Separate Civil Action
Fleisher Failed to Advise Schwartz That He Had Ignored Five Notices To Take Schwartz's Deposition

Hadassah filed a separate, but duplicate, claim for loss against Schwartz in the Hamilton County Court of Common Pleas.

Fleisher failed in his duty to aggressively demand discovery from Hadassah as is needed in civil litigation. When Hadassah sent incomplete responses, Fleisher refused to file a Motion to Compel for Hadassah to correct its non-responsive answers. Truthful answers would have permitted Schwartz to gain a more positive position in courts.

Fleisher advised Schwartz to make himself available and participate in a deposition called by Trustees. Fleisher stated that they would only have, "one bite of the apple" and if Hadassah participated they would not be able to depose Schwartz again.

Much later, when Hadassah demanded to again depose Schwartz, Fleisher did not oppose those five orders for a second deposition but Fleisher ignored the five requests to take the deposition of Schwartz.

By the sixth time, Schwartz was under the control of the Federal Bureau of Prisons and unable to attend.

Fleisher failed to intervene when a sixth deposition was scheduled on the day before Schwartz had to report to federal prison camp in Ashland, KY. Fleisher failed to file a protective order and cite that Schwartz was in Federal Custody. Fleisher failed to explain to the Court why Schwartz had not appeared before and could not appear for the newly ordered deposition.

Schwartz learned, for the first time, that there had been five other orders for him to be his deposed, but Fleisher failed to inform Schwartz or address the Notices. Fleisher failed to comply.

This last non-appearance caused court ordered sanctions against Schwartz for non-attendance and a severe monetary Common Pleas Court Default Judgment against Schwartz, duplicating the Federal Court Order and enabling civil collection efforts.

Fleisher's failure to inform Schwartz of the five requested depositions not only showed a violation of Lack of Diligence, but Failure of Communication with his client.

Fleisher failed to file a Motion for a Hearing in the Hamilton County Court of Common Pleas when Judge Myers, on December 23, 2010, entered the above noted Default Judgment against Schwartz for failing to appear at the above deposition **(EXHIBIT N).**

It was a harsh sanction and well-settled abuse of discretion that would not have occurred, except for Fleisher's lack of objection without Schwartz's approval. Fleisher's inaction resulted in acceptance of the default.