

ORIGINAL

THE SUPREME COURT OF OHIO

Ohio State Bar Association,

Relator.

v.

Bridget Marie McCafferty,

Respondent.

) Case No. 2013-0939

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)

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MOTION TO TOLL PAYMENTS AND INTEREST

AND

NOTICE OF ATTEMPTED PAYMENT

Comes now the Respondent, Bridget M. McCafferty, and moves this Court to toll the payment of costs and application of interest in its July 17, 2014 Order until it rules on the parties' outstanding motions to clarify the proper amount owed. Respondent also provides notice to this Court of her attempted payment of all undisputed costs on October 17, 2014. This motion is supported by the attached memorandum.

Respectfully submitted,

Kimberly V. Riley

GEORGE D. JONSON (0027124)
KIMBERLY VANOVER RILEY (0068187)
MONTGOMERY, RENNIE & JONSON
*Counsel for Respondent,
Judge Bridget M. McCafferty*
36 East Seventh Street, Suite 2100
Cincinnati, Ohio 45202
Tel: (513) 241-4722
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kriley@mrjlaw.com

RECEIVED
OCT 20 2014
CLERK OF COURT
SUPREME COURT OF OHIO

FILED
OCT 20 2014
CLERK OF COURT
SUPREME COURT OF OHIO

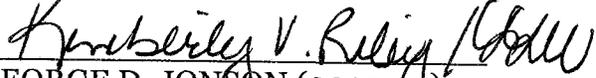
MEMORANDUM IN SUPPORT OF MOTION TO AMEND ORDER

On July 17, 2014, this Court ordered Respondent to pay costs of \$6,433.64 that were outstanding in this matter. Respondent subsequently filed a motion to amend that Order to modify the assessment of costs to \$3,903.64 because \$2,530.00 of the amount assessed were from Relator's paralegal expenses, which Respondent argued were not permissible under Gov. Bar Rule V. Relator responded to this Motion and likewise sought clarification of Gov. Bar Rule V through its own cross-motion. Those motions are currently pending.

Meanwhile, to ensure Respondent complied with the Court's original order, she sent a cashier's check in the amount of \$3,903.64—the full undisputed amount of her assessed costs—to the Court on October 16, 2014. When that check was received by the Court the next day, a representative of the Clerk's Office contacted Respondent's counsel to report that the Office could not cash a check for partial payment, even when the remainder was in dispute. Counsel inquired into whether the Clerk could hold the check in its safe until the Court's ruling, but the Office indicated its preference to mail it back to Respondent's counsel that day. (*See* email and file-stamped correspondence and cashier's check attached as Exhibit A.)

Respondent therefore submits this motion to temporarily toll the payment of outstanding costs and assessment of interest until this Court rules on the parties' outstanding motions to clarify the proper amount of those costs.

Respectfully submitted,



GEORGE D. JONSON (0027124)
KIMBERLY VANOVER RILEY (0068187)
MONTGOMERY, RENNIE & JONSON
*Counsel for Respondent,
Judge Bridget M. McCafferty*
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CERTIFICATE OF SERVICE

I hereby certify that a copy of this **Motion** has been served via first-class U.S. mail, postage prepaid, upon the following this 17th day of October, 2014, to:

Eugene P. Whetzel, Esq.
General Counsel
Ohio State Bar Association
P.O. Box 16562
Columbus, Ohio 43216-6562

John J. Mueller
Counsel for Relator, Ohio State Bar
Association
632 Vine Street, Suite 800
Cincinnati, Ohio 45202-2441


KIMBERLY VANOVER RILEY (0068187)

Kimberly Riley

From: Clerk Record Responses <clerkrecordresponses@sc.ohio.gov>
Sent: Friday, October 17, 2014 12:46 PM
To: Kimberly Riley
Subject: OSBA v. McCafferty, S.Ct. No. 2013-0939
Attachments: McCafferty, Cover Ltr. & Check.pdf

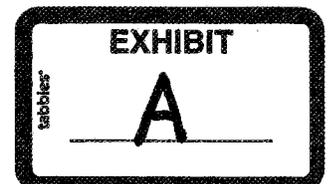
Dear Ms. Riley:

Pursuant to your request please find attached a copy of the cashier's check in the amount of \$3,903.64 that was tendered for payment of the board costs in the above-referenced case, and the accompanying cover letter bearing our received stamp indicating the check was received in the Clerk's Office on October 17, 2014. The check and cover letter were returned to you by mail as well.

Feel free to contact our office by phone at 614-387-9530 should you need additional assistance.

Sincerely,

Clerk's Office



DOUGLAS W. RENNIE¹
GEORGE D. JONSON¹
KELLY CARBETTA SCANDY¹
LINDA L. WOEBER²
RALPH E. BURNHAM³
G. TODD HOFFPAUIR¹
MATTHEW E. STUBBS⁵
KIMBERLY VANOVER RILEY¹
JASON A. GOLDEN⁴
TIMOTHY C. AMMER⁵
STEPHEN J. BREWER¹
TRUDIE E. MCADAMS¹
KERRY A. BUTE⁷
CHAD M. SIZEMORE⁶
LISA M. ZARING
BRIAN M. SPIESS¹
J. KELLY RATLIFF¹
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Please direct all correspondence in this matter to the Cincinnati office.

¹ ALSO ADMITTED IN KENTUCKY
² ALSO ADMITTED IN KENTUCKY & PENNSYLVANIA
³ ALSO ADMITTED IN KENTUCKY & TEXAS
⁴ ALSO ADMITTED IN KENTUCKY, FLORIDA & NEW YORK
⁵ ALSO ADMITTED IN KENTUCKY & INDIANA
⁶ ALSO ADMITTED IN KENTUCKY & WASHINGTON D.C.
⁷ ADMITTED IN ILLINOIS ONLY
⁸ ALSO ADMITTED IN INDIANA

October 16, 2014

Via Federal Express

Clerk of Court
The Supreme Court of Ohio
65 South Front Street, 8th Floor
Columbus, Ohio 43215-3431

Re: *Ohio State Bar Association v. Bridget Marie McCafferty*
Ohio Supreme Court Case No.: 2013-0939
Undisputed Costs of Proceedings
MR&J Ref: 711-524

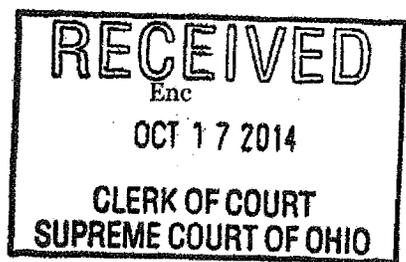
Dear Clerk:

Please find enclosed a cashier's check in the amount of \$3,903.64. This represents the undisputed costs of proceedings in this matter that were ordered by the Court on July 17, 2014. The remaining \$2,530.00 is the subject of Respondent's Motion to Amend Order of September 26, 2014.

Respectfully submitted,
MONTGOMERY, RENNIE & JONSON

Kimberly V. Riley

KIMBERLY VANOVER RILEY



07000297

CASHIER'S CHECK



PNC Bank, National Association
Ohio

No. 1594311

6-12/4-10

DATE OCTOBER 16, 2014

PAY TO THE ORDER OF SUPREME COURT OF OHIO

\$ 3,903.64

THREE THOUSAND NINE HUNDRED THREE AND 64 / 100 DOLLARS

MONTGOMERY, RENNIE & JOHNSON

REMITTER

PNC Bank, National Association

OFFICIAL SIGNATURE

Tom Doherty

MP



⑆01594311⑆ ⑆041000124⑆ 4000020309⑆