

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Petitioner,

v.

ODIATOR ARUGU,

Respondent.

_____/

Supreme Court Case
No. SC

The Florida Bar File
No. 2023-30,459(09A)(OSC)

PETITION FOR CONTEMPT AND ORDER TO SHOW CAUSE

The Florida Bar, petitioner, pursuant to Rule 3-7.7(g), petitions the Supreme Court to enter an order to show cause why respondent should not be held in contempt of this Court's order entered in Supreme Court Case Number SC21-933 and why respondent should not be disbarred. In support of its Petition, The Florida Bar states:

1. By a Supreme Court opinion entered in case number SC21-933, dated November 10, 2022, the Court suspended respondent from the practice of law for ninety-one days with proof of rehabilitation required prior to being reinstated. A copy of this Court's opinion is attached hereto and incorporated herein as Exhibit "A."

2. The Court ordered that respondent's "suspension will be effective thirty days from the filing of this opinion so that Arugu can close out his practice and protect the interests of existing clients."

3. The effective date of respondent's suspension was December 10, 2022.

4. In three client matters, respondent failed to close out his practice and protect the interests of his clients before the effective date of his suspension, and he communicated with a client and gave her legal advice while suspended.

5. In the first matter, in Citibank, N.A v. Yogmatie Singh, Case No. 48-2021-CC-10814-O, respondent represented Ms. Singh.

6. Respondent did not move to withdraw from Ms. Singh's Citibank case before the effective date of his suspension, and he remained attorney of record in her Citibank case.

7. Respondent testified in a sworn statement on April 4, 2023, that he expected that Ms. Singh's case would proceed after his suspension even though he was still attorney of record and that she would obtain substitute counsel. He also advised that he informed Ms. Singh of his suspension. Pages 16-19 of respondent's April 4, 2023 sworn statement transcript is attached hereto and incorporated herein as Exhibit "B."

8. On January 31, 2023, a Notice of Hearing on the Plaintiff's pending Motion for Summary Judgment was served on respondent by e-mail via the Florida E-filing Portal. A copy of the Notice of Hearing is attached hereto and incorporated herein as Exhibit "C."

9. The Motion for Summary Judgment hearing was scheduled for February 16, 2023.

10. Neither Ms. Singh nor respondent, her attorney of record, appeared at the February 16, 2023 hearing.

11. Ms. Singh informed Staff Investigator Angel Taylor on March 30, 2023, that she was not informed of the February 16, 2023 hearing. The affidavit of Staff Investigator Angel Taylor is attached hereto and incorporated herein as Exhibit "D."

12. In a second matter, respondent represented Ms. Singh in Bank of America, N.A. v. Yogmatie Singh, Case No. 48-2021-CC-006193-O.

13. Respondent did not move to withdraw from Ms. Singh's Bank of America case before the effective date of his suspension, and he remained attorney of record in her Bank of America case.

14. A hearing on Bank of America's motion for summary judgment was held on November 23, 2022, and neither respondent nor Ms. Singh appeared. The motion for summary judgment was granted.

15. The Final Summary Judgment order was filed on December 21, 2022, and served on respondent. A copy of the November 23, 2022 Court Minutes and the Final Summary Judgment order are attached as Exhibit “E.”

16. Ms. Singh told Staff Investigator Taylor on March 30, 2023, that she was unaware of the final judgment in the Bank of America case. See Exhibit D.

17. In a third matter, respondent represented the plaintiff in Brenda Shepherd v. Delores Salter, Case No. 48-2021-CA-9009, Orange County, Florida.

18. On December 5, 2022, prior to respondent’s suspension, the Court filed a Notice of Lack of Prosecution, Court’s Motion to Dismiss, and Notice of Hearing in which a hearing was set for February 6, 2023, regarding a potential dismissal of Ms. Shepherd’s case for lack of prosecution. A copy of the Notice of Lack of Prosecution, Court’s Motion to Dismiss, and Notice of Hearing is attached hereto and incorporated herein as Exhibit “F.”

19. The Notice of Lack of Prosecution, Court’s Motion to Dismiss, and Notice of Hearing was served on respondent on December 5, 2022, by e-mail via the Florida E-filing Portal. See Exhibit F.

20. Respondent did not move to withdraw from Ms. Shepherd's case, and he remained attorney of record for Ms. Shepherd after he was suspended. Pages 28-34 of respondent's April 4, 2023 sworn statement transcript is attached hereto and incorporated herein as Exhibit "G."

21. The court held the hearing on February 6, 2023, and neither party appeared for the hearing. The Court Minutes of the February 6, 2023 hearing is attached hereto and incorporated herein as Exhibit "H."

