

BEFORE THE SUPREME COURT OF OHIO

Office of Disciplinary Counsel, Case No. 2012-1324

Relator

FILED
MAY 20 2013
v.
CLERK OF COURT
SUPREME COURT OF OHIO

Leo Johnny Talikka,

**RESPONDENT'S RESPONSE
TO SHOW CAUSE ORDER**

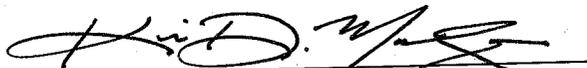
Respondent

Now comes the Respondent, Leo Johnny Talikka, by and through his attorneys, Koblentz & Penvose, LLC, and hereby submits to this Honorable Court his Response to the Show Cause Order that this Honorable Court entered on May 10, 2013.

Respondent was ordered to show cause why he should not be held in contempt by this Honorable Court in the instant matter for failure to file with this Court an affidavit of compliance that included a certificate of service as required by Rule 3.11(C)(1)(a) on or before April 19, 2013. Respondent's failure to comply with this rule was an inadvertent mistake on the part of Respondent who attempted to submit the affidavit of compliance personally, without the assistance of undersigned counsel. It was only after Respondent's affidavit was returned to him that he sought the assistance of undersigned counsel; however, by that point in time, the due date for the affidavit had already passed and despite submission by counsel, the corrected pleading was not accepted for filing by this Honorable Court.

Respondent prays that this Honorable Court finds that he should not be found in contempt based upon the re-submittal of the attached affidavit of compliance which includes the appropriate certificate of service pursuant to Rule 3.11(C)(1)(a) as prepared and submitted by counsel

Respectfully submitted,



RICHARD S. KOBLENTZ, #0002877

BRYAN L. PENVOSE, # 0074134

✓ KEVIN R. MARCHAZA, #0087965

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*Attorneys for Respondent,
Leo Johnny Talikka*

CERTIFICATE OF SERVICE

A copy of the foregoing Respondent's Response to Show Cause has been served via regular U.S. mail upon the Office of Disciplinary Counsel and Philip King, Disciplinary Counsel, counsel for Relator at Office of Disciplinary Counsel of the Supreme Court of Ohio, 250 Civic Center Drive, Suite 325, Columbus, Ohio 43215-5454, May 17th 2013.



RICHARD S. KOBLENTZ

BRYAN L. PENVOSE

✓ KEVIN R. MARCHAZA

KOBLENTZ & PENVOSE, LLP

*Attorneys for Respondent,
Leo Johnny Talikka*

STATE OF OHIO)
) SS. AFFIDAVIT
COUNTY OF LAKE)

Now comes the affiant after being duly sworn state the following, to wit:

1. The affiant has practiced law in the State of Ohio since May 5, 1968. The affiant's license to practice has been suspended March 20, 2013 for a period of two years, with one year suspended. Affiant's Supreme Court Attorney registration card was 0006613. Affiant's office address was 10 W. Erie Street, Suite 106, Painesville, OH 44077.

2. Since May 2001 the affiant has had five lower back surgeries and one hip replacement. The affiant states that the last surgery was done January 2, 2013. As a result of the surgery the affiant was able to walk with a walker; later on walked with a cane and was able to drive a car in the middle of February. There was to be another examination by the doctor on March 29, 2013 at which time it was to be determined whether a 6th surgery would be necessary. From the date of surgery to March 28, 2013 no physical therapy was permitted.

3. Affiant further states that after the March 29, 2013 surgeon's appointment, physical therapy was started twice weekly with daily home exercises. Had the sixth surgery been required as originally discussed which would have taken place in April 2013, the affiant was advised that his recovery period would be another six months.

