

IN THE SUPREME COURT OF OHIO

Disciplinary Counsel,

Relator,

vs.

Scott Clifford Smith

Respondent.

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CASE NO. 2014-0197

**RELATOR'S MOTION TO STRIKE RESPONDENT'S
MOTION FOR LEAVE TO FILE A REPLY BRIEF**

On May 1, 2014, respondent, Scott C. Smith, filed a Motion for Leave to File a Reply Brief with this Court, requesting permission to respond to relator's answer to respondent's previously-filed objections. Relator requests that this Court strike respondent's motion for leave, or in the alternative, deny such motion. Relator's motion to strike is supported by the following Memorandum in Support.

MEMORANDUM IN SUPPORT OF RELATOR'S MOTION TO STRIKE

On March 14, 2014, respondent, Scott C. Smith, filed his objections to the Findings of Fact, Conclusions of Law and Recommendations of the Board of Commissioners on Grievances and Discipline ("the Board"). Relator timely submitted its response to the objections on April 8, 2014. On April 10, 2014, the matter was scheduled for oral arguments to occur on June 10, 2014. On April 29, 2014, relator received a courtesy copy of a letter to Richard Dove, Secretary

at the Board, forwarding respondent's Motion for Leave to File a Reply Brief. The motion for leave was subsequently filed with the Court on May 1, 2014.

Gov. Bar R. V (8)(B) permits a party to file objections to the findings or recommendations of the Board with the Supreme Court of Ohio, specifically noting that the objections and briefs shall be filed in the same number and form as set forth by the Rules of Practice of the Supreme Court of Ohio. Gov. Bar R. V (8)(C) permits the opposing party to submit an answer brief. Gov. Bar R. V does not provide for the filing of any responsive pleading to the answer brief, and, had one been contemplated, the rules would specifically reference such.

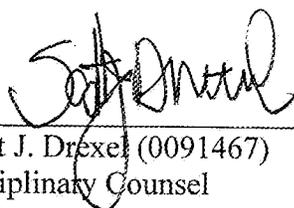
Further, S.Ct.Prac.R. 13.03 specifically discusses the filing of objections or answers in disciplinary matters. S.Ct.Prac.R. 13.03 (B) provides; "[a]ll briefs filed in support of objections or an answer shall conform to the requirements set forth in S.Ct.Prac.R. 3.07 through 3.12." The rule does not specifically provide for the filing of a responsive pleading to the answer brief and, again, had one been contemplated, the rules would specifically reference such.

Finally, this Court's Order to Show Cause specifically allows the parties to submit objections to the Board's findings and recommendation and an answer to the objections, but is silent as to the filing of any other responsive pleading. Had the Court contemplated the filing of additional pleadings, certainly, the order would have specifically indicated such.

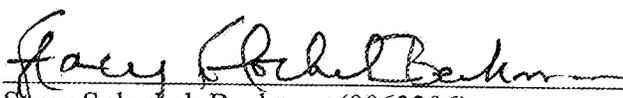
CONCLUSION

Neither the Rules for the Government of the Bar of Ohio nor the Supreme Court Rules of Practice permit the party objecting to the findings or recommendations of the Board to file a responsive pleading to the answering party's brief; as such, relator requests that respondent's motion for leave be stricken from the record or, in the alternative, denied.

Respectfully submitted,



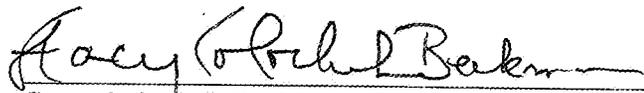
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that Relator's Motion to Strike Respondent's Motion for Leave to File a Reply Brief was served via U.S. Mail, postage prepaid, upon respondent's counsel, Kenneth R. Donchatz, Anspach, Meeks & Ellenberger, LLP, 175 S. Third Street, Suite 285, Columbus, Ohio 43215, and George D. Jonson, Montgomery, Rennie & Jonson, LPA, 36 East 7th Street, Suite 2100, Cincinnati, OH 45202, and upon Richard A. Dove, Secretary, Board of Commissioners on Grievances and Discipline, 65 S. Front Street, 5th Floor, Columbus, Ohio 43215 this 5th day of May 2014.



Stacy Solochek Beckman
Counsel of Record