

IN THE SUPREME COURT OF FLORIDA

Supreme Court Case No.: SC21-933

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

---

THE FLORIDA BAR,

Complainant,

v.

ODIATOR ARUGU,

Respondent.

---

---

**RESPONDENT'S ANSWER BRIEF**

---

---

/s/ Barry Rigby

Barry W. Rigby, Esq.

Fla. Bar No. 613770

Law Offices of Barry Rigby, P.A.

1881 Lee Road

Winter Park, FL 32789

Primary Email: [barryrigbylaw@gmail.com](mailto:barryrigbylaw@gmail.com)

Secondary Email: [rigbylaw@yahoo.com](mailto:rigbylaw@yahoo.com)

Phone: (407) 650-1985

Facsimile: (407) 386-6150

Counsel for the Respondent

RECEIVED, 07/06/2021 01:31:28 PM, Clerk, Supreme Court

Odiator Arugu, Respondent, Answers the Complaint of The Florida

Bar, and admits or denies the allegations as follows:

1. Admitted.

2. Admitted.

3. Admitted.

4. Admitted.

5. Admitted.

6. Admitted.

7. Admitted.

8. Admitted.

9. Admitted.

10. Admitted.

11. Admitted that the issued subpoena was slightly different, in that it included a request for documents from the bank relating to Mr. Filippone. Such documents, if they existed, clearly would have been discoverable and relevant to the case in light of Mr. Filippone's assertion of an ownership interest in the property at issue.

12. Admitted.

13. Admitted.

14. Admitted.

15. Admitted. However, Respondent did not believe that the requested documents were objectionable or would draw an objection in light of the position asserted by Mr. Filippone.

16. Admitted.

17. Admitted.

18. Neither admitted nor denied. This communication from Mr. Luther will speak for itself.

19. Denied as pled. Respondent attempted to resolve the issue with the opposing counsel, because he believed that the subpoena was in substantial compliance with the rules and the spirit of the law on a notice of intent to issue a subpoena. Opposing counsel would not engage in good faith discussions on the issues.

20. Admitted.

21. Admitted.

22. However, the documents were not reviewed by the Respondent, they were not used in the case, and the dissolution of marriage case settled.

23. Admitted.

24. Denied as to the rule violations asserted. Furthermore, Respondent asserts that his conduct in the underlying case, under the

totality of the circumstances and when measured against the conduct of opposing counsel, demonstrates that his actions were reasonable, appropriate in the pattern of conduct from opposing counsel in the case, and ethical.

### **CERTIFICATE OF SERVICE**

I certify that the foregoing has been e-filed with the Supreme Court of Florida, and a true and correct copy has been furnished to the Honorable Ellen S. Masters, C.J., Polk County Courthouse, P.O. Box 9000, Drawer J-145, Bartow, FL 33831-9000, via email to [slavoie@jud10.flcourts.org](mailto:slavoie@jud10.flcourts.org); to Daniel J. Quinn, Bar Counsel, 1000 Legion Place, Suite 1625, Orlando, Florida 32801, via email to [dquinn@floridabar.org](mailto:dquinn@floridabar.org); and to Staff Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, FL 32399-2300, via email to [psavitz@flabar.org](mailto:psavitz@flabar.org), this 6<sup>th</sup> day of July, 2021.

### **CERTIFICATE OF COMPLIANCE**

I hereby certify that this brief is prepared in Arial, 14-point font and is 600 words, in compliance with the applicable font and word count limit requirements pursuant to Rule 9.045(e) of the Florida Rules of Appellate Procedure.

/s/ Barry Rigby  
Barry W. Rigby, Esq.  
Fla. Bar No. 613770  
Law Offices of Barry Rigby, P.A.  
1881 Lee Road  
Winter Park, FL 32789  
Primary Email: [barryrigbylaw@gmail.com](mailto:barryrigbylaw@gmail.com)  
Secondary Email: [rigbylaw@yahoo.com](mailto:rigbylaw@yahoo.com)  
Phone: (407) 650-1985  
Facsimile: (407) 386-6150  
Counsel for the Respondent

**NOTICE OF TRIAL COUNSEL AND  
DESIGNATION OF EMAIL ADDRESSES**

The trial counsel for the Respondent in this matter is Barry Rigby, whose address is Law Offices of Barry Rigby, P.A., 1881 Lee Road, Winter Park, FL 32789, whose primary email address is [barryrigbylaw@gmail.com](mailto:barryrigbylaw@gmail.com), and secondary email address is [rigbylaw@yahoo.com](mailto:rigbylaw@yahoo.com). Complainant need not address pleadings, correspondence, etc. intended for Respondent to anyone other than trial counsel.

/s/ Barry Rigby  
Barry W. Rigby, Esq.  
Fla. Bar No. 613770