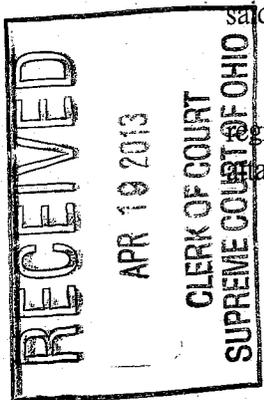
4. Beginning on January 14, 2013 and thereafter, the affiant's office staff sent out letters to all clients advising them of the affiant's closing his office. A copy of two sample letters are attached. Affiant has not practiced since December 31, 2012. The affiant has not practiced other than one appearance as co-counsel in early March 2013.

5. Affiant further states that a letter from Dr. Jason Eubanks, the surgeon, is attached as exhibit A.

6. Affiant further states that he has sent letters to all his current clients and copies of said letters is attached as exhibit B and exhibit C.

7. Affiant further states pursuant to the court order that he was to return his attorney registration card to the Ohio Supreme Court, a copy of said letter and returns receipt are attached as exhibit D.

8. Affiant was advised to send a check to Ms. Fran Cantrell for \$45.00 and a copy of



cover letter, the check and the return receipt requested is attached as exhibit E.

9. Affiant further states pursuant to the court order he was to send a check to Jeffery Homkes for \$954.21. A copy of said cover letter, a copy of the check and a copy of the return receipt showing that the packet was undeliverable due to no forward address are marked as exhibit F. Affiant further states that he attempted to call Mr. Homkes at his last telephone number; and requested information from the phone company and no such person has a current listing.

10. Affiant states that he was order to pay John Ingram the sum of \$1,273.89. This check was hand delivered to Mr. Ingram and he signed the receipt in front of a notary public. A copy of the cover letter containing his signature acknowledging receipt of the check is attached as exhibit G.

11. Affiant further states that he is attending the OLAP meetings in Cleveland.

12. Affiant further states that Ms. Topazio has made a claim with the client security fund. The affiant has responded to that claim stating that the balance of her retainer of \$10,000 was returned to her. Affiant further states that Ms. Topazio filed a lawsuit against the affiant that was dismiss on a motion for summary judgment. Affiant has spoken with Jayson Dawson of the Client Security Fund and was advised that the case will be heard in June or July 2013.

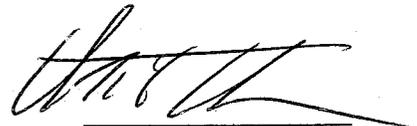
13. Affiant further states that he does not have an office or office telephone number. The only phone number the affiant has is his unlisted home and cell phone numbers which he has had for many years.

14. Affiant further states that the transfer of client files as gone smoothly and some clients have sought counsel of their choosing to represent them.

15. Affiant further states that his office ceased to function as of January 31, 2013.

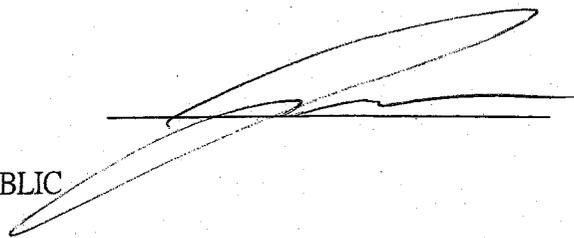
16. Affiant further states that he has refunded fees to two clients.

FURTHER AFFIANT SAYETH NAUGHT.



, Affiant

SWORN TO BEFORE ME and subscribed in my presence this 18th
day of April, 2013.



NOTARY PUBLIC

**JAMES P. KOERNER, ATTORNEY AT LAW
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION HAS NO EXPIRATION DATE
SECTION 147.03 R.C.**

CERTIFICATE OF SERVICE

A copy of the foregoing has been sent via regular U.S. mail and e-mail to Philip A. King, Disciplinary Counsel, Office of Disciplinary Counsel of the Supreme Court of Ohio, at *philip.king@sc.ohio.gov* and 250 Civic Center Drive, Suite 325, Columbus, Ohio 43215-5454 on this 17th day of May, 2013.



RICHARD S. KOBLENTZ

BRYAN L. PENVOSE

✓ KEVIN R. MARCHAZA

KOBLENTZ & PENVOSE, LLC

ATTACHMENT NOT SCANNED