

IN THE SUPREME COURT OF OHIO

The State of Ohio ex rel Douglas C. Barton	:	Supreme Court Case No. 14-2241
	:	
Appellants.	:	Case No. 2013 DR 0207
	:	Court of Appeals No. 2014 CA 0046
-vs-	:	
	:	
Keesha A. Barton, et al.,	:	Case No. 2013 DV 0193
	:	Court of Appeals No.: 2014 CA 0021
Appellees.	:	

**RESPONDENT CHARLES SLICER'S MOTION TO DISMISS
ORIGINAL ACTION IN WRIT OF MANDAMUS AND PROHIBITION**

Douglas C. Barton
437 Warwick Place
Fairborn, Ohio 45324

Relator, Pro Se

John M. Ruffolo (0006234)
RUFFOLO, STONE & STONE
7501 Paragon Road
Dayton, Ohio 45459
Phone No.: (937) 434-3556
Fax No.: (937) 436-0008
john@ruffololaw.com

*COUNSEL FOR RESPONDENT,
CHARLES SLICER*

RESPONDENT CHARLES SLICER'S
MOTION TO DISMISS ORIGINAL ACTION

Now comes Respondent Charles Slicer, by and through counsel, and hereby moves this honorable Supreme Court for an Order dismissing the Original Action against said Respondent for the reasons set forth in the Memorandum below.

Respectfully submitted,
RUFFOLO, STONE & STONE

/s/ John M. Ruffolo
John M. Ruffolo (0006234)
Attorney for Respondent, Charles Slicer
7501 Paragon Road
Dayton, OH 45459
937-434-3556

MEMORANDUM

The Relator filed an Original Action in Writ of Mandamus and Prohibition against several individual Respondents and the Greene County Domestic Relations Court and the Ohio 2nd District Court of Appeals on the 29th day of December, 2014. The Relator requested this Supreme Court to grant an Order to correct civil rights violations, fraud of the court, fraud upon the court and misconduct of the attorneys and judges involved.

In paragraph 5 of the Complaint, Relator alleges that Respondent Charles Slicer (hereinafter "Slicer"), as attorney for Relator's ex-wife, lied to the trial court about a reason for a deposition. Further, in paragraph 5 of the Complaint, Relator alleges that Slicer, together with Respondent Attorney David McNamee (hereinafter "McNamee") participated in the spoliation of evidence and discovery abuses by failing to provide an original or copy of an antenuptial agreement, and participated in the procurement of fraud upon the court by misrepresenting a fraudulent title.

Specifically, in the Relator's Statement of Facts, the Relator alleges in Relator's "Fraud Upon the Court #1" claim, that Respondent Slicer presented evidence at a hearing on June 6, 2014 that a 2005 KZ Toyhauler (travel trailer) was jointly titled. Relator alleges that Respondent Slicer "conducted his part of the fraud by filing motions and affidavits that influenced the court, were based on fraud and contempt of court (violation of the mutual restraining order)."

Further, in the Relator's Statement of Facts, the Relator alleges in Relator's "Spoliation of Evidence" claim, that Respondent Slicer that Respondent Slicer and Respondent McNamee "have conducted spoliation of evidence" by violating Rule 8.4 and Rule 4.1 of the Ohio Rules of Professional Conduct.

Further, in the Relator's Statement of Facts, the Relator alleges in Relator's "Due Process Violations" claim that Respondent Slicer violated Relator's due process rights when the trial court issued "automatic" mutual restraining orders and subsequently Respondent Slicer filed a Motion to Show Cause.

The relief sought by the Relator is for this Supreme Court to issue a temporary injunction against all orders (presumably from the trial court and court of appeals). In addition, Relator requests the issuance of a Writ of Prohibition against the filing of mutual restraining orders in Domestic Relations Cases; a Writ of Prohibition to stop the issuance of any type of civil protection orders against military members. Finally, Relator requests a Writ of Mandamus voiding all judgments issued (presumably in the Domestic Relations Case No. 2013-DR-0207); ordering all Respondents to prepare transcripts at States expense; ordering a change of venue; ordering the disbarment of Respondents Slicer and McNamee; ordering public disciplinary hearing for Respondents, Bryan Penick and Dalma Grandjean as well as Judges Stephen Hurley and Timothy

Campbell; and ordering the Second District Court of Appeals to be reminded of their duties of the Ohio Judicial Code of Conduct.

