

ORIGINAL

No. 2011-1681

In the Supreme Court of Ohio

FROM THE BOARD ON THE
UNAUTHORIZED PRACTICE OF LAW OF THE SUPREME COURT OF OHIO
CASE NO. UPL 09-07

CLEVELAND METROPOLITAN BAR ASSOCIATION

Relator

v.

MICHAEL D. DAVIE

AND

ALPHA LEGAL SERVICES, INC.

Respondents.

MOTION FOR ORDERS FOR ENFORCEMENT

Donald R. Murphy (0024068)
12800 Shaker Boulevard, Suite 208
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Office: (216) 991-4883

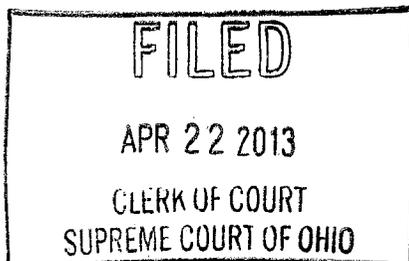
Attorney for Respondents
Michael D. Davie and Alpha Legal Services,
Inc.

John A. Hallbauer (0001076)
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Attorneys for Relator
Cleveland Metropolitan Bar Association



IN THE SUPREME COURT OF OHIO

CLEVELAND METROPOLITAN BAR)
ASSOCIATION,)
)
Relator,)
)
v.)
)
MICHAEL D. DAVIE)
)
- and -)
)
ALPHA LEGAL SERVICES, INC.,)
)
Respondents)

CASE NO: 2011-1681

**MOTION FOR ORDERS FOR
ENFORCEMENT**

Relator Cleveland Metropolitan Bar Association, by counsel, moves for an order or orders implementing and enforcing the provisions contained in this Court’s Decision of September 27, 2012 and in a separate Order of the same date requiring respondent Michael D. Davie to file appropriate legal forms in the Cleveland Municipal Court to satisfy or release the judgments that he obtained in that court for unauthorized practice of the law work in the cases of *Davie v. Singleton*, Case No. 08 CVI 25218, and *Davie v. Brown*, Case No. 08 CVI 19312. *Decision*, 133 Ohio St.3d 202, 2012–Ohio–4328 ¶58; Order at ¶2. (Since the Order does not appear on the Court’s on-line docket, a copy is attached as “Exhibit A.”)

Additionally, the Court required Davie to pay a fine of \$100 per day beginning October 27, 2012, for every day that the judgments remained unsatisfied. *Id.* Attached as Exhibits “B” and “C” are copies of the dockets of the Cleveland Municipal Court in the *Brown* and *Singleton*

cases printed on April 9, 2013, showing that Davie has not satisfied or released these judgments. The fines thus continue.

On October 26, 2012, Davie filed a "Motion to Stay a Court Order" suggesting that an "Appeal" would be filed with the United States Supreme Court. The Motion to Stay was denied by this Court, and Davie never filed anything with the United States Supreme Court. On January 3, 2013, after the time for any possible filing with the United States Supreme Court had passed, counsel for Relator sent Davie's counsel of record a letter reminding him of the obligation to satisfy or release the *Brown* and *Singleton* judgments (Exhibit "D"). No response was received, and the judgments remain in effect.

Davie has simply failed and refused to comply with the simple, express direction of this Court that he must satisfy or release the two judgments that he obtained against two victims of his unauthorized practice of law work. This requirement requires no financial payment by Davie, except, possibly, a nominal filing fee to the Cleveland Municipal Court. He cannot say that he does not have the financial ability to comply with this direction, and there is no excuse for his continuing to harm the credit ratings of these two victims.

Civil Rule 70 suggests a number of possible remedies that may appropriately be applied by any Ohio court where a party fails and refuses to perform an act specifically required by a judgment:

Judgment for Specific Acts; Vesting Title

If a judgment directs a party to execute a conveyance of land, to transfer title or possession of personal property, to deliver deeds or other documents, or to perform any other specific act, and the party fails to comply within the time specified, the court may, where necessary, direct the act to be done at the cost of the disobedient party by some other person appointed by the court, and the act when so done has like effect as if done by the party. On application of the party entitled to performance, the clerk shall issue a writ of

