

IN THE SUPREME COURT OF OHIO

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

APPLICANT'S RESPONSE TO CMBA'S MOTION TO STRIKE

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Applicant respectfully requests that CMBA's Motion to Strike of 6/24/15 be denied.

Applicant deeply regrets if he gave any impression that he seeks to "re-litigate and defy this Court's order" or to engage in "subterfuge." *See* CMBA's Motion to Strike.

The reason for Applicant's Citation was in response to allegations he had not disclosed a court case. *See* Response of CMBA to Amici of 6/16/15. That allegation has not been withdrawn.

Under the Rules of Practice Applicant's only option was to submit a Citation to Authority that would also demonstrate he had disclosed the court case. Applicant was prevented by Sup. Ct. R. 17.09 from commenting on the merits but was restricted to filing a Citation.

Absent the opportunity to file the Citation, Applicant is without a remedy to appropriately demonstrate his continuing compliance and his desire to comply with his duty to disclose.

CMBA has openly indicated its purpose in filing copies of an unrelated court case was to allege Applicant's lack of candor, thus impermissibly arguing the merits and necessitating Applicant's response with Citation to his prior disclosure. *See* Response of CMBA filed 6/16/15.

Applicant would respectfully request that if the Court determines his Citation should be stricken from the record, that it also find that further filings by either party in the form of case pleadings that function as a continued argument on the merits, should also not be accepted.

Applicant sincerely appreciates the time and effort allotted to this case by the Court and regrets any inadvertent offense that has been caused.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the above Citation has been served the 2nd day of

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