

ORIGINAL

THE SUPREME COURT OF OHIO

CLEVELAND METROPOLITAN  
BAR ASSOCIATION

CASE NO: 2013-1353

Petitioner-Relator,

Vs.

DEREK WOOTEN, ET AL

Respondents

MOTION FOR AN ORDER TO APPEAR AND TO SHOW CAUSE

Co-Counsel for Petitioner-Relator  
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Pro Se Respondent  
DEREK WOOTEN  
21403 Chagrin Boulevard, #295  
Beachwood, Ohio 44122  
(216)751-8400-Telephone

and

KELLI KAY PERK (0068411 )  
1200 Ontario Street, 8<sup>th</sup> Floor  
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DEC 17 2014  
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DEC 17 2014  
CLERK OF COURT  
SUPREME COURT OF OHIO

THE SUPREME COURT OF OHIO

CLEVELAND METROPOLITAN  
BAR ASSOCIATION

Relator,

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CASE NO: 2013-1353

Vs.

DEREK WOOTEN

and

AARON, DEREK, CARTER & STEIN, LLC  
Respondents

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MOTION FOR AN ORDER TO APPEAR AND TO SHOW CAUSE

Now comes the Petitioner, Cleveland Metropolitan Bar Association by and through its counsel, who moves the Supreme Court of Ohio for an order requiring Respondent Derek Wooten, to appear and show cause why he should not be held in contempt for failing to comply

with this Court's order dated May 7, 2014. Respondent was permanently enjoined from acts constituting the unauthorized practice of law pursuant to Rule VII of the Supreme Court Rules for the Government of the Bar of Ohio.

Additionally, this Court's Order provides in pertinent part that Respondent take action, namely; "requiring respondents be required to return the portion of the fees and return any and all sums obtained from the 113 defendants in the underlying proceeding and to provide relator written proof of payment."

In disregard of this Court's Order, Respondent Derek Wooten has failed to comply with the terms of the Order as described above. Although Six (6) months have passed, neither Relator or its counsel have received any written proof of payment evidencing Respondent's compliance with the mandate he was given. Affidavits in support are attached hereto and incorporated by reference.

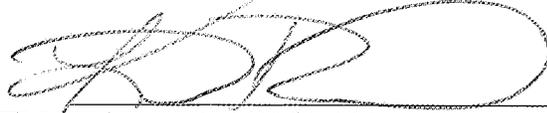
**WHEREFORE, RELATOR CLEVELAND METROPOLITAN BAR ASSOCIATION** moves this Honorable Court to grant this motion against Respondent Derek Wooten.

Respectfully submitted,



RUSSELL A. MOORHEAD (0020101)  
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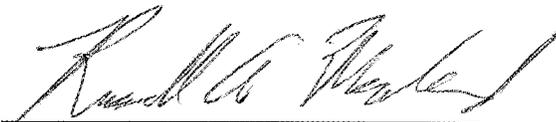


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kperk@cuyahogacounty.us  
Co-Counsel for Petitioner Cleveland Metropolitan  
Bar Association

Certificate of Service

A copy of the foregoing has been served by regular U. S. Mail upon the Respondent at the following address on Dec. 16, 2014

DEREK WOOTEN  
21403 Chagrin Boulevard, #295  
Beachwood, Ohio 44122



RUSSELL A. MOORHEAD (0020101)

## APPENDIX

Exhibit A

AFFIDAVIT

State of Ohio

ss.

Cuyahoga County

Now comes the Affiant, Russell A. Moorhead, upon being duly sworn who deposes and says the following:

Affiant says that he is an attorney licensed and in good standing to practice in the State of Ohio, Attorney Registration No. 0020101, and that he represents Relator Cleveland Metropolitan Bar Association in proceedings before this Honorable Court in Cleveland Metropolitan Bar Association v. Derek Wooten, et al, Case No. 2013-1353.

Affiant further says that on May 7, 2014 this Honorable Court entered an Order in which Respondent was permanently enjoined from acts constituting the unauthorized practice of law pursuant to Rule VII of the Supreme Court Rules for the Government of the Bar of Ohio.

Affiant says that this Court additionally Ordered Respondent Wooten to return the portion of the fees and return any and all sums obtained from the 113 defendants in the underlying proceeding, and to provide relator written proof of payment.

Affiant says that as of this date that he as the co-counsel for Relator has received no written proof of payment to the 113 defendants as mandated by this Honorable Court.

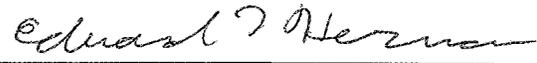
Affiant further says that this constitutes a wanton disregard of the order of this Court and that Respondent Wooten should come forth and show good cause why he should not be held in contempt.

AFFIANT FURTHER SAYETH NAUGHT.



Russell A. Moorhead

SWORN TO AND SUBSCRIBED IN MY PRESENCE THIS 9<sup>TH</sup> DAY OF  
DECEMBER, 2014.



Notary Public



EDWARD F. HERMAN  
Attorney at Law  
NOTARY PUBLIC  
STATE OF OHIO  
My Commission Has  
No Expiration Date  
Section 147.03 O.R.C.

Exhibit B

AFFIDAVIT

State of Ohio

ss.

Cuyahoga County

Now comes the Affiant, Kelli Kay Perk, upon being duly sworn who deposes and says the following:

Affiant says that she is an attorney licensed and in good standing to practice in the State of Ohio, Attorney Registration No. 0068411, and that she represents Relator Cleveland Metropolitan Bar Association in proceedings before this Honorable Court in Cleveland Metropolitan Bar Association v. Derek Wooten, et al, Case No. 2013-1353.

Affiant further says that on May 7, 2014 this Honorable Court entered an Order in which Respondent was permanently enjoined from acts constituting the unauthorized practice of law pursuant to Rule VII of the Supreme Court Rules for the Government of the Bar of Ohio.

Affiant says that this Court additionally Ordered Respondent Wooten to return the portion of the fees and return any and all sums obtained from the 113 defendants in the underlying proceeding, and to provide relator written proof of payment.

Affiant says that as of this date that she as the co-counsel for Relator has received no written proof of payment to the 113 defendants as mandated by this Honorable Court.

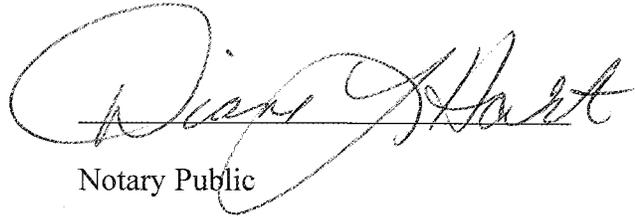
Affiant further says that this constitutes a wanton disregard of the order of this Court and that Respondent Wooten should come forth and show good cause why he should not be held in contempt.

AFFIANT FURTHER SAYETH NAUGHT.



Kelli Kay Perce

SWORN TO AND SUBSCRIBED IN MY PRESENCE THIS 11<sup>th</sup> DAY OF  
DECEMBER, 2014.



Notary Public

DIANA E. HART  
Notary Public, State of Ohio, Cuy. Co.  
My Commission Expires Nov. 13, 2015