

IN THE SUPREME COURT OF FLORIDA

Before a Referee

THE FLORIDA BAR,

Supreme Court Case  
No. SC13-1127

Complainant,

v.

The Florida Bar File Nos.  
2012-31,557 (18A),  
2013-30,074 (18A)

MARIE LOUISE HENRY,

Respondent.

\_\_\_\_\_ /

**ANSWER OF RESPONDENT**

The Respondent, Marie Louise Henry, through her undersigned attorney, answers The Florida Bar in this matter and says:

1. Admitted.
2. Admitted.
3. Admitted, without waiving any claim that the Grievance Committee

did not conduct a proper investigation and properly consider this matter.

4. Admitted.
5. Admitted.
6. Without knowledge. Respondent contends that she submitted proper

bases for the Court to consider.

7. Denied as pled. Respondent contends that she submitted proper bases for the Court to consider. Any error was inadvertent and/or based on a good faith

belief for what remedy should be afforded Respondent's daughter.

8. Admitted.

9. Denied as pled. Respondent contends that she submitted proper bases for the Court to consider. Any error was inadvertent and/or based on a good faith belief for what remedy should be afforded Respondent's daughter.

10. Denied as pled. Upon information and belief, both the Court and assistant state attorney understood the requirements for a speedy trial hearing.

11. Denied as pled. Respondent acted in good faith, and any error in the motion had no effect on the legal proceedings.

12. Admitted.

13. Denied as pled. Respondent filed what she believed to be appropriate law.

14. Admitted.

15. Admitted.

16. Admitted.

17. Admitted.

18. Denied as pled.

19. Admitted in part. The probation officer did draft an affidavit and secure a pickup order for Respondent's daughter.

20. Admitted.

21. Admitted.

22. Admitted that Respondent appeared at this hearing. Without knowledge as to why the probation officer did not appear.

23. Denied.

24. Admitted.

25. Denied as pled. The Petition speaks for itself, and Respondent contends that she was truthful in her communications with the probation officer.

26. Admitted.

27. Admitted only that Respondent sought the help of law enforcement in respect to her daughter.

28. Admitted that the Respondent's daughter was arrested again in June, 2011.

29. Admitted.

30. Admitted that the Petition contains that language. Respondent submits that the filing must be viewed in its entirety and in context.

31. Admitted that the Petition contains that language. Respondent submits that the filing must be viewed in its entirety and in context.

32. Denied as pled. The transcript/recording of those proceedings will be the best evidence of the Respondent's comments.

33. Denied as pled. The transcript/recording of those proceedings will be

the best evidence of the Respondent's comments.

34. Denied.

35. Admitted.

36. Admitted.

37. Admitted.

38. Admitted.

39. Admitted.

40. Denied as pled. Admitted that Respondent filed a Motion to Disqualify.

41. Neither admitted nor denied. The filing will be the best evidence of its content.

42. Without knowledge. If this allegation is true, any failure in this respect was an oversight.

43. Admitted that a similar motion was filed.

44. Admitted.

45. Denied as to the Bar's characterization of misrepresentation. If this allegation is true, any failure in this respect was an oversight.

46. Without knowledge.

47. Admitted that this was part of the Respondent's reasoning.

48. Admitted that grounds existed, had Respondent been aware of the

judicial reassignment.

49. Denied that Respondent reasonably should have known of the judge's assignment.

50. Denied. The Respondent contends that the motions were well-founded, and that the motions will be the best evidence of their content.

51. Neither admitted nor denied. The Respondent contends that the motions were well-founded, and that the motions will be the best evidence of their content.

52. Neither admitted nor denied. The Respondent contends that the motions were well-founded, and that the motions will be the best evidence of their content.

53. Neither admitted nor denied. The Respondent contends that the motions were well-founded, and that the motions will be the best evidence of their content.

54. Neither admitted nor denied. The Respondent contends that the motions were well-founded, and that the motions will be the best evidence of their content.

55. Neither admitted nor denied. The Respondent contends that the motions were well-founded, and that the motions will be the best evidence of their content.

56. Neither admitted nor denied. The Respondent contends that the motions were well-founded, and that the motions will be the best evidence of their content.

57. Admitted.

58. Admitted.

59. Neither admitted nor denied. The Respondent contends that the motions were well-founded, and that the motions will be the best evidence of their content.

60. Neither admitted nor denied. The Respondent contends that the motions were well-founded, and that the motions will be the best evidence of their content.

61. Neither admitted nor denied. The Respondent contends that the motions were well-founded, and that the motions will be the best evidence of their content.

62. Admitted.

63. Admitted as to the Court's order and stated basis for denial.

64. Admitted as to the Court's order and stated basis for denial.

65. Admitted as to the Court's order and stated basis for recusal.

66. Denied.

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I furnished a copy of the foregoing by email to JoAnn M. Stalcup, Esq., Bar Counsel for The Florida Bar, 1000 Legion Place, Suite 1625, Orlando, Florida 32801-5200, [jstalcup@flabar.org](mailto:jstalcup@flabar.org), to Kenneth Lawrence Marvin, Esq., Staff Counsel for The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 3299-2300, [kmarvin@flabar.org](mailto:kmarvin@flabar.org), and to The Honorable Thomas M. Jaworski, Referee, County Judge, 201 East University Avenue, Gainesville, Florida 32601 at [kpearson@circuit8.org](mailto:kpearson@circuit8.org) this 22 day of July, 2013.

/s/ Barry Rigby  
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Attorney for Respondent

**NOTICE OF TRIAL COUNSEL AND**  
**DESIGNATION OF PRIMARY EMAIL ADDRESS**

PLEASE TAKE NOTICE that the trial counsel for the Respondent in this matter is Barry Rigby, whose address, telephone number and primary email address are Law Offices of Barry Rigby, P.A., 924 North Magnolia Avenue, Suite 312, Orlando, Florida 32803, 407-999-2630 and [barryrigbylaw@gmail.com](mailto:barryrigbylaw@gmail.com). Complainant need not address pleadings, correspondence, etc. in this matter to anyone other than trial counsel.