

IN THE SUPREME COURT OF OHIO

In re:

:  
:  
:  
:

13-1944

Derek Wayne Marsteller  
Attorney Reg. No. 0069340

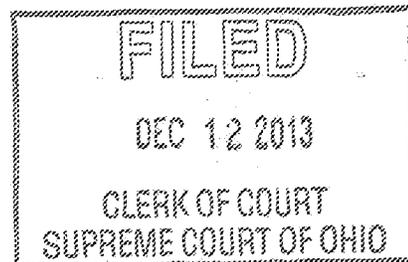
---

ENTRY OF DEFAULT

---

Richard A. Dove (0020256)  
Board of Commissioners on Grievances and Discipline  
65 South Front Street  
Fifth Floor  
Columbus, Ohio 43215  
(614) 387-9370  
[richard.dove@sc.ohio.gov](mailto:richard.dove@sc.ohio.gov)

Derek Wayne Marsteller (0069340)  
622 7th St.  
Huntington, WV 25701  
304-522-1700  
[dmarsteller@marstellerlawoffices.com](mailto:dmarsteller@marstellerlawoffices.com)

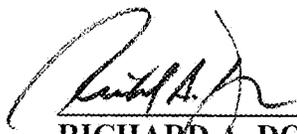


IN THE SUPREME COURT OF OHIO

In re: :  
Complaint against :  
Derek Wayne Marsteller :  
Respondent : CERTIFICATION  
Disciplinary Counsel : Gov. Bar R. V, Section 6a(A)  
Relator :

Pursuant to Rule V, Section 6a, of the Supreme Court Rules for the Government of the Bar of Ohio, I hereby certify that the respondent in the above-captioned matter has failed to file an answer to the formal complaint certified to the Board of Commissioners on Grievances and Discipline on October 14, 2013.

Attached to this certification is an affidavit setting forth the attempts to serve the complaint on the respondent and copies of documents referenced in the affidavit.

  
\_\_\_\_\_  
RICHARD A. DOVE  
Secretary, Board of Commissioners  
on Grievances and Discipline of  
the Supreme Court of Ohio

STATE OF OHIO

)

)

ss:

)

COUNTY OF FRANKLIN

AFFIDAVIT

I, Richard A. Dove, having been duly sworn according to the laws of Ohio, hereby depose and say:

1. I am the Secretary to the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio ("Board"). Pursuant to Rule V of the Supreme Court Rules for the Government of the Bar of Ohio, I am responsible for serving certified disciplinary complaints on the parties and maintaining the records of cases certified to the Board.
2. On October 14, 2013, a formal complaint was certified to the Board in the matter of *Disciplinary Counsel v. Derek Wayne Marsteller*, Board Case No. 2013-053.
3. On October 14, 2013, a notice and copy of the certified complaint were sent via certified mail to the respondent at 300 Holswade Drive, Huntington, WV 25701. The address to which the certified mail was sent is the respondent's employer address as reflected in the attorney registration records maintained by the Supreme Court of Ohio, Office of Attorney Services.
4. On November 18, 2013, the certified mail referenced in ¶3 was returned to the Board from the United States Postal Service and marked "unclaimed."
5. On November 18, 2013, a notice and copy of the certified complaint were sent via certified mail to the respondent at 622 7<sup>th</sup> Street, Huntington, WV 25701. The address to which the certified mail was sent is the respondent's residence address as reflected in the attorney registration records maintained by the Supreme Court of Ohio, Office of Attorney Services.
6. On November 25, 2013, the certified mail referenced in ¶5 was returned to the Board from the United States Postal Service and marked "not deliverable as addressed-unable to forward."
7. On November 25, 2013, a notice and copy of the certified complaint were sent to Mark H. Reed, Clerk of the Supreme Court of Ohio requesting that the Clerk accept service on behalf of the respondent pursuant to Gov. Bar R. V, Section 11(B).
8. On December 2, 2013, the Board received certification from Mark H. Reed acknowledging receipt of the documents referenced in ¶7.
9. On December 2, 2013, a notice of intent to certify the respondent's default was sent to the respondent at the addresses in ¶¶3, 5.
10. On December 9, 2013, the notice referenced in ¶9 was returned to the Board from the United States Postal Services and marked "return to sender."

