



Respondent's decision resulted in a miscommunication between Ms. Reckard and him, not from a desire or necessity to hide relevant documents. <sup>2/</sup>

Counsel requested hourly case billing files and criticized Respondent for not producing them based on Ms. Reckard's testimony that the firm preserves former client cloud files. Respondent produced the full hourly case billing files for both complainants in the present matter. And, Counsel ignores the fact that there were no hourly clients aside from the current complainants in the 2015-2017 period. Again, the point Counsel ignores is that Respondents cannot produce documents that do not exist.

In sum, Counsel's notions about Respondent's motivations are wrong. They do not constitute compelling reasons to justify her obstruction of the course of Respondent's hearing preparation. The chronology of his requests for the deposition and Counsel's obstruction were accurately reported previously to the Panel. <sup>3/</sup>

#### Conclusion

For the foregoing reasons, Respondent urges the Hearing Panel to grant his motion to compel the deposition of the "expert" that Counsel plans to present at the hearing -- in the interests of fairness and justice.

Respectfully submitted on this 30<sup>th</sup> day of March, 2022.



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<sup>2</sup> Counsel also found herself amidst a "miscommunication" in her firm and duly reported it, and produced additional documents – the same process as she attacks here.

<sup>3</sup> Please refer to Respondent's Motion to Compel Expert Deposition & Memorandum in Support, dated 2/8/22.


**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this date he made service of **Respondent's Response to the "Sur-Reply,"** via email upon the following parties:

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DATED: March 30, 2022.

  
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