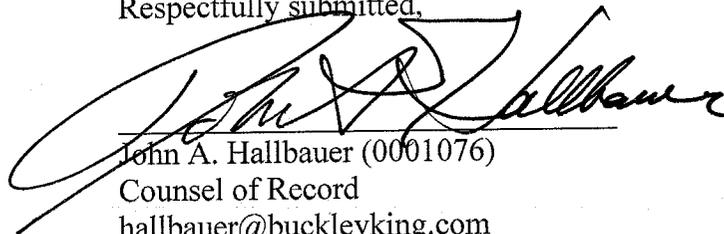
attachment against the property of the disobedient party to compel obedience to the judgment. The court may also in proper cases adjudge the party in contempt. If real or personal property is within this state, the court in lieu of directing a conveyance thereof may enter a judgment divesting the title of any party and vesting it in others, and such judgment has the effect of a conveyance executed in due form of law. When any order or judgment is for the delivery of possession, the party in whose favor it is entered is entitled to a writ of execution upon application to the clerk.

Under Civil Rule 70, it would be appropriate for the Court to require Davie to appear before the Court to show cause why he should be held in, and punished for, contempt for failing to satisfy and release the judgments. It would also be appropriate, and perhaps simpler, for the Supreme Court to issue an order or orders directed to the Clerk of the Cleveland Municipal Court ordering the entry of satisfaction and release of the judgments on the records of that Court.

CONCLUSION:

It is thus submitted that further orders of this Court are necessary to effectuate what was ordered by this Court in the September 27, 2012 Decision and Order with respect to the outstanding Cleveland Municipal Court judgments held by Respondent Davie.

Respectfully submitted,



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*Attorneys for Relator Cleveland Metropolitan Bar
Association*

CERTIFICATE OF SERVICE

A copy of the foregoing Relator's Motion for Orders for Enforcement was served this

17th day of April, 2013 by United States mail, postage prepaid, upon the following:

Donald R. Murphy, Esq.
12800 Shaker Blvd.
Cleveland, Ohio 44120
*Counsel of Record for Respondents
Michael D. Davie and Alpha Legal Services, Inc.*

and

Minerva B. Elizanga, Secretary
Board on the Unauthorized Practice of Law
The Supreme Court of Ohio
65 South Front Street – 5th Floor
Columbus, Ohio 43215-3431



JOHN A. HALLBAUER (0001076)
*Attorney for Cleveland Metropolitan Bar
Association, Relator*

The Supreme Court of Ohio

SEP 27 2012

Cleveland Metropolitan Bar Association,
Relator,

v.

Michael D. Davie and Alpha Legal Services, Inc.,
Respondents.

CLERK OF COURT
ON REPORT OF THE SUPREME COURT OF OHIO
UNAUTHORIZED PRACTICE OF LAW

Case No. 2011-1681

ORDER

The Board on the Unauthorized Practice of Law filed its final report in this court on October 4, 2011, recommending that, pursuant to Rule VII of the Supreme Court Rules for the Government of the Bar of Ohio, the Supreme Court of Ohio issue an order finding that respondents, Michael D. Davie and Alpha Legal Services, Inc., have engaged in the unauthorized practice of law. Relator filed objections to the final report, oral argument was held, and this cause was considered by the court.

On consideration thereof, this court finds, consistent with the opinion rendered herein, that respondents' actions constitute the unauthorized practice of law. Respondents are enjoined from all conduct that constitutes the unauthorized practice of law. It is further ordered that respondent Michael D. Davie may work as a paralegal or legal assistant in the state of Ohio, provided that he does so under the direct supervision of an attorney authorized to practice law in this state and identifies himself as a paralegal or legal assistant in all communications and correspondence. It is further ordered that on or before 30 days of the date of this order, respondent Michael D. Davie shall file the appropriate legal forms to release the judgments that he obtained in Cleveland Municipal Court cases *Davie v. Singleton*, case No. 08 CVI 25218, and *Davie v. Brown*, case No. 08 CVI 19312, and forthwith submit proof of the filings to relator. It is further ordered that if respondent Davie fails to timely release these judgments, he shall be fined \$100 per day beginning on the thirty-first day following this order.

It is further ordered that respondents are assessed, jointly and severally, a civil penalty in the amount of \$30,000. The fine shall be paid to this court by cashier's check or money order on or before 30 days from the date of this order. If respondents fail to pay said fine on or before 30 days from the date of this order, the matter will be referred to the Attorney General for collection and this court may find respondents in contempt.