11. On December 10, 2013, the notice referenced in ¶9 was sent to Mark H. Reed, Clerk of the Supreme Court of Ohio requesting that the Clerk accept service on behalf of the respondent pursuant to Gov. Bar R. V, Section 11(B).
12. On December 11, 2013, the Board received a certification from Mark H. Reed acknowledging receipt of the documents referenced in ¶11.
13. Attached to this affidavit are true and accurate copies of the following documents contained in the case file that is maintained in the Board offices:
  - a. The formal complaint certified to the Board on October 14, 2013 and sent to the respondent as his residence and employer address via certified mail;
  - b. The envelope sent to the respondent by certified mail at the address reflected in ¶3 of this affidavit and returned as undeliverable to the Board by the United States Postal Service on November 18, 2013;
  - c. The envelope sent to the respondent by certified mail at the address reflected in ¶5 of this affidavit and returned as undeliverable to the Board by the United States Postal Service on November 25, 2013;
  - d. The correspondence sent to Mark H. Reed on November 25, 2013;
  - e. The certification received from Mark H. Reed on December 2, 2013;
  - f. The notice of intent to certify the respondent's default sent to the respondent's residence and employer address on December 2, 2013;
  - g. The envelopes sent to the respondent at the addresses reflected in ¶¶3, 5 of this affidavit and returned as undeliverable to the Board by the United States Postal Service on December 9, 2013;
  - h. The correspondence sent to Mark H. Reed on December 10, 2013; and
  - i. The certification received from Mark H. Reed on December 11, 2013.

**FURTHER AFFIANT SAYETH NAUGHT.**

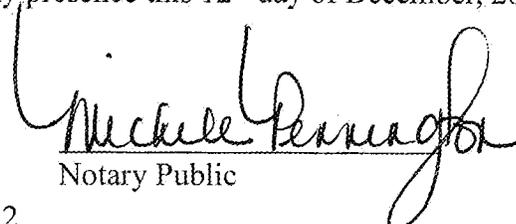


**Richard A. Dove (0020256)**  
**Secretary, Board of Commissioners**  
**on Grievances and Discipline**

Sworn to before me and subscribed in my presence this 12<sup>th</sup> day of December, 2013.



**MICHELE PENNINGTON**  
Notary Public, State of Ohio  
My Commission Expires 9/17



Notary Public

RECEIVED

BEFORE THE BOARD OF COMMISSIONERS  
ON GRIEVANCES AND DISCIPLINE OF  
THE SUPREME COURT OF OHIO

SEP 11 2013

BOARD OF COMMISSIONERS  
ON GRIEVANCES & DISCIPLINE

In re:

Complaint against

Derek Wayne Marsteller, Esq.  
300 Holswade Dr.  
Huntington, WV 25701

No. 13-053

Attorney Registration No. (0069340)

Respondent,

COMPLAINT AND CERTIFICATE

(Rule V of the Supreme Court Rules for  
the Government of the Bar of Ohio.)

Disciplinary Counsel  
250 Civic Center Drive, Suite 325  
Columbus, Ohio 43215-7411

FILED

OCT 14 2013

Relator.

BOARD OF COMMISSIONERS  
ON GRIEVANCES & DISCIPLINE

Now comes the relator and alleges that Derek Wayne Marsteller, an Attorney at Law, duly admitted to the practice of law in the state of Ohio, is guilty of the following misconduct:

1. Respondent, Derek Wayne Marsteller, was admitted to the practice of law in the state of Ohio on October 13, 1998. Respondent is subject to the Code of Professional Responsibility, Rules of Professional Conduct, and the Rules for the Government of the Bar of Ohio.
2. Respondent is also admitted to the practice of law in Kentucky and West Virginia.
3. On November 8, 2012, respondent's license in West Virginia was subject to an administrative suspension due to a mental disability that prevented him from engaging in the practice of law. *Office of Disciplinary Counsel v. Derek W. Marsteller*, West Virginia Supreme Court of Appeals, Case No. 12-1319.

