

No. 2011-0120

IN THE SUPREME COURT OF OHIO

**CINCINNATI BAR ASSOCIATION,
Relator,**

vs.

**VLAD SIGALOV,
Respondent.**

**RESPONDENT VLAD SIGALOV'S MEMORANDUM IN OPPOSITION TO
RELATOR'S MOTION FOR ORDER OF CONTEMPT**

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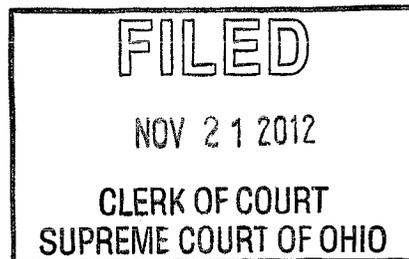
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MEMORANDUM IN OPPOSITION

On November 13, 2012, Relator the Cincinnati Bar Association (the “CBA”) filed its Motion for Order of Contempt (“Motion”) against Respondent Vlad Sigalov (“Mr. Sigalov”). There, the CBA argues that Mr. Sigalov is “in contempt of both this Court’s original disbarment order of August 28, 2012 and its order to show cause issued on October 31, 2012.” (*See* Motion at 1). According to the CBA, Mr. Sigalov’s November 6, 2012 Affidavit of Compliance (“Affidavit”) is “non-compliant.” (*See id.* at 2).

As an initial matter, the CBA’s argument that Mr. Sigalov should be held in contempt simply because the Affidavit was not filed “on or before September 27, 2012” is inconsistent with this Court’s prior decisions. Indeed, in prior cases where disciplined attorneys filed their affidavits of compliance late, this Court did not hold them in contempt. *See Toledo Bar Ass’n v. Miller*, Case No. 2011-1750; *Disciplinary Counsel v. McNeal*, Case No. 2011-1732.

In any event, the record is clear that Mr. Sigalov has now substantially complied with the Court’s August 28, 2012 Order. He surrendered his registration card and certificate of admission to this Court. (*See* Affidavit at ¶ 9). And more important, Mr. Sigalov is no longer practicing law in any capacity. (*See id.* at ¶ 4). The CBA has offered no evidence whatsoever to the contrary.

In its Motion, the CBA also argues that Mr. Sigalov’s Affidavit fails to show that he “notified certain clients that he was disbarred and disqualified but instead stated only that ‘I am unable to represent you . . .’” (*See* Motion at 2). Conveniently, however, the CBA ignores several of Mr. Sigalov’s letters where he specifically stated that “due to disciplinary issues with the state bar, I am unable to practice law at this time.” (*See* Affidavit at Exhibit A; *see also id.* (“As of August 28, 2012, the Ohio Supreme Court has

revoked my license to practice law . . .”). Regardless, Mr. Sigalov’s correspondence clearly demonstrates that his clients were advised that he could no longer represent them.

Next, the CBA contends that Mr. Sigalov’s Affidavit does not call “to the client’s attention any particular urgency for them to seek substitution of another attorney . . .” (See Motion at 2). But the CBA itself then recites what Mr. Sigalov stated in the correspondence to his former clients: “[a]s there are *time sensitive* issues, it is *imperative* that you retain other counsel *right away* to represent you in your case . . .” (See *id.*) (emphasis added). It is difficult to imagine how Mr. Sigalov could have been more direct with his former clients on this issue.

Equally off-base is the CBA’s argument that Mr. Sigalov did not adequately document “the delivery or the making of arrangements for delivery of all client files and property” or the “refunding of unearned fees and trust account funds . . .” (See *id.*). Mr. Sigalov’s Affidavit includes signed receipts from his former clients who were provided with their files, as well as evidence of the return of any “unearned fees and trust account funds.” (See Affidavit at Exhibits B-C). The CBA has offered no evidence that this information is inaccurate or incomplete.

In light of the Affidavit and supporting documentation that Mr. Sigalov filed with this Court, it would be inconsistent with this Court’s prior decisions to hold him in contempt. Indeed, of the cases filed since January 1, 2011 and now disposed of, this Court has only held disciplined attorneys in contempt when they: (1) failed to file any affidavit of compliance, failed to submit their registration card and certificate of admission, and failed to pay the required fees; or (2) the disciplinary authority had specific evidence showing the attorney was violating the Court’s Order to cease

practicing law. See e.g., *Disciplinary Counsel v. Trieu*, Case No. 2011-2034; see also *Cincinnati Bar Ass'n v. Hauck*, Case No. 2011-0023.

Moreover, there have been many instances where this Court did not hold disciplined attorneys in contempt even though they failed to comply in any manner with this Court's Orders. See e.g., *Cleveland Metro. Bar Ass'n v. Davis*, Case No. 2012-0645; *Cleveland Metro. Bar Ass'n v. Cicirella*, Case No. 2012-0315; *Columbus Cty. Bar Ass'n v. Luther*, Case No. 2012-0305; *Disciplinary Counsel v. Seabrook*, Case No. 2011-2049; *Disciplinary Counsel v. Ford*, Case No. 2011-2042; *Cleveland Metro. Bar Ass'n v. Kelly*, Case No. 2011-2038; *Disciplinary Counsel v. Wickerham*, Case No. 2011-2032; *Toledo Bar Ass'n v. Woodley*, Case No. 2011-1768; *Mahoning City Bar Ass'n v. Kish*, Case No. 2011-0846; *Disciplinary Counsel v. Lawson*, Case No. 2011-0131.

Here, Mr. Sigalov filed his Affidavit, with supporting documentation, and tendered his registration card and certificate of admission to the Court. And, the CBA has offered no specific evidence demonstrating that Mr. Sigalov continues to practice law in any capacity.

Finally, in an attempt to continue its never-ending saga of prosecuting Mr. Sigalov, whom this Court has already disbarred, the CBA requests authorization to take his "deposition and conduct such other discovery as it reasonably deems appropriate to investigate [Mr. Sigalov's] compliance with the order of disbarment . . ." (See Motion at 3). According to the CBA,

[It] has reason to believe and does believe that [Mr. Sigalov] has not to date given adequate and reasonable notification of his disbarment and disqualification to many of his clients, that he has failed to deliver files to all clients and that he has not refunded all unearned client funds and trust account amounts to clients.

(See *id.*).

Yet, the CBA does not provide any basis for its “belief,” nor has it provided this Court with any evidence contradicting Mr. Sigalov’s Affidavit and the supporting documentation attached to it. If any such evidence actually existed, it should have been included in the flurry of contempt motions filed by the CBA after Mr. Sigalov was ordered disbarred from the practice of law by this Court. For any and all of the foregoing reasons, the CBA’s Motion should be denied in its entirety.

Respectfully submitted,



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CERTIFICATE OF SERVICE

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