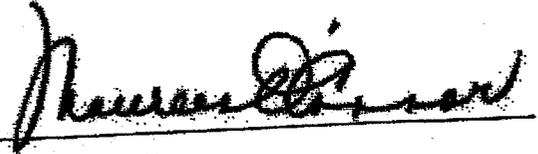
It is further ordered that respondents, jointly and severally, provide reimbursement of costs and expenses incurred by the board and relator in the amount of \$3,561.20, which costs shall be payable to this court by cashier's check or money order on or before 30 days from the date of this order. It is further ordered that if these costs are not paid in full on or before 30 days from the date of this order, interest at the rate of 10% per annum shall accrue on the balance of unpaid board costs, effective 30 days from the date of this order. It is further ordered that if costs are not paid in full on or before 30 days from the date of this order, this matter will be referred to the Attorney General for collection and respondent may be found in contempt.

It is further ordered, sua sponte, that all documents filed with this court in this case shall meet the filing requirements set forth in the Rules of Practice of the Supreme Court of Ohio, including requirements as to form, number, and timeliness of filings. All case documents are



subject to Rules 44 through 47 of the Rules of Superintendence of Ohio which govern access to court records.

It is further ordered that the clerk of this court issue certified copies of this order as provided for in Gov.Bar R. VII(19)(E); that publication be made as provided for in Gov.Bar R. VII(19)(F); and that respondents bear the costs of publication.

A handwritten signature in black ink, appearing to read "Maureen O'Connor", written over a horizontal line.

Maureen O'Connor
Chief Justice



CLEVELAND MUNICIPAL COURT
1380 Ontario Street, Cleveland, Ohio 44113

General Inquiry



New Search...

Summary

Parties

Events

Dockets

Disposition

Costs

Docket Search

2008 CVI 019312 DAVIE, MICHAEL -VS- BROWN, TIONA ADMIN

Search Criteria

Docket Desc. ALL

Begin Date

Sort

Ascending

End Date

Descending

Search

Search Results 10 Docket(s) found matching search criteria.

Docket Date	Docket Text	Amount	Amount Due	Images
10/08/2008	CASE CALLED; DEFENDANT HAVING FAILED TO FILE ANSWER AND PLAINTIFF HAVING SUBSTANTIATED ITS CLAIM BY THE PRESENTATION OF EVIDENCE, DEFAULT JUDGMENT IS RENDERED FOR PLAINTIFF FOR \$1400.00 AND COSTS. INTEREST ACCRUED AT THE RATE OF 3% FROM MAY 1, 2008	0.00	0.00	
10/08/2008	MAGISTRATE'S DECISION FILED	0.00	0.00	
10/08/2008	NOTIFICATION OF FINAL APPEALABLE ORDER MAILED. RULING HAS BEEN MADE IN ABOVE CASE AND JOURNALIZED. CMS- (N) FINAL APPEALABLE ORDER NOTICE Sent on: 10/08/2008 08:56:07	0.00	0.00	
09/03/2008	SUMMONS REISSUED AS TO TIONA BY REGULAR MAIL CALL DATE 10-01-2008	0.00	0.00	
09/03/2008	HEARING SCHEDULED The following event: SMALL CLAIMS - P.M. HEARING scheduled for 09/09/2008 at 1:30 pm has been rescheduled as follows: Event: SMALL CLAIMS - P.M. HEARING Date: 10/01/2008 Time: 1:30 pm Judge: MAGISTRATE, SESSION IV Location: 12TH FLOOR COURTROOM D TIONA BROWN (DEFENDANT); Result: HEARD AND SUBMITTED	0.00	0.00	
08/07/2008	CERTIFIED MAIL ISSUED TO ON Issue Date: 08/07/2008 Service: COMP & SUM SMALL CLAIMS MONEY ONLY	0.00	0.00	



Method: (INTAKE) CERTIFIED MAIL
Cost Per: \$ BROWN, TIONA 2518 E.
35TH ST CLEVELAND, OH 44115
Tracking No: 71603901984809030967

08/06/2008	CIVIL SUMMONS ISSUED	0.00	0.00
08/06/2008	HEARING SCHEDULED Event: SMALL CLAIMS - P.M. HEARING Date: 09/09/2008 Time: 1:30 pm Judge: MAGISTRATE, SESSION IV Location: 12TH FLOOR COURTROOM D Result: CASE RESCHEDULED - SUMMONS AND COMPLAINT REISSUED	0.00	0.00
08/06/2008	BACK FILED IMAGES	0.00	0.00
08/06/2008	SMALL CLAIMS COMPLAINT FILED BY MICHAEL DAVIE (PLAINTIFF); Receipt: 2018126 Date: 08/06/2008	31.00	0.00



CLEVELAND MUNICIPAL COURT
 1200 Ontario Street, Cleveland, Ohio 44113

General Inquiry

New Search...