4. On December 8, 2010, Bradford White Corporation retained respondent to defend them in a claim that had been filed by Allstate Insurance against Lochinvar Corporation in a products liability action. Bradford White manufactured the part that was the subject of the litigation, and agreed to represent the action on behalf of Lochinvar. *Allstate Insurance Co. v. Lochinvar Corp.*, Geauga County Court of Common Pleas, Case No. 10 M 1237.
5. On March 3, 2011, respondent filed an answer to the complaint on behalf of Lochinvar/Bradford White.
6. A pretrial conference was scheduled for October 28, 2011, and a trial date was scheduled for December 14, 2011.
7. On October 24, 2011, respondent filed a motion to continue the trial date and to extend the deadline to file motions. The court denied these motions on October 27, 2011.
8. On October 27, 2011, respondent telephoned the court and falsely represented that the case had been resolved and a settlement had been reached.
9. Per the court's orders, a representative for Lochinvar/Bradford White was to either be present at the pretrial conference, or available by telephone.
10. Respondent never informed Lochinvar/Bradford White that a representative was to be present, or available by telephone, at the pretrial conference.
11. On October 28, 2011, respondent, via telephone, participated in the pretrial conference.
12. During the pretrial conference, respondent was asked by the judge to contact his client to discuss a settlement. Respondent represented to the court that he had contacted his client and they were not in agreement with a settlement. Respondent did not contact his client.

13. At the end of the pretrial conference, Allstate made a motion for default judgment based on noncompliance with the pretrial orders. In the pretrial order, the court put the parties on notice that a failure to comply with the pretrial orders may result in dismissal of claims, default judgment, or other appropriate sanctions upon motion, pursuant to Civ. R. 41(B)(1).
14. Respondent did not respond to the motion for default judgment.
15. On November 1, 2011, the Ohio Supreme Court placed respondent under an administrative suspension for failing to register. *11/02/2011 Administrative Actions*, 2011-Ohio-5627.
16. On November 29, 2011, a default judgment was entered against Lochinvar/Bradford White for damages in the amount of \$25,501.45.
17. On December 12, 2011, respondent filed a motion to reconsider the default judgment.
18. On December 16, 2011, respondent was reinstated to the practice of law in Ohio.
19. Respondent did not communicate the status of the case to Lochinvar/Bradford White until after the default judgment was entered.
20. On March 27, 2012, and April 18, 2012, Bradford White sent respondent letters requesting the Lochinvar file. To date, respondent has failed to provide copies of the Lochinvar file to Bradford White.
21. On August 27, 2012, Jeffrey Smith, on behalf of Bradford White, filed a grievance with relator.
22. On October 1, 2012, relator sent respondent a Letter of Inquiry via certified mail. The letter was mailed to respondent's home address at 300 Holswade Drive, Huntington, West Virginia, as provided to the Office of Attorney Services.

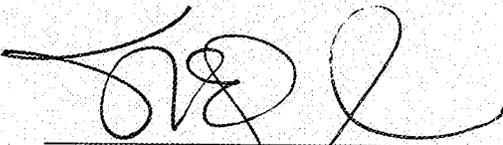
23. Relator's October 1, 2012 Letter of Inquiry was returned "unclaimed."
24. On October 24, 2012, relator sent respondent a Letter of Inquiry, via certified mail. The letter was mailed to respondent's office address at 622 7<sup>th</sup> Street, Huntington, West Virginia, as provided to the Office of Attorney Services.
25. Relator's October 24, 2012 Letter of Inquiry was returned "unclaimed."
26. On November 6, 2012, relator sent respondent a Letter of Inquiry, via Federal Express and regular U.S. mail. Both letters were mailed to respondent's office address at 622 7<sup>th</sup> Street, Huntington, West Virginia.
27. Both of the aforementioned letters dated November 6, 2012, were returned, marked "unable to deliver shipment, return to shipper;" and "not deliverable as addressed, unable to forward."
28. On December 10, 2012, relator sent respondent a Letter of Inquiry via email to [dmarsteller@marstellerlawoffices.com](mailto:dmarsteller@marstellerlawoffices.com).
29. On January 4, 2013, relator's investigator served respondent with a Letter of Inquiry by taping it to the front door of 300 Holswade Drive, Huntington, West Virginia.
30. On March 26, 2013, relator's investigator personally served respondent with a copy of the Letter of Inquiry at his home address of 300 Holswade Drive, Huntington, West Virginia. Relator did not receive a response.
31. On May 2, 2013, relator sent respondent two additional Second Letters of Inquiry. One letter was sent to respondent's office address, via certified and regular U.S. mail; one letter was sent to respondent's home address.

