

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

ODIATOR ARUGU,

Respondent.

Supreme Court Case No.  
SC

The Florida Bar File No.  
2020-30,738 (9A)

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**COMPLAINT**

The Florida Bar, complainant, files this Complaint against Odiator Arugu, respondent, pursuant to the Rules Regulating The Florida Bar and alleges:

1. Respondent is and was at all times mentioned herein a member of The Florida Bar admitted on November 10, 1995 and is subject to the jurisdiction of the Supreme Court of Florida.
2. Respondent practiced law in Orange County, Florida, at all times material.
3. The Ninth Judicial Circuit Grievance Committee A found probable cause to file this complaint pursuant to Rule 3-7.4, of the Rules Regulating The Florida Bar, and this complaint has been approved by the presiding member of that committee.

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4. Respondent represented the husband, Mr. Rodriguez, in divorce litigation against the wife, Ms. Filippone.
5. The division of the marital home was one of the issues in the divorce.
6. On May 8, 2020, the lawyer for Mr. Filippone, the wife's father, sent a letter to respondent claiming that Mr. Filippone owned a 50% undivided interest in his daughter's and her husband's marital home.
7. On May 13, 2020, respondent prepared and filed a notice of production from non-party for records of Mr. Filippone and his daughter at Freedom Mortgage Corporation.
8. The notice of production from non-party attached a proposed subpoena duces tecum to non-party that listed seven items that respondent wanted produced from Freedom Mortgage Corporation.
9. The notice of production from non-party stated: "Objection to the issuance of the attached subpoena to non-party must be filed with the clerk not later than the time indicated for issuance."
10. The time indicated for issuance of the subpoena was stated in the notice of production from non-party as "ten (10) days (if service is made by facsimile or email) of the service of this Notice of Production from Non-Party[.]"

11. After ten days without objection, respondent served a subpoena duces tecum on Freedom Mortgage Corporation that was different from the subpoena duces tecum he had noticed in his filing of the notice of production from non-party with the court.

12. At his January 4, 2021 sworn statement in the bar disciplinary case, respondent stated, “Well, after the ten days, when there was no objection and I was getting ready to issue the subpoenas, it occurred to me that I did not request for those three documents in 8, 9, and 10, and I decided to include them.”

13. The subpoena duces tecum that was served on Freedom Mortgage Corporation sought ten items pertaining to Mr. Filippone and his daughter.

14. The three additional items sought in the subpoena duces tecum actually served included all mortgage loan applications by Mr. Filippone and his daughter, all credit check reports obtained from or with the consent or authorization of Mr. Filippone and his daughter, and any power of attorney executed by Mr. Filippone to his daughter used in connection with the closing on the mortgage loan.

15. Because respondent failed to provide notice that he was seeking the additional items in the subpoena duces tecum, he failed to give

the opposing parties or interested parties who were served with the subpoena an opportunity to object to the additionally sought documents before the subpoena was served.

16. On May 27, 2020, respondent filed with the court a copy of the subpoena duces tecum served on Freedom Mortgage Corporation.

17. The opposing counsel, Mr. Luther, emailed a letter the same day objecting to the “materially and substantially different” subpoena respondent had served compared to the one he had noticed on May 13, 2020.

18. Mr. Luther demanded that respondent either not serve the subpoena on Freedom Mortgage Corporation or, if respondent had already served it, that respondent contact Freedom Mortgage Corporation and inform them the subpoena was withdrawn.

19. Respondent claimed in response to the objection that the subpoena served on Freedom Mortgage Corporation was not materially different from the one he had noticed.

20. Respondent did not contact Freedom Mortgage Corporation to withdraw the subpoena he had served.

21. Freedom Mortgage Corporation produced documents to respondent in response to the subpoena duces tecum.

22. On September 25, 2020, the court, in a written order, found that respondent had improperly sent the subpoena to Freedom Mortgage Corporation after providing notice of a different version of the subpoena:

The Court finds that counsel for Husband improperly sent a Subpoena to Freedom Mortgage requesting financial information from David Filippone by improperly amending such subpoena to include such information after having provided notice to Wife's counsel of a version of the subpoena without such information.

23. By reason of the foregoing, respondent has violated the following Rules Regulating The Florida Bar:

(a) 3-4.3 Misconduct and Minor Misconduct. The standards of professional conduct required of members of the bar are not limited to the observance of rules and avoidance of prohibited acts, and the enumeration herein of certain categories of misconduct as constituting grounds for discipline shall not be deemed to be all-inclusive nor shall the failure to specify any particular act of misconduct be construed as tolerance thereof. The commission by a lawyer of any act that is unlawful or contrary to honesty and justice may constitute a cause for discipline, whether the act is committed in the course of the attorney's relations as an attorney or otherwise, whether committed within or outside the state of Florida, and whether the act is a felony or misdemeanor.

(b) 4-3.3 Candor Toward the Tribunal. (a) False Evidence; Duty to Disclose. A lawyer shall not knowingly: (1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer.

(c) 4-3.4 Fairness to Opposing Party and Counsel. A lawyer must not: (a) unlawfully obstruct another party's access to evidence or otherwise unlawfully alter, destroy, or conceal a document or other material that the lawyer knows or reasonably should know is relevant to a pending or a reasonably foreseeable proceeding; nor counsel or assist another person to do any such act; . . . (c) knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists; (d) in pretrial procedure, make a frivolous discovery request or intentionally fail to comply with a legally proper discovery request by an opposing party;

(d) Rule 4-4.1 Truthfulness in Statements to Others. In the course of representing a client a lawyer shall not knowingly: (a) make a false statement of material fact or law to a third person.

(e) 4-8.4(c) Misconduct. A lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.

(f) 4-8.4(d) Misconduct. A lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice.

WHEREFORE, The Florida Bar prays respondent will be appropriately disciplined in accordance with the provisions of the Rules Regulating The Florida Bar as amended.



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## **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 copies provided to Odiator Arugu, Respondent, by United States Mail, via certified mail No. 7017 1450 0000 7821 0902, return receipt requested, to his record bar address, 1510 East Colonial Drive, Suite 303, Orlando, Florida 32803, and via email at [thefloridalawfirm@gmail.com](mailto:thefloridalawfirm@gmail.com); and to Daniel James Quinn, Bar Counsel, via email at [dquinn@floridabar.org](mailto:dquinn@floridabar.org), [orlandooffice@floridabar.org](mailto:orlandooffice@floridabar.org), on this 22nd day of June, 2021.



Patricia Ann Toro Savitz  
Staff 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, (407) 425-5424, and [dquinn@floridabar.org](mailto:dquinn@floridabar.org), [orlandooffice@floridabar.org](mailto: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 East Jefferson Street, Tallahassee, Florida 32399, [psavitz@floridabar.org](mailto:psavitz@floridabar.org).

**MANDATORY ANSWER NOTICE**

RULE 3-7.6(h)(2), RULES REGULATING THE FLORIDA BAR, PROVIDES THAT A RESPONDENT SHALL ANSWER A COMPLAINT.