Summary
 Parties
 Events
 Dockets
 Disposition
 Costs

Docket Search

2008 CVI 025218 DAVIE, MICHAEL -VS- SINGLETON, KATINA et al ADMIN

Search Criteria

Docket Desc. ALL

Begin Date

Sort

End Date

- Ascending
- Descending

Search Results 31 Docket(s) found matching search criteria.

Docket Date	Docket Text	Amount	Amount Due	Images
02/24/2010	OTHER THAN PERSONAL EARNINGS NO MONEY ANSWER RECEIVED FROM GARNISHEE(S)-ORDER FILE DATE: KATINA SINGLETON (DEFENDANT); WACHOVIA (GARNISHEE);	0.00	0.00	
02/10/2010	OTHER THAN PERSONAL EARNINGS NO MONEY ANSWER RECEIVED FROM GARNISHEE(S)-ORDER FILE DATE: KATINA SINGLETON (DEFENDANT); BANK OF AMERICA (GARNISHEE); CHASE (GARNISHEE);	0.00	0.00	
01/15/2010	OTHER THAN PERSONAL EARNINGS NO MONEY ANSWER RECEIVED FROM GARNISHEE(S)-ORDER FILE DATE: KATINA SINGLETON (DEFENDANT); WOODFOREST NATIONAL BANK (GARNISHEE);	0.00	0.00	
01/13/2010	OTHER THAN PERSONAL EARNINGS NO MONEY ANSWER RECEIVED FROM GARNISHEE(S)-ORDER FILE DATE: AMEGY BANK OF TEXAS (GARNISHEE);	0.00	0.00	
12/09/2009	Issue Date: 12/09/2009 Service: OTHER THAN PERS EARN ISSUED-ORDER FILE DATE: 12/3/09 Method: (GR) CERT OF MAILING OTHER THAN PERSONAL EARNINGS Cost Per: \$ COMERICA BANK 19506 HIGHWAY 59 N HUMBLE, TX 77338 Tracking No: B000030163 BANK OF AMERICA 3828 ATASCOCITA RD HUMBLE, TX 77396	0.00	0.00	



Tracking No: B000030164 CAPITAL
ONE 9455 N. SAM HOUSTON PKWY E
HUMBLE, TX 77396 Tracking No:
B000030165 CHASE 9400 N SAM
HOUSTON PKWY E HUMBLE, TX
77396 Tracking No: B000030166
WACHOVIA 9511 N SAM HOUSTON
PKWY E HUMBLE, TX 77396 Tracking
No: B000030167 WOODFOREST
NATIONAL BANK 9235 N SAM
HOUSTON PKWY E HUMBLE, TX
77396 Tracking No: B000030168
AMEGY BANK OF TEXAS 9441 FM
1960 BYPASS RD W STE 100
HUMBLE, TX 77338 Tracking No:
B000030169 WASHINGTON MUTUAL
BANK 19211 W LAKE HOUSTON
PKWY HUMBLE, TX 77346 Tracking
No: B000030170 KATINA SINGLETON
(DEFENDANT);