32. Three of the aforementioned letters dated May 2, 2013, were returned, marked "not deliverable as addressed, unable to forward;" and "unclaimed, unable to forward." The letter sent to respondent's home address via regular U.S. mail was not returned to relator.
33. On May 15, 2013, relator's investigator personally served respondent at his home address of 300 Holswade Drive, Huntington, West Virginia, with a subpoena for a deposition on June 12, 2013.
34. Respondent appeared in relator's office on June 12, 2013, with counsel. Despite being personally served on March 26, 2013, respondent told relator he had not seen the grievance. Relator provided respondent's counsel with a copy of the Letter of Inquiry.
35. Counsel asked for time to reply to the Letter of Inquiry. As of today, respondent has not provided a response to his counsel or relator.
36. Respondent's conduct violates the Ohio Rules of Professional Conduct and the Supreme Court Rules for the Government of the Bar of Ohio: Rule 1.4(a)(3) [a lawyer shall keep the client reasonably informed about the status of the matter]; Rule 1.4(b) [a lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions]; Rule 1.16(d) [a lawyer shall promptly deliver to a client all client papers and property upon termination of representation]; Rule 3.3(a)(1) [a lawyer shall not make a false statement of fact to a tribunal]; Rule 8.4(c) [a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation]; Rule 8.4(d) [a lawyer shall not engage in conduct that is prejudicial to the administration of justice]; Rule 8.4(h) [a lawyer shall not engage in conduct that adversely reflects on the lawyer's fitness to practice law]; Rule 8.1(b) [prohibiting a lawyer from knowingly failing to respond to a demand for information from a disciplinary authority]; Gov. Bar R. V(4)(G) [requiring a

lawyer to cooperate with a disciplinary investigation] and Gov. Bar R. VI(5)(C) [a lawyer shall not practice law while under an administrative suspension for failing to register].

### CONCLUSION

Wherefore, pursuant to Gov. Bar R. V, the Code of Professional Responsibility and Rules of Professional Conduct, relator alleges that respondent is chargeable with misconduct; therefore, relator requests that respondent be disciplined pursuant to Rule V of the Rules of the Government of the Bar of Ohio.



---

Jonathan E. Coughlan (0026424)  
Disciplinary Counsel  
Relator



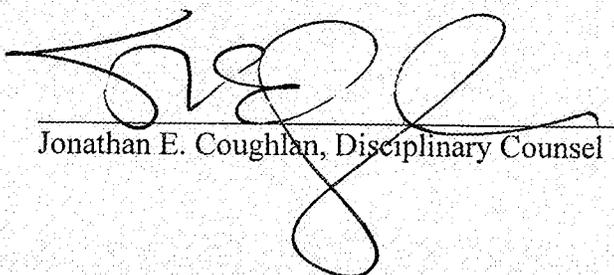
---

Catherine M. Russo (0077791)  
Assistant Disciplinary Counsel  
250 Civic Center Drive, Suite 325  
Columbus, Ohio 43215-7411  
614.461.0256  
614.461.7205 (Facsimile)  
[C.Russo@sc.ohio.gov](mailto:C.Russo@sc.ohio.gov)  
Counsel for Relator

## CERTIFICATE

The undersigned, Jonathan E. Coughlan, Disciplinary Counsel, of the Office of Disciplinary Counsel of the Supreme Court of Ohio hereby certifies that Catherine M. Russo is duly authorized to represent relator in the premises and has accepted the responsibility of prosecuting the complaint to its conclusion. After investigation, relator believes reasonable cause exists to warrant a hearing on such complaint.

Dated: September 11, 2013



Jonathan E. Coughlan, Disciplinary Counsel

### **Gov. Bar R. V, § 4(I) Requirements for Filing a Complaint.**

(1) Definition. "Complaint" means a formal written allegation of misconduct or mental illness of a person designated as the respondent.

