

**IN THE SUPREME COURT OF OHIO**

In re: :  
Application of : Case No. 2014-1555  
Joseph V. Libretti, Jr. :

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MOTION TO STRIKE  
BY AMICI CURIAE  
CITIZENS' INSTITUTE FOR LAW AND PUBLIC POLICY AND CURE-OHIO

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Amici curiae hereby seek to strike filings by CMBA dated April 24 and June 11, 2015 that do not comply with S. Ct. Prac. R. 17.09.

Amici just became aware of the filings because neither were served with copies of the filings. See CMBA's Certificates of Service dated April 24 and June 11, 2015.

Under S. Ct. Prac. R. 17.09 a party may not file materials relating to a case's merits after oral argument, beyond a citation to subsequently issued authority, without seeking an Order of Court. See *Hoyle v. DTJ Ents., Inc.*, Slip Opinion No. 2015-Ohio-843, ¶ 32. The citation may not be accompanied by additional argument.

The filings in question are copies of pleadings from a prior lawsuit in which Applicant sought compensation for financial injury resulting from seizure of funds. The June 11 filing also highlights two sentences indicating the case was dismissed based on qualified immunity.

Amici respectfully submit that these filings do not constitute citation to relevant authority within the meaning of S. Ct. Prac. R. 17.09. Were Amici or Applicant to file pleadings from other cases to which CMBA or Amici are a party, those would similarly not constitute citation to authority in this case within the meaning of S. Ct. Prac. R. 17.09.

Amici also respectfully submit that the filings work substantial injustice on the other parties. Amici cannot present additional information on its experience with Applicant or similarly situated individuals. Applicant has no viable remedy to contest the implication of litigiousness by noting, for example, a decision post-oral argument not to contest an adverse finding, nor can he present materials on subsequent collaborative or rehabilitative activities, because the Rules of Practice do not provide for such. Neither would judicial economy be promoted if they did.

Amici would respectfully request that further filings by CMBA in the form of case pleadings in an unrelated matter not be accepted without prior Order of Court, unless they actually constitute authority bearing as a matter of law on when and under what conditions an individual should either be permitted to practice law or to withdraw an application to practice.

In the alternative, Amici would request leave on behalf of all parties to present materials regarding events subsequent to oral argument that would otherwise fall outside the scope of S. Ct. Prac. R. 17.09, for consideration by the Court.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

A true copy of the foregoing has been served by U.S. mail this 12<sup>th</sup> day of June, 2015

upon the following:

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