11/24/2009	GARNISHMENT OTHER THAN PERSONAL EARNINGS - FILING FEE PAID BY: MICHAEL DAVIE (PLAINTIFF); Receipt: 2202887 Date: 11/24/2009	50.00	0.00
11/09/2009	NOTIFICATION OF FINAL APPEALABLE ORDER MAILED. RULING HAS BEEN MADE IN ABOVE CASE AND JOURNALIZED. CMS- (N) FINAL APPEALABLE ORDER NOTICE Sent on: 11/09/2009 15:15:05	0.00	0.00
11/09/2009	NOTIFICATION OF FINAL APPEALABLE ORDER MAILED. RULING HAS BEEN MADE IN ABOVE CASE AND JOURNALIZED. CMS- (N) FINAL APPEALABLE ORDER NOTICE Sent on: 11/09/2009 14:49:18	0.00	0.00
11/09/2009	NOTIFICATION OF FINAL APPEALABLE ORDER MAILED. RULING HAS BEEN MADE IN ABOVE CASE AND JOURNALIZED. CMS- (N) FINAL APPEALABLE ORDER NOTICE Sent on: 11/09/2009 14:42:17	0.00	0.00
11/09/2009	NOTIFICATION OF FINAL APPEALABLE ORDER MAILED. RULING HAS BEEN MADE IN ABOVE CASE AND JOURNALIZED. CMS- (N) FINAL APPEALABLE ORDER NOTICE Sent on: 11/09/2009 14:41:16	0.00	0.00
11/09/2009	NOTIFICATION OF FINAL APPEALABLE ORDER MAILED. RULING HAS BEEN MADE IN ABOVE CASE AND JOURNALIZED. CMS- (N) FINAL APPEALABLE ORDER NOTICE Sent on: 11/09/2009 14:39:37	0.00	0.00
11/09/2009	NOTIFICATION OF FINAL APPEALABLE ORDER MAILED. RULING HAS BEEN MADE IN ABOVE CASE AND JOURNALIZED.	0.00	0.00
11/09/2009	MAGISTRATE'S DECISION FILED. COPIES MAILED TO PARTIES.	0.00	0.00
11/09/2009	JUDGMENT IS RENDERED FOR THE PLAINTIFF ON THE COMPLAINT AND AGAINST DEFENDANT KATINA SINGLETON ONLY, IN THE AMOUNT OF \$3,000.00 WITH INTEREST OF 3%	0.00	0.00

PER ANNUM FROM 4/9/2008 PLUS COST.

06/04/2009	JUDGMENT OF DECEMBER 4, 2008 IS VACATED AND SET ASIDE.	0.00	0.00
06/04/2009	PLAINTIFF'S OBJECTION TO MAGISTRATE'S DECISION SUSTAINED. THE CENTRAL SCHEDULING DEPARTMENT IS DIRECTED TO SET THIS CASE FOR HEARING ON THE SMALL CLAIMS DOCKET AND NOTIFY ALL PARTIES OF THE NEW HEARING DATE.	0.00	0.00
05/28/2009	HEARING SCHEDULED Event: SMALL CLAIMS - A.M. HEARING Date: 07/02/2009 Time: 10:00 am Judge: MAGISTRATE, SESSION I Location: 12TH FLOOR COURTROOM D Result: HEARD AND SUBMITTED	0.00	0.00
12/23/2008	OBJECTION TO THE MAGISTRATE'S DECISION FILED WITH THE CLERK BY: Attorney: PRO SE () MICHAEL DAVIE (PLAINTIFF); Receipt: 2076015 Date: 12/23/2008	15.00	0.00
12/16/2008	REQUEST FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW MICHAEL DAVIE (PLAINTIFF);	0.00	0.00
12/04/2008	CASE CALLED TRIAL HAD COURT FINDS FOR AND RENDERS JUDGMENT FOR DEFENDANT KATINA SINGLETON ON THE COMPLAINT AT PLAINTIFF'S COAST.	0.00	0.00
12/04/2008	MAGISTRATE'S DECISION FILED.	0.00	0.00
12/04/2008	NOTIFICATION OF FINAL APPEALABLE ORDER MAILED. RULING HAS BEEN MADE IN ABOVE CASE AND JOURNALIZED. CMS- (N) FINAL APPEALABLE ORDER NOTICE Sent on: 12/04/2008 14:52:23	0.00	0.00
10/29/2008	HEARING SCHEDULED Event: SMALL CLAIMS - A.M. HEARING ALL PARTIES NOTIFIED BY POST CARD CALL DATE IS 11-18-2008 Date: 11/18/2008 Time: 10:00 am Judge: MAGISTRATE, SESSION I Location: 12TH FLOOR COURTROOM D KATINA SINGLETON (DEFENDANT); Result: HEARD AND SUBMITTED	0.00	0.00
10/24/2008	NOTICE OF DISMISSAL AS TO DEFT ANTHONY SINGLETON ONLY) PLEASE SET NEW HEARING DATE AS TO KATINA SINGLETON ONLY) FILED BY PLTF(FILE SENT TO CENTRAL SCHEDULING)	0.00	0.00
10/20/2008	SUCCESSFUL SERVICE FOR SMALL CLAIMS Method : (INTAKE) CERTIFIED MAIL Issued : 10/08/2008 Service : COMP & SUM SMALL CLAIMS MONEY ONLY Served : 10/17/2008 Return : 10/20/2008 On : SINGLETON, KATINA Signed By : FLEDEZMA Reason : SMALL CLAIMS SUCCESSFUL Comment : Tracking #: 71603901984809096000	0.00	0.00
10/08/2008	Issue Date: 10/08/2008 Service: COMP & SUM SMALL CLAIMS MONEY ONLY	0.00	0.00

