

IN THE
SUPREME COURT OF OHIO

14-0997

14-0997

Columbus Bar Association :
175 South Third Street, S-1100 :
Columbus, Ohio 43215-5193, :
Relator, :

Case No. _____

Original Matter Related to the Practice of Law
Authorized by S.Ct. Prac. R. Section 13.

vs.

Javier Horacio Armengau (0069776) :
98 Hamilton Park :
Columbus, Ohio 43203, :
Respondent. :

**RELATOR'S MOTION TO FILE AN EXHIBIT UNDER SEAL
IN RELATOR'S MOTION FOR INTERIM REMEDIAL SUSPENSION**

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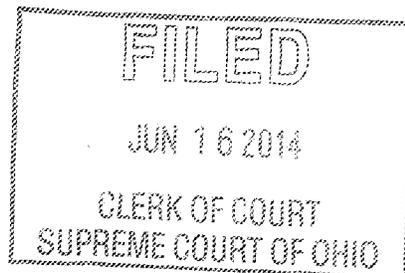
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**RELATOR'S MOTION TO FILE AN EXHIBIT UNDER SEAL
IN RELATOR'S MOTION FOR INTERIM REMEDIAL SUSPENSION**

A proposed exhibit for Relator's Motion for Interim Remedial Suspension is designate as "Mot. Ex. A-3" of that Motion. It is of a sensitive nature, relator suggests that it should not become part of the public record of this disciplinary matter. As a consequence, relator asks that this Court allow Mot. Ex. A-3 be filed under seal for this Court's consideration in camera.

The exhibit pertains to events leading up to Respondent's removal as counsel for defendant in a criminal case in the Franklin County Court of Common Pleas, *State of Ohio v. Michael Paul Johnson* (Case No. 12 CR 3961). That case was assigned to the Hon. Charles A. Schneider.

Prior to the Johnson trial, questions were raised by prosecutors concerning a possible conflict that Johnson's defense attorney Javier Armengau had because he had previously represented an individual in other matters who was likely to be a major witness against his Mr. Johnson in the case at hand. That witness had been a confidential informant in other matters and might have been in some personal jeopardy if his/her identity was revealed at that point.

Judge Schneider held a hearing, received affidavits and took testimony before deciding on the prosecution's request that Armengau be removed from representing Johnson.

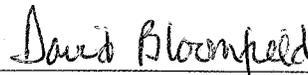
Armengau was present at the hearing and was privy to all the documents and testimony offered during it. At the conclusion of the hearing, Judge Schneider ordered Armengau's removal from the case and placed the materials from the removal hearing under seal.

Because relator believes the materials in question would likely be relevant to a disciplinary matter to be initiated in this Court, relator's counsel sought and received Judge

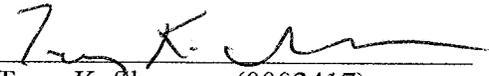
Schneider's permission to examine the sealed records in camera. The examination confirmed to relator the relevance of these materials to the Motion for Interim Remedial Suspension.

Judge Schneider has approved the filing of the sealed documents as an exhibit in in this Court but has requested that they be tendered under seal. Accordingly, relator moves the Court to allow relator to file of Motion Exhibit A-3 of its Motion for Interim Remedial Suspension under seal. Sealed copies of the exhibit are attached to all copies of this Motion to File Under Seal.

Respectfully submitted,



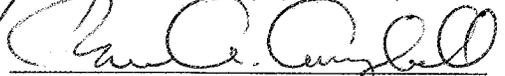
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COUNSEL FOR RELATOR

CERTIFICATE OF SERVICE

Relator's Bar Counsel, on June 11, 2014, served this Motion to File an Exhibit Under Seal on Javier Armengau, Esq. and on his counsel Fredrick Benton, Esq. at their mutual registration address, 98 Hamilton Park, Columbus, Ohio 43203.



Bruce A. Campbell (0010802)

COUNSEL FOR RELATOR