

In The Supreme Court of Ohio

Mahoning County Bar Association,)
Relator,)

v.)

Dennis Armand DiMartino,)
Respondent.)

CASE NO. 2014-2250

**Brief in Support of Objection to
Certification of Default and in
Response to Order to Show Cause**

This matter is before this Court on the certification of default filed by the Board of Professional Conduct of the Supreme Court of Ohio ("Board") on or about December 29, 2014. The reason for the Board's filing was that Respondent, Dennis Armand DiMartino, had not filed an answer to a formal complaint against him pending before the Board.

Since then, on or about January 13, 2015, Respondent filed an answer to the complaint. A copy of Respondent's answer is attached as Exhibit A.

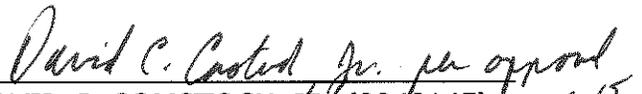
Relator, Mahoning County Bar Association, suggests that this matter should be disposed of by proceeding on the merits of Relator's complaint. Returning this matter to the Board for a hearing on the merits is consistent with Ohio jurisprudence favoring resolution of cases on their merits. *Maritime Manufacturers, Inc. v. Hi-Skipper Marina*, 70 Ohio St.2d 257 (1982) and *DeHart v. Aetna Life Ins. Co.*, 69 Ohio St.2d 189.

Accordingly, Relator objects to the certification of default, asserts that the filing of an answer by Respondent is sufficient cause why an interim default suspension should not be imposed by this Court, and asks that this matter be remanded to the Board for a full hearing on the merits of Relator's complaint.

MAHONING COUNTY BAR ASSOCIATION

By: 

RONALD E. SLIPSKI (0014404)
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By: 

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Objection to Certification of Default was mailed via U.S. regular mail this 23rd day of January, 2015, to Dennis Armand DiMartino, Esq., 839 Southwestern Run, Suite 1, Poland, Ohio 44514; and to Richard A. Dove, Board of Professional Conduct, Supreme Court of Ohio, 65 South Front Street, 5th Floor, Columbus, Ohio 43215.

MAHONING COUNTY BAR ASSOCIATION

By: 

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DENNIS A. DiMARTINO
TRIAL ATTORNEY

January 12, 2015
Via Overnight Courier

Mr. Richard A. Dove
Director, Board of Professional Conduct
Supreme Court of Ohio
65 S. Front Street, 5th Floor
Columbus, OH 43215-3431

Re: *MCBA v. DiMartino*
Case No. 2014-080

Dear Mr. Dove:

Enclosed please find the original and four copies of the following document:

• Answer of Respondent

Please file the original and return same in the SASE enclosed. Thanking you in advance for your anticipated cooperation, I remain

Very truly yours,



Atty. Dennis A. DiMartino

DAD/ms
Encls. w/SASE

c: Attys. Slipski and Comstock

Phone 330.726.7777
FAX 330.726.7779
Dennis.DiMartino@gmail.com
839 Southwestern Run
Youngstown, OH 44514-4688



SERVING NORTHEAST OHIO FOR OVER 24 YEARS...

17. Admits the allegations in Paragraph 17;
18. Admits the allegations in Paragraph 18.
19. Admits the allegations in Paragraph 19;
20. Admits the allegations in Paragraph 20;
21. Admits the allegations in Paragraph 21;
22. Admits the allegations in Paragraph 22;
23. Admits the allegations in Paragraph 23;
24. Admits the allegations in Paragraph 24;
25. ~~Admits~~ the allegations in Paragraph 25, as a check had been mailed to Medical Mutual but was never cashed or returned to Respondent.
26. Admits the allegations in Paragraph 26;
27. Admits the allegations in Paragraph 27;
28. ~~Is without sufficient knowledge to admit or deny the allegations in Paragraph 27, but~~ believes them to be true.
29. Admits the allegations in Paragraph 29;
30. Admits the allegations in Paragraph 30;
31. Admits the allegations in Paragraph 31;
32. Admits the allegations in Paragraph 32;
33. Admits the allegations in Paragraph 33;
34. Admits the allegations in Paragraph 34;
35. Admits the allegations in Paragraph 35;
36. Admits the allegations in Paragraph 36;
37. Admits the allegations in Paragraph 37;
38. Admits the allegations in Paragraph 38;
39. Admits the allegations in Paragraph 39;

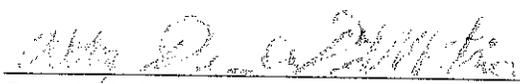
40. Admits the allegations in Paragraph 40, but indicates that he has been unable to locate the physical file on Herrington since he has relocated his professional office approximately four times since 2009.
41. Admits the allegations in Paragraph 41;
42. Admits the allegations in Paragraph 42;
43. Admits the allegations in Paragraph 43;
44. Admits the allegations in Paragraph 44;
45. Admits the allegations in Paragraph 45;
46. Admits the allegations in Paragraph 46;
47. Denies the allegations in Paragraph 47;