Method: (INTAKE) CERTIFIED MAIL
Cost Per: \$ SINGLETON, KATINA 5959
CORPORATE DRIVE HOUSTON, TX
77036 Tracking No:
71603901984809096000 SINGLETON,
ANTHONY 8330 N. SAM HOUSTON
PKWY E. APT #201 HUMBLE, TX
77396 Tracking No:
71603901984809096017

10/08/2008	CIVIL SUMMONS ISSUED	0.00	0.00
10/03/2008	HEARING SCHEDULED Event: SMALL CLAIMS - A.M. HEARING Date: 10/30/2008 Time: 10:00 am Judge: MAGISTRATE, SESSION I Location: 12TH FLOOR COURTROOM D Result: HEARING CANCELLED - NO SERVICE	0.00	0.00
10/02/2008	BACK FILED IMAGES	0.00	0.00
10/02/2008	5.00 EACH FOR ADDITIONAL DEFENDANT SERVED CERTIFIED MAIL Receipt: 2041755 Date: 10/02/2008	5.00	0.00
10/02/2008	SMALL CLAIMS COMPLAINT FILED BY MICHAEL DAVIE (PLAINTIFF); Receipt: 2041755 Date: 10/02/2008	31.00	0.00

BUCKLEY KING

1400 FIFTH THIRD CENTER

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www.buckleyking.com

Writer's Email: hallbauer@buckleyking.com

January 3, 2013

Donald R. Murphy, Esq.
12800 Shaker Blvd., Suite 208
Cleveland, OH 44120

Re: *Cleveland Metropolitan Bar Assn. v. Michael D. Davie, et al.*
133 Ohio St. 3d 302, 2010-Ohio-4328

Dear Mr. Murphy:

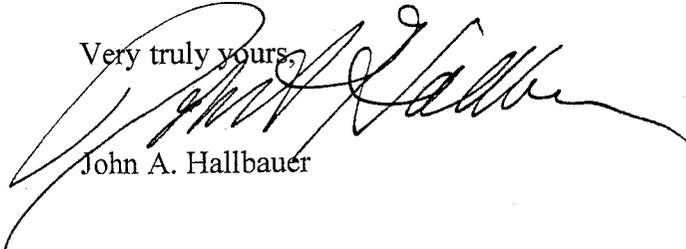
On September 27, 2012, the Ohio Supreme Court rendered its decision in the referenced matter. On October 26, 2012, you filed a "Motion to Stay a Court Order" with the Ohio Supreme Court, which motion was denied. The Motion to Stay a Court Order suggested that an "Appeal" would be filed with the United States Supreme Court. I checked the United States Supreme Court's on-line docket, and nothing has been filed. The time for any filings with the United States Supreme Court has passed.

On January 2, 2013, I also checked the on-line docket for the Cleveland Municipal Court in *Davie v. Singleton* (Case No. 08 CVI 25218) and in *Davie v. Brown* (Case No. 08 CVI 19312).

In Paragraph 58 of the Ohio Supreme Court's decision, Davie was directed to file, within thirty days of the decision, appropriate legal forms to release the judgments against Singleton and Brown. No such filings have been made and no proof of such filings has been submitted to me or my co-counsel with the Cleveland Metropolitan Bar Association. Of course, that subjects Davie to additional fines, which continue at the rate of \$100.00 per day.

Please see that the necessary documents to satisfy and release the judgments against Singleton and Brown are filed with the Cleveland Municipal Court within the next few days and send me time-stamped copies. Although Davie might argue that he lacks the financial ability to immediately pay all the fines and penalties that he has incurred, there is no possible good faith reason to delay the satisfaction of the judgments against his victims.

Very truly yours,


John A. Hallbauer

JAH/cmk

cc: Heather M. Zirke, Esq.
1365374_1

