

ORIGINAL

IN THE SUPREME COURT OF OHIO

In re: Judicial Campaign Complaint :  
 Against Jeanette Moll, : Case No. 2012-1186  
 :  
 Respondent. :  
 :  
 : PROCEEDINGS BEFORE THE FIVE  
 : JUDGE COMMISSION APPOINTED  
 : PURSUANT TO RULE II, SECTION  
 : 5(D)(1) OF THE SUPREME COURT  
 : RULES FOR THE GOVERNMENT OF  
 : THE JUDICIARY OF OHIO, AND  
 : SECTION 2701.11 OF THE OHIO  
 : REVISED CODE

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COMPLAINANT LYNN RIFE'S MOTION FOR ENLARGEMENT OF TIME TO FILE  
 ANSWER BRIEF AND OBJECTIONS

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**COMPLAINANT LYNN RIFE'S MOTION FOR ENLARGEMENT OF TIME TO FILE  
ANSWER BRIEF AND OBJECTIONS**

Complainant Lynn Rife, by and through her undersigned counsel, respectfully moves pursuant to S.Ct. Prac. R. 14.3 for an enlargement of time, to and including August 10, 2012, within which to file her answer brief, responding to Respondent's objections to the panel report of the Board of Commissioners on Grievances and Discipline (the "panel report"), and her own objections to the panel report. The grounds for this motion are:

1. By Order of July 31, 2012, the five-judge commission appointed to consider the above-captioned matter directed that Complainant file her answer brief, if any, no later than August 6, 2012, and that she file any objections to the panel report no later than August 8, 2012;

2. Complainant's undersigned counsel also represents the petitioner in *Kevin E. Dennis v. United States*, Case Nos. 2:07-cv-1313 and 2:05-cr-248 (2), pending in the United States District Court for the Southern District of Ohio. By order of June 21, 2012, petitioner must file his post-hearing memorandum no later than August 6, 2012, the same date set by the Commission for Complainant's answer brief herein.

3. Additionally, undersigned counsel represents the appellant in *United States v. Lazaro Lopez-Pompa*, Case No. 11-4448, pending in the United States Court of Appeals for the Sixth Circuit. Appellant's Reply Brief must be filed with the Sixth Circuit no later than August 9, 2012, *i.e.*, almost contemporaneous with the documents to be filed herein.

4. Meeting the deadlines described in paragraphs 2 and 3, above, will make it exceptionally difficult for the undersigned to meet the deadlines established by the Commission. For that reason, Complainant seeks an enlargement of time.

5. Additionally, Complainant is traveling out of the state, and will be unavailable to confer directly with counsel until August 6, 2012. This may be significant in that Complainant may seek leave to submit her own affidavit in support of her answer brief and objections. Such an affidavit cannot be prepared until her return.

6. This motion is supported by the Affidavit of David F. Axelrod, sworn to August 1, 2012 and attached as Exhibit A.

WHEREFOR, Complainant Lynn Rife respectfully request that she be allowed to and including August 10, 2012 for the filing of her answer brief and objections to the panel report.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing Notice of Complainant Lynn Rife's Motion for Enlargement of Time to File Answer Brief and Objections has been served, this 1st day of August, 2012, by regular United States Mail, on the following:

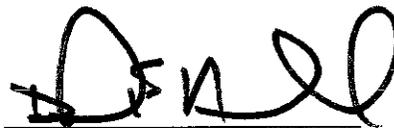
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Additionally, a true and accurate copy of the foregoing has also been served this 1st of August, 2012, by email on Mr. Asbury at [a.asbury@sc.ohio.gov](mailto:a.asbury@sc.ohio.gov).



David F. Axelrod (0024023)

# **EXHIBIT A**

**AFFIDAVIT OF DAVID F. AXELROD**

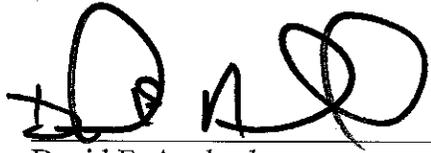
STATE OF OHIO                    )  
  ss:  
COUNTY OF FRANKLIN )

DAVID F. AXELROD, being duly sworn, deposes and says:

1.       I am an attorney admitted to practice before this Court, and represent the Complainant in *In re: Judicial Campaign Complaint Against Jeanette Moll*, Case No. 2012-1186. I make this affidavit in support of Complainant Lynn Rife’s Motion for Enlargement of Time to File Answer Brief and Objections.

2.       I have read the above-referenced motion and am familiar with its contents. All factual assertions therein are true to the best of my knowledge, information and belief.

FURTHER AFFIANT SAYETH NAUGHT.

  
\_\_\_\_\_  
David F. Axelrod

Subscribed and sworn to before me this 1<sup>st</sup> day of August, 2012.

  
\_\_\_\_\_  
Notary Public



BRIAN JOSEPH LALIBERTE  
ATTORNEY AT LAW  
Notary Public, State of Ohio  
My Commission Has No Expiration Date  
Section 147.03 ORC