Respectfully submitted,


Dennis A. DiMartino, SCR #0039270
Respondent, *Pro Se*
839 Southwestern Run
Youngstown, OH 44514-4688
Phone 330.726.7777 Ext. 4
FAX 330.726.7779
Dennis.DiMartino@gmail.com

CERTIFICATION

Copies of this pleading were served upon Ronald E. Slipski, MCBA Counsel, 100 Federal Plaza east, Suite 800, Youngstown, OH 44503 and David C. Comstock, Jr., MCBA Counsel, 100 Federal Plaza East, Suite 926, Youngstown, OH 44503 on January 13, 2015 by hand-delivery.


Dennis A. DiMartino, SCR #0039270
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Dennis.DiMartino@gmail.com

From Please print and press hard.

Date _____ Sender's FedEx Account Number _____
 Sender's Name Atty. Dennis DiMantua Phone 330, 726-7777
 Company _____
 Address 839 Southwestern Rd Dept./Floor/Suite/Room _____
 City Youngstown State OH ZIP 44514

Your Internal Billing Reference
First 24 characters will appear on invoice.

To Recipient's Name Mr. Richard Dove Phone () _____
 Company Supreme Court of Ohio, Prof. Conduct. Comm.
 Address 65 S. Front Street, 5th Floor Dept./Floor/Suite/Room _____
 Address _____
 City Columbus State OH ZIP 43215-3431

HOLD Weekday
FedEx location address
REQUIRED, see label for
FedEx First Overnight.
 HOLD Saturday
FedEx location address
REQUIRED, see label for
FedEx Priority Overnight and
FedEx 2Day to select locations.

4 Express Package Service *To most locations.

NOTE: Service order has changed. Please select carefully.
 FedEx First Overnight
Earliest next business morning delivery to select locations. Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
 FedEx Priority Overnight
Next business morning.* Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
 FedEx Standard Overnight
Next business afternoon.* Saturday Delivery NOT available.

Packages up to 150 lbs.
For packages over 150 lbs, use the new FedEx Express Freight US Airbill.

FedEx 2Day A.M.
Second business morning.* Saturday Delivery NOT available.
 FedEx 2Day
Second business afternoon.* Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
 FedEx Express Saver
Third business day.* Saturday Delivery NOT available.

5 Packaging *Declared value limit \$500.

FedEx Envelope* FedEx Pak* FedEx Box FedEx Tube Other

6 Special Handling and Delivery Signature Options

SATURDAY Delivery.
*OT available for FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.
 No Signature Required
Package may be left without obtaining a signature for delivery.
 Direct Signature
Someone at recipient's address may sign for delivery. Fee applies.
 Indirect Signature
If no one is available at recipient's address, someone at a neighboring address may sign for delivery. For residential deliveries only. Fee applies.

Does this shipment contain dangerous goods?
Date box must be checked.

No Yes As per attached Shipper's Declaration. Yes Shipper's Declaration not required. Dry Ice Dry Ice, S UN 1845 _____ x _____ kg
 Dangerous goods (including dry ice) cannot be shipped in FedEx packaging or placed in a FedEx Express Drop Box. Cargo Aircraft Only

7 Payment Bill to:

Enter FedEx Acct. No. or Credit Card info. below.
 Sender Acct. No. in Section 1 will be billed. Recipient Third Party Credit Card Cash/Check
 FedEx Acct. No. _____ Exp. Date _____
 Credit Card No. _____

Total Packages _____ Total Weight _____ Total Declared Value[†] _____
 _____ lbs. \$ _____

[†]Our liability is limited to \$100 unless you declare a higher value. See back for details. By using this Airbill you agree to the service conditions on the back of the Airbill and in the current FedEx Service Guide, including terms that limit our liability.

612

FedEx
 2670 SALT SPRINGS RD
 Youngstown, OH 44509

Location: YNGA
 Device ID: YNGA-POS2
 Employee: 966571
 Transaction: 840116864775

PRIORITY OVERNIGHT
 875859816748 0.35 lb (S) 28.63

Scheduled Delivery Date 01/13/2015

Shipment subtotal: 28.63

Total Due: 28.63
 Cash: 50.00
 Change Due: 21.37

M = Weight entered manually
 S = Weight read from scale
 T = Taxable item

Subject to additional charges. See FedEx Service Guide at fedex.com for details. All merchandise sales final.

Visit us at: fedex.com
 Or call 1.800.GoFedEx
 1.800.463.3339
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