22. Respondent communicated with Ms. Shepherd regarding her case after the effective date of his suspension.

23. On January 18, 2023, Ms. Shepherd texted respondent inquiring how the case was going. Respondent responded by asking her to call him and they spoke on the phone on or about January 20, 2023. Text messages between respondent and Ms. Shepherd from December 2022 through March 2023 are attached hereto and incorporated herein as Exhibit "I."

24. On February 9, 2023, after the parties failed to appear at the February 6, 2023 hearing, the court issued an Order to Show Cause Why Action Should Not be Dismissed for Lack of Prosecution and respondent was served by e-mail via the Florida E-filing Portal. The Order to Show

Cause Why Action Should Not be Dismissed for Lack of Prosecution is attached hereto and incorporated herein as Exhibit “J.”

25. On or about March 14, 2023, after there was no response to the order to show cause, the court issued a Final Order of Dismissal dismissing Ms. Shepherd’s case for lack of prosecution. The Final Order of Dismissal is attached hereto and incorporated herein as Exhibit “K.”

26. On or about March 14, 2023, the court served the Final Order of Dismissal on the attorneys by e-mail via the Florida E-filing Portal and by U.S. mail to Ms. Shepherd. See Exhibit K.

27. On or about March 29, 2023, Ms. Shepherd sent a photographic copy of the order to respondent via text and asked, “Is there anything that can be done????” See Exhibit I.

28. Ms. Shepherd then sent a second text message to respondent on or about March 29, 2023, stating, “The case was not active for 10 months. What happen?????? You have 2 months to reopen.???” See Exhibit I.

29. Thereafter, on or about March 30, 2023, respondent texted Ms. Shepherd regarding the dismissal of her case. In his text, respondent stated “Good afternoon, Brenda. Hope you were doing well. The letter you received from the court is normal when a case has not moved forward after

some time. You will recollect that you and I discussed in December the evidence or lack thereof, and you decided to not continue with the case as you were retired with limited resources, cutting down costs, and not in the best of health. As you noted, you may reinstate the case if your circumstances have now changed. Your payment was applied to the case. Regards." See Exhibit I.

30. Respondent therefore provided Ms. Shepherd with legal advice about her case during his suspension.

31. Ms. Shepherd also notified Staff Investigator Angel Taylor on April 10, 2023, that she was not aware of Mr. Arugu's suspension until she and Mr. Arugu spoke on the telephone in January 2023. Ms. Shepherd could not say if she was emailed a copy of the suspension order, but she did not see one. See Exhibit D.

32. The other members of the bar should not have to pay for respondent's noncompliance with this Court's order and this proceeding. Therefore, the bar is requesting administrative costs of \$1,250.00 against respondent.

The bar respectfully requests this Court enter an order directing Odiator Arugu to show cause why he should not be held in contempt of this

Court's Order dated November 10, 2022, in Case No. SC2021-0933 and immediately disbarred.

Respectfully submitted,



Daniel James Quinn
Bar Counsel
The Florida Bar
1000 Legion Place, Suite 1625
Orlando, Florida 32801-1050
(407) 425-5424
Florida Bar No. 122435
dquinn@floridabar.org
orlandooffice@floridabar.org
Lismith@floridabar.org

CERTIFICATE OF SERVICE

I certify that this document has been e-filed with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida with a copy provided via email to Respondent, at thefloridalawfirm@gmail.com; with a copy by United States Mail via certified mail No. 9414 7266 9904 2965 0508 81, return receipt requested to Respondent, whose record bar address is 1510 E. Colonial Drive, Suite 303, Orlando, FL 32803-4734, and to Staff Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, FL 32399-2300, via email at psavitz@floridabar.org, on this 5th day of October, 2023.



Daniel James Quinn
Bar Counsel

NOTICE OF TRIAL COUNSEL AND DESIGNATION OF PRIMARY EMAIL ADDRESS

PLEASE TAKE NOTICE that the trial counsel in this matter is Daniel James Quinn, Bar Counsel, whose address, telephone number and primary email address are The Florida Bar, 1000 Legion Place, Suite 1625, Orlando, Florida 32801-1050, (407) 425-5424 and dquinn@floridabar.org, Lismith@floridabar.org and orlandooffice@floridabar.org. Respondent need not address pleadings, correspondence, etc. in this matter to anyone other than trial counsel and to Staff Counsel, The Florida Bar, 651 E Jefferson Street, Tallahassee, FL 32399-2300, psavitz@flabar.org.