\* \* \*

(7) Complaint Filed by Certified Grievance Committee. Six copies of all complaints shall be filed with the Secretary of the Board. Complaints filed by a Certified Grievance Committee shall be filed in the name of the committee as relator. The complaint shall not be accepted for filing unless signed by one or more attorneys admitted to the practice of law in Ohio, who shall be counsel for the relator. The complaint shall be accompanied by a written certification, signed by the president, secretary, or chair of the Certified Grievance Committee, that the counsel are authorized to represent the relator in the action and have accepted the responsibility of prosecuting the complaint to conclusion. The certification shall constitute the authorization of the counsel to represent the relator in the action as fully and completely as if designated and appointed by order of the Supreme Court with all the privileges and immunities of an officer of the Supreme Court. The complaint also may be signed by the grievant.

(8) Complaint Filed by Disciplinary Counsel. Six copies of all complaints shall be filed with the Secretary of the Board. Complaints filed by the Disciplinary Counsel shall be filed in the name of the Disciplinary Counsel as relator.

(9) Service. Upon the filing of a complaint with the Secretary of the Board, the relator shall forward a copy of the complaint to the Disciplinary Counsel, the Certified Grievance Committee of the Ohio State Bar Association, the local bar association, and any Certified Grievance Committee serving the county or counties in which the respondent resides and maintains an office and for the county from which the complaint arose.

GENERAL MAIL

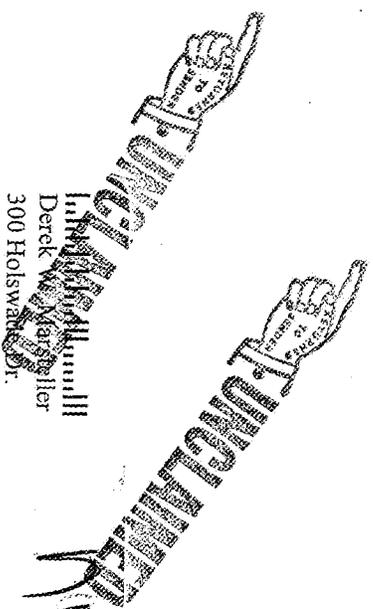
of Ohio  
S AND DISCIPLINE  
OHIO 43215-3431



7160 3901 9849 1365 2277

RETURN RECEIPT REQUESTED

POSTAGE  
10152042  
\$06.97  
ZIP 43215  
04111226730



Huntington, WV 25701  
Derek M. Swann, III  
300 Holswacker Dr.  
Huntington, WV 25701

Not 10/17

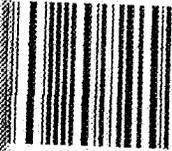
(-142)

10-26  
11-1

RECEIVED

NOV 18 2013

BOARD OF COMMISSIONERS  
ON GRIEVANCES & DISCIPLINE



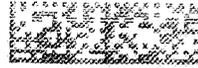
7656 3025

QUESTED

neop  
11/18/2013  
~~11/18/2013~~

FIRST-CLASS MAIL

\$06.97<sup>00</sup>



ZIP 43215  
04 1L11241268

RECEIVED

NOV 25 2013

BOARD OF COMMISSIONERS  
ON GRIEVANCES & DISCIPLINE



NOT DELIVERABLE  
AS ADDRESSED,  
UNABLE TO FORWARD



Derek Marsteller  
622 7th Street  
Huntington, WV 25701

WTF  
C-109

# The Supreme Court of Ohio

BOARD OF COMMISSIONERS ON GRIEVANCES & DISCIPLINE

65 SOUTH FRONT STREET, 5<sup>TH</sup> FLOOR, COLUMBUS, OH 43215-3431

RICHARD A. DOVE  
SECRETARY

Telephone: 614.387.9370  
Fax: 614.387.9379  
[www.supremecourt.ohio.gov](http://www.supremecourt.ohio.gov)

MICHELLE A. HALL  
SENIOR COUNSEL

November 25, 2013

Mark H. Reed  
Clerk of the Court  
Supreme Court of Ohio  
65 South Front Street, 8<sup>th</sup> Floor  
Columbus, Ohio 43215

