respondent to serve his full one year suspension and take any other action it deems appropriate.

Respectfully submitted,

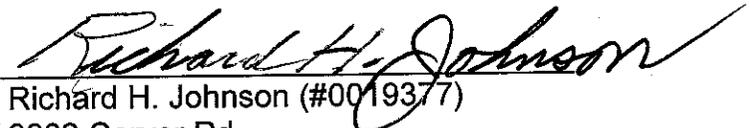
CINCINNATI BAR ASSOCIATION

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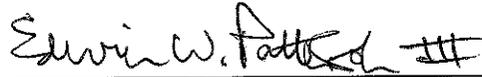
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing Motion for Contempt has been served via regular U.S. Mail, postage prepaid, this 23rd day of January, 2012 upon John W. Hauck, 1600 Central Pkwy, 2<sup>nd</sup> Floor, Cincinnati, OH 45202.



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**ATTACHMENT NOT SCANNED**