

THE SUPREME COURT OF OHIO

IN RE:

SUP. CT CASE NO. 2012-1186

Judicial Campaign Complaint against

Jeanette Moll (0066786)

BOARD OF COMMISSIONERS ON  
GRIEVANCES & DISCIPLINE  
CASE NO. 12-045

RESPONDENT'S MEMORANDUM CONTRA TO COMPLAINANT'S  
OBJECTIONS TO THE HEARING PANEL'S DENIAL OF ATTORNEY FEES

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**FILED**  
AUG 14 2012  
CLERK OF COURT  
SUPREME COURT OF OHIO

Now comes the Respondent Jeanette Moll and respectfully moves for the Commission to deny Complainant's Lynn Rife's Objections to the Hearing Panel's Denial of Attorney Fees.

The Complainant's request for attorney fees should be denied as recommended by the hearing panel. There is simply no precedent for the award of attorney fees and fines when there is no prior disciplinary action; the Respondent has fully complied with the recommendations and orders issued; and there is one campaign statement/literature which inadvertently raises an issue for a Respondent due to Respondent complying in all other campaign statements/literature.

Respondent incorporates herein as if fully rewritten all of her pleading filed before this Commission.

As noted in her other pleadings, Respondent had personally stopped using the literature at issue in March of 2012. Respondent had also taken steps to ensure that it was no longer in use by others prior to the hearing. When testimony was presented at the hearing that the literature at issue may still be in use by the Stark County Republican Headquarters, the Respondent went to Canton in less than 24 hours to personally ensure that it was no longer being used.

The Respondent sought to fully comply with all the hearing panel recommendations as soon they were issued and filed affidavits and evidence of the same prior to any order going into effect.

Respondent has fully complied and more with what was ordered in the cease and desist order. Respondent took the additional step of sending letters to not just the Republican headquarters within the 5<sup>th</sup> district but instead she personally contacted every Republican Party. Moreover, she sent her letters to the Republican parties by certified mail, return receipt requested, and has previously provided this Court with written confirmation that all 15 county Republican parties have been put on notice to no longer use the literature at issue. She has also contacted every other organization where she used the literature at issue and sought written confirmation of the same.

Moreover, when Respondent had knowledge that the Canton Repository had used the picture of her as a Magistrate during the pendency of this matter, she immediately took action. Respondent called the Canton Repository three times the next day and sent them a certified letter to request that they stopped using the photograph in question without the required title, court, and dates. Respondent's actions resulted in this issue being resolved the same day.

In short, Respondent has done all she can to comply with the recommendations and orders relating to this matter.

As previously noted in Respondent's Objections, over half of the original grievance was dismissed by the probable cause panel. Then, the hearing panel dismissed two of three counts prior to closing arguments. The Complainant, in closing arguments, acknowledged that both the Facebook post and Canton Repository Candidate Profile were not in violation (two-thirds of the remaining Count 1). Thus, of the original grievance, less than 10% remains pending.

Thus, even if the Commission were to find that an award of attorney fees was warranted to the Complainant, the vast majority of Complainant's attorney fees would have been incurred on matters that have been dismissed with no findings made.

Respondent notes that Complainant's Objections reference two affidavits on page 5, paragraph 4 which were not served on the Respondent. Respondent further notes that the Supreme Court of Ohio's webpage does not have such affidavits either. Thus, Respondent is unable to respond to the same. Additionally, the Complainant's Objections reference a complaint sent to Disciplinary Counsel. Respondent notes that there is no evidence of this anywhere in the pleadings or record including in the Affidavit of Lynn Rife attached to her Motion to Supplement. Additionally, whether or not the Respondent filed a complaint before the Disciplinary Counsel would be a confidential matter outside the record and scope of this proceeding.

Respondent respectfully requests the Commission to deny the Complainant's Objections.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the foregoing was duly served upon Attorney David F. Axelrod, Esq at 614-545-6356, Steven Hollon at 614-387-9379 and D. Allan Asbury at 614-387-9509 by facsimile on August 14, 2012. Additionally, a courtesy copy was sent to Sue Ann Reulbach by e-mail to [sarsar 6@hotmail.com](mailto:sarsar6@hotmail.com).



Jeanette M. Moll (0066786)