MOTION TO DISMISS

Respondent Slicer hereby requests this Supreme Court to dismiss Relator's Original Action in Writ of Mandamus and Prohibition against Respondent Slicer for the following reasons, to wit:

1. Relator's claim for a temporary injunction does not apply to Respondent Slicer. Respondent Slicer did not issue any such orders as all prior orders were issued by either the Court of Appeals or the Trial Court.

2. Relator's claim for a Writ of Prohibition is applicable only to the Greene County Domestic Relations Trial Court.

3. Relator's claim for a Writ of Mandamus is inapplicable against Respondent Slicer. Specifically, Relator is requesting the disbarment of Respondent Slicer and in order to effectuate any type of sanction against an attorney relating to an attorney's license to practice law, the Relator must first comply with Rule V of the Ohio Rules for the Government of the Bar.

Specifically, **Section 2. Jurisdiction and Powers of the Board.**

(A) Exclusive Jurisdiction. Except as otherwise expressly provided in rules adopted by the Supreme Court, all grievances involving alleged misconduct by judicial officers or attorneys, proceedings with regard to the alleged mental illness, alcohol and other drug abuse, or disorder of a judicial officer or attorney, proceedings for the discipline of judicial officers, attorneys, persons under suspension or on probation, and proceedings for the reinstatement to the practice of law shall be brought, conducted, and disposed of in accordance with the provisions of this rule. The Board shall have authority to certify, recertify, and decertify grievance committees in accordance with Section 5 of this rule.

(B) Hearing Authority. The Board shall receive evidence, preserve the record, make findings, and submit recommendations to the Supreme Court as follows: (1) Concerning complaints of misconduct that are alleged to have been committed by a judicial officer, an attorney, a person under suspension from the practice of law or a person on probation; (2) Concerning the mental illness, alcohol and other drug abuse, or disorder of any judicial officer or attorney; (3) Relating to petitions for reinstatement as an attorney; (4) Upon reference by the Supreme Court of conduct by a judicial officer or an attorney affecting any proceeding under this rule, where the acts allegedly constitute a contempt of the Supreme

Court or a breach of these rules but did not take place in the presence of the Supreme Court or a member of the Supreme Court, whether by willful disobedience of any order or judgment of the Supreme Court or the Board, by interference with any officer of the Supreme Court in the prosecution of any duty, or otherwise. This rule shall not limit or affect the plenary power of the Supreme Court to impose punishment for either contempt or breach of these rules committed in its presence, or the plenary power of any other court for contempt committed in its presence.

Relator's claims in this Original Action in Writ of Mandamus and Prohibition against Respondent Slicer are improperly before this Supreme Court. All matters raised by the Relator against the Respondent Slicer allege matters dealing in conduct. The exclusive jurisdiction to hear matters relating to conduct of attorneys resides with the Board of Professional Conduct for the State of Ohio.

WHEREFORE, for the foregoing reasons, Respondent Slicer respectfully moves this Supreme Court to dismiss the Original Action in Writ of Mandamus and Prohibition against said Respondent.

Respectfully submitted,
RUFFOLO, STONE & STONE

/s/ John M. Ruffolo
John M. Ruffolo (0006234)

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Motion to Dismiss was served by first class mail via the U.S. Postal Service on the 20th day of January, 2015, upon the following:

Douglas C. Barton, *Relator Pro Se*
437 Warwick Place
Fairborn, OH 45324

Jon Paul Rion
Attorney for Keesha A. Barton
Suite 2150
130 W. Second Street
Dayton, OH 45402

Timothy Campbell
57 Junkin Road
Xenia, OH 45385

Stephen Hurley
1595 Hussey Road
Xenia, OH 45385

Greene County Domestic Relations Court
595 Ledbetter Road
Xenia, OH 45385

Michael P. McNamee and Gregory B. O'Connor
Attorney for David McNamee
2625 Commons Blvd., Suite A
Beavercreek, OH 45431

Sarah E. Pierce and Tiffany L. Carwile
Attorneys for Second District Court of Appeals
30 East Broad Street, 16th Floor
Columbus, OH 43215

/s/ John M. Ruffolo _____
John M. Ruffolo (0006234)
Counsel for Respondent, Charles Slicer