RE: Disciplinary Counsel v. Derek Wayne Marsteller, Case No. 2013-053

Dear Mr. Reed:

Enclosed please find a Complaint and Certificate, an Entry and Notice to Respondent of Filing of Complaint, which the Board has been unable to serve on the above named Respondent. On October 14, 2013, we attempted certified mail service at 300 Holswade Drive, Huntington, WV 25701, which is the residence address listed on attorney registration. On November 18, 2013, we received returned mail marked "unclaimed." On November 18, 2013, we attempted certified mail service at 622 7<sup>th</sup> Street, Huntington, WV 25701, which is the office address listed on attorney registration. On November 25, 2013, we received return mail marked "Not Deliverable as Addressed-Unable to Forward."

Please accept service on behalf of the above Respondent and issue a Certificate to that effect for our file.

Thank you for your help in this matter.

Sincerely,



Richard A. Dove

Enclosure

# The Supreme Court of Ohio

## CERTIFICATION

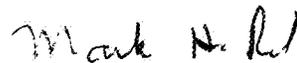
FILED

DEC 02 2013

BOARD OF COMMISSIONERS  
ON GRIEVANCES & DISCIPLINE

I, Mark H. Reed, certify that I was served on the twenty seventh day of November 2013, with a copy of the Notice to Respondent of Filing of Complaint, a copy of the Complaint and Certificate, and a copy of an Entry, issued in the case of In re: Derek Wayne Marsteller, Respondent v. Disciplinary Counsel, Relator (Case No. 13-053).

I received true and attested copies of the documents set forth above, addressed to the Respondent at his last known address, from the Secretary of the Board of Commissioners on Grievances and Discipline in conformity with Rule V, Section 11(B) of the Rules for the Government of the Bar.



---

Mark H. Reed  
Clerk of the Court

# The Supreme Court of Ohio

## BOARD OF COMMISSIONERS ON GRIEVANCES & DISCIPLINE

65 SOUTH FRONT STREET, 5<sup>TH</sup> FLOOR, COLUMBUS, OH 43215-3431

RICHARD A. DOVE  
SECRETARY

Telephone: 614.387.9370  
Fax: 614.387.9379  
www.supremecourt.ohio.gov

MICHELLE A. HALL  
SENIOR COUNSEL

December 2, 2013

Derek Wayne Marsteller  
622 7th Street  
Huntington, WV 25701

Derek Wayne Marsteller  
300 Holswade Drive  
Huntington, WV 25701

Re: Disciplinary Counsel v. Derek Wayne Marsteller, Case No. 2013-053

Dear Mr. Marsteller:

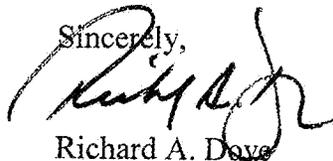
On October 14, 2013, the Board of Commissioners on Grievances and Discipline certified a formal complaint naming you as the respondent in the above-captioned disciplinary matter. A copy of the enclosed complaint was sent to you via certified mail to 622 7<sup>th</sup> Street Huntington, WV 25701 and to 300 Holswade Drive, Huntington, WV 25701 and service was returned as undeliverable. Pursuant to Gov. Bar R. V, Section 11, the complaint was served on the Clerk of the Supreme Court, and the Clerk accepted service on December 2, 2013. As of the date of this letter, the Board has not received your answer to the formal complaint or a motion to extend the time for filing an answer.

Pursuant to Gov. Bar R. V, Section 6a, you are hereby notified that the Board will certify your default to the Supreme Court thirty days from the date of this letter. To avoid certification of default, you must file an answer to the formal complaint with the Board prior to the expiration of the thirty-day period. No extension of time to file an answer is authorized by the rule.

Please note that the certification of default may result in your immediate suspension from the practice law by the Supreme Court of Ohio.

If you have questions regarding this matter, please contact the Board of Commissioners on Grievances and Discipline at (614) 387-9370.

