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In the Supreme Court of Ohio

IN THE MATTER OF:
THE RESIGNATION OF
RICHARD JAMES LACIVITA

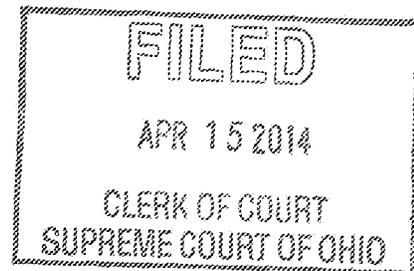
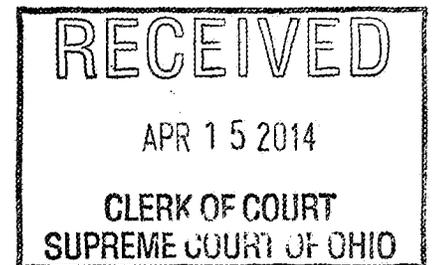
Case No 2012-1768

RESPONDENT RICHARD J. LACIVITA'S
MOTION FOR ENLARGEMENT OF TIME

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COMES NOW THE RESPONDENT, RICHARD JAMES LACIVITA, through counsel, and moves this Honorable Court for an order enlarging by 30 days the time within which Respondent may comply with this Court's March 17, 2014 order directing the payment of restitution to Donna Rose.

For cause, the Respondent's efforts to obtain the funds to comply with this Court's order and to make restitution to Donna Rose in the amount of \$27,000.00 have thus far fallen short. The Respondent does believe, however, that he will be able to complete steps to obtain the money needed to make restitution within 30 days of April 16, 2014. This motion is not interposed for the purpose of delay, and Respondent assures the Court that he will not seek any further extensions.

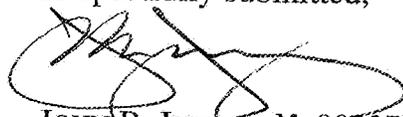
As the Court knows, the primary purpose of the disciplinary process in Ohio is to "protect clients and the public, to ensure the administration of justice, and to maintain the integrity of the legal profession." See, *Cincinnati Bar Association v. Sigalov*, 133 Ohio St.3d 1, 2012 Ohio 3868, 975 N.E.2d

926, ¶93, citing *Disciplinary Counsel v. Hunter*, 106 Ohio St.3d 418, 2005 Ohio 5411, 835 N.E.2d 707, ¶32, and *Disciplinary Counsel v. O'Neill*, 103 Ohio St.3d 204, 2004 Ohio 4704, 815 N.E.2d 286, ¶53. While there is no doubt a place, and indeed at times a need, for the more coercive remedy of punishment for contempt to vindicate the orders of a Court, completing restitution to Mrs. Rose will protect the public and Mrs. Rose by insuring that she is made whole and that the Respondent's conduct is rectified. This will in turn maintain the integrity of the judicial system by demonstrating that the system operates primarily not to punish but to serve and protect the public.

As the Court knows, the Respondent agreed that the allegations in the Rose affidavit are true, and that he has not reimbursed the Roses for the \$27,000.00 that he failed to pay to satisfy the second mortgage on the property. He is trying to do so and truly believes that within the additional time period sought, he can achieve that end.

WHEREFORE, the Respondent prays for an additional thirty days to make restitution to Donna Rose.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was: [] sent by regular United States Mail, postage prepaid; [] hand delivered to counsel or counsel's office; [] sent by telecopier to [] sent by e-mail to Mr. William M. Flevaras, Esq., at wflevaras@lawturner.com and to Mr. Randil J. Rudloff, Esq., at rudloffri@gsfirm.com on April 11, 2014.


JOHN B. JUHASZ

E:\A\Of\JB\JCivil\Discipline Cases\LaCivita 2667\Contempt\Leave additional 30 days.wpd*Friday 11 Apr 2014 10:30am (1030hrs)