

**UNITED STATES OF AMERICA  
NATIONAL CREDIT UNION ADMINISTRATION  
Alexandria, Virginia**

In the Matter of	)	
	)	
ABRAHAM F. KAY,	)	NCUA Docket No: 97-03-1-IV
	)	
Respondent.	)	
	)	

**FINAL ORDER TO CEASE AND DESIST**

WHEREAS respondent Abraham F. Kay ("Respondent"), former attorney for Lorain Auto Employees Federal Credit Union of Lorain, Ohio ("Lorain Auto"), was an "institution-affiliated party" of that credit union, as defined by 12 U.S.C. §1786(r);

WHEREAS NCUA, acting as liquidating agent of Lorain Auto, filed a lawsuit against Respondent entitled NCUA v. Kay, Case No. 1:96 CV 1508 (N.D. Ohio), alleging malpractice in his unsuccessful representation of Lorain Auto at trial in another lawsuit entitled Lorain Auto Employees FCU v. Nemchick, Case No. 90 CV 105181 (Lorain Cty. Ct. Common Pleas);

WHEREAS on December 31, 1996, the parties to NCUA v. Kay entered into an agreement to settle that case;

WHEREAS in the agreement to settle NCUA v. Kay, Respondent consented to a final order of the NCUA Board, pursuant to 12 U.S.C. §1786(e), directing him to cease and desist from entering an appearance, or appearing, in any federal or state court or before the NCUA Board as "lead counsel", "first chair" or sole counsel on behalf of any federally-insured credit union in any proceeding other than an immigration proceeding, unless accompanied by co-counsel of record having five years litigation experience;

WHEREAS Respondent waived any right to an administrative hearing and to judicial review of said final order to cease and desist, as well as any order the NCUA Board subsequently may issue in response to a petition from Respondent to rescind the final order to cease and desist;

WHEREAS the NCUA Board finds that proper grounds exist under 12 U.S.C. §1786(e) to issue said final order directing Respondent to cease and desist;

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Abraham F. Kay forthwith cease and desist from entering an appearance, or appearing, in any federal or state court or before the NCUA Board as "lead counsel", "first chair" or sole counsel on behalf of any federally-insured credit union in any proceeding other than an immigration proceeding;
2. Should Respondent enter an appearance, or appear, in any federal or state court or before the NCUA Board on behalf of a federally-insured credit union in any proceeding other than an immigration proceeding, he shall be accompanied by co-counsel of record having a minimum of five years litigation experience;
3. The agreement to settle NCUA v. Kay dated as of December 31, 1996, which incorporates Respondent's consent to this Order, is accepted and approved by the NCUA Board and is made a part hereof and incorporated herein by reference;
4. This final order to cease and desist shall be effective and enforceable on the date of set forth below.

IT IS SO ORDERED this \_\_\_\_ day of March 1997.

**NATIONAL CREDIT UNION ADMINISTRATION BOARD**

By: \_\_\_\_\_  
BECKY BAKER  
Secretary of the Board

CERTIFICATE OF SERVICE

I hereby certify that on this \_\_\_\_\_ day of March 1997, I caused one copy of the foregoing "Final Order to Cease and Desist," with attachment, to be served by U.S. Mail, certified return receipt requested, upon:

Abraham F. Kay  
c/o D. Cheryl Atwell, Esq.  
Mazanec, Raskin & Ryder  
34305 Solon Road, Suite 100  
Cleveland, Ohio 44139

\_\_\_\_\_  
Steven W. Widerman  
Trial Attorney  
Office of General Counsel