Sincerely,



Richard A. Dove

Enclosure

cc: Scott Drexel, Disciplinary Counsel-designate  
Catherine M. Russo, Assistant Disciplinary Counsel

**The Supreme Court of Ohio**  
BOARD OF COMMISSIONERS ON GRIEVANCES AND DISCIPLINE  
66 SOUTH FRONT STREET, 5TH FLOOR, COLUMBUS, OHIO 43215-3431

COLUMBUS OH 431

DEC 09 2013 PM 7:14

ZIP 43215  
041111241259

**RECEIVED**

DEC 09 2013

**BOARD OF COMMISSIONERS  
ON GRIEVANCES & DISCIPLINE**

DEREK MARSTELLER  
300 HOLSWADE DRIVE  
HUNTINGTON WV 25701

POST OFFICE BOX 1 815 COLUMBUS OH 43215  
MARSTELLER  
RETURN TO SENDER

MOVED LEFT NO ADDRESS  
UNABLE TO FORWARD  
RETURN TO SENDER

BC: 43215343199 \*1746-06330-02-42

43215 03431  
25701533200

**The Supreme Court of Ohio**  
BOARD OF COMMISSIONERS ON GRIEVANCES AND DISCIPLINE  
66 SOUTH FRONT STREET, 5TH FLOOR, COLUMBUS, OHIO 43215-3431

nextpost

12/02/2013

**\$00.66**

POSTAGE PAID

ZIP 43215  
041111241259

**RECEIVED**

DEC 09 2013

**BOARD OF COMMISSIONERS  
ON GRIEVANCES & DISCIPLINE**

DEREK MARSTELLER  
622 7TH STREET  
HUNTINGTON WV 25701

POST OFFICE BOX 1 815 COLUMBUS OH 43215  
RETURN TO SENDER  
INSUFFICIENT ADDRESS  
UNABLE TO FORWARD

MOVED LEFT NO ADDRESS  
UNABLE TO FORWARD  
RETURN TO SENDER

BC: 43215343199 \*2415-05346-02-40

43215 03431

*(Handwritten initials)*

# The Supreme Court of Ohio

BOARD OF COMMISSIONERS ON GRIEVANCES & DISCIPLINE

65 SOUTH FRONT STREET, 5<sup>TH</sup> FLOOR, COLUMBUS, OH 43215-3431

RICHARD A. DOVE  
SECRETARY

Telephone: 614.387.9370  
Fax: 614.387.9379  
[www.supremecourt.ohio.gov](http://www.supremecourt.ohio.gov)

MICHELLE A. HALL  
SENIOR COUNSEL

December 10, 2013

Mark H. Reed  
Clerk of Court  
Ohio Supreme Court  
65 South Front Street, 8<sup>th</sup> Floor  
Columbus, Ohio 43215-3431

Re: Disciplinary Counsel v. Derek Wayne Marsteller, Case No. 2013-053

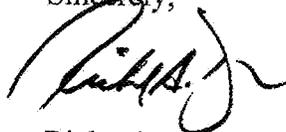
Dear Mr. Reed:

Enclosed please find our letter notifying Respondent, Derek Wayne Marsteller, of the Board's intent to certify his default to the Supreme Court. We have attempted service on Respondent at 622 7<sup>th</sup> Street, Huntington, WV 25701 and 300 Holswade Drive, Huntington, WV 25701, the addresses indicated in the attorney registration system. The enclosed letter was returned to us marked undeliverable.

Please accept service on behalf of the above Respondent and issue a Certificate to that effect for our file.

Thank you for your help in this matter.

Sincerely,



Richard A. Dove

RAD/mlp  
Enclosure

# The Supreme Court of Ohio

## CERTIFICATION

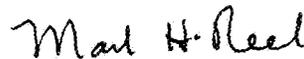
FILED

DEC 11 2013

BOARD OF COMMISSIONERS  
ON GRIEVANCES & DISCIPLINE

I, Mark H. Reed, certify that I was served on the tenth day of December 2013, with a copy of the Notice to Respondent of Intent to File Default, issued in the case of In re: Derek Wayne Marstetler, Respondent v. Disciplinary Counsel, Relator (Case No. 13-053).

I received true and attested copies of the documents set forth above, addressed to the Respondent at his last known address, from the Secretary of the Board of Commissioners on Grievances and Discipline in conformity with Rule V, Section 11(B) of the Rules for the Government of the Bar.



\_\_\_\_\_  
Mark H. Reed  
Clerk of the Court