

DR20382383

116381039



COURT USE ONLY

MAR 15 2021

CUYAHOGA COUNTY
CLERK OF COURTS**FILED**

MAR 15 2021

Clerk of Courts
Cuyahoga County, Ohio

**IN THE COURT OF COMMON PLEAS
DOMESTIC RELATIONS DIVISION
CUYAHOGA COUNTY, OHIO**

ALLISON HORNER**Plaintiff****-vs-****WILLIAM HORNER****Defendant****CASE NO. DR 20 382383****JUDGE TONYA R. JONES**

DEFENDANT COUNTERMOTION TO
PLAINTIFF MOTION FOR IMMEDIATE
STATUS CONFERENCE

Now comes Defendant, **WILLIAM HORNER**, by Pro se representation, and respectfully agrees to an Immediate Status Conference in this matter for the reasons set forth below. Defendant is available by Zoom at the Court's convenience.

In summary Your Honor, opposing council is in violation of Federal Trust Account Law. As a licensed broker in North Carolina and soon to be Tennessee who has managed trust accounts in a professional setting, I have been well educated in these laws. I will again remind opposing council, that as a Principle to the money, I have the right in all 50 States, in all Jurisdictions, for any or no reason to audit a trust account I am principle too at my own expense. Respectfully, Your Honor, the purpose of a Trust Account is to maintain Trust. An audit is the formal mechanism by which this is accomplished which is why Federal Law permits it. Opposing council's refusal to this audit as an Officer of the Court is deeply troubling and itself justifies my grievance to the Cleveland Metro Bar Association; even if I had no other evidence of impropriety.

However, Your Honor, as my grievance lays out (Exhibit 2 in Plaintiff's motion) this is not the only evidence of impropriety. As I put forth, I did not at the time, and have not received since positive proof of deposit as Principle. This is a major breach of IOLTA required procedures and processes.

Further, opposing council has openly admitted to piercing the veil by paying for Client expenses on a personal credit card as a defense to why IOLTA money was not improperly distributed. Respectfully Your Honor, not only has opposing council potentially violated IOLTA laws, but he has also exposed himself to personal liability in doing so. I will also remind opposing council that materiality is irrelevant in this context. Dollar amount does not matter. Respectfully Your Honor, yes, I have concerns about opposing council's ability to manage the monies. Especially when there is nearly \$1 million of life insurance coverage unaccounted for.

Your Honor, I am a licensed professional subject to a regulatory body analogous to the Bar (NCREC and TREC). All three organizations are inundated with superfluous grievances and have established protocols of triage and dismissal where appropriate. If my grievance has no merit, then opposing council should have no issues with his regulatory body. Does opposing council really believe this is worth this Court's time and attention? If so Your Honor, I am happy to have the discussion.

There is one additional new piece of evidence Your Honor (Defense Exhibit A), while not directly tied to IOLTA does involve accounting and trust errors. In summary Your Honor, there is an addition ~\$1200 in tax refund missing which directly corresponds to Defendant's side of the marital asset ledger. We again have a problem with the taxes prepared solely by Plaintiff expressly to the detriment of Defendant. This mirrors Mr. Marcus initial attempts to prejudicially distribute the postage from IOLTA.

Further, we now have cease and desist orders from another licensed professional over slander/libel. Further this professional still has not been paid solely because of Plaintiff's refusal to remit payment from the very IOLTA opposing council indicates there is no problem with.

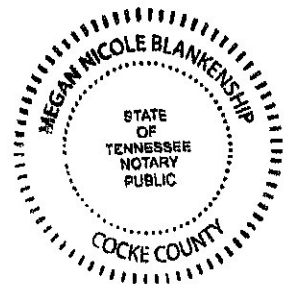
WHEREFORE, Defendant respectfully agrees to an Immediate Status Conference in this matter for the reasons stated. Defendant is available by Zoom at the Court' convenience. The Defendant also motions Your Honor, to pay Mr. Burchill's outstanding tax invoice out of IOLTA. He has more than earned it, and is happy to join this Immediate Status Conference as an expert witness.

Respectfully Submitted,

William E. Horner

Date: 3/11/2021

William E. Horner
2551 Indian Trail
Morristown, TN 37814
(919) 446-5985
williamehorner@gmail.com
Pro se Representative



Notary Public

Megan Nicole Blankenship

Date: 03/11/2021

Megan Nicole Blankenship (Name)

CERTIFICATE OF SERVICE

A copy of the foregoing **DATE OF COMPLETION ON ORDERED ITEMS** was served upon Robert A. Marcis, Attorney for Plaintiff, via email at rmarcis@marcislaw.com on this 11th day of March 2021.

Richard Burchill, CPA/CFF

Exhibit A.