

*State of New York*  
*Supreme Court, Appellate Division*  
*Third Judicial Department*

Decided and Entered: September 21, 2023

PM-218-23

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In the Matter of DAVID DENNING  
SCAGLIONE, an Attorney.

MEMORANDUM AND ORDER  
ON MOTION

(Attorney Registration No. 2331213)

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Calendar Date: September 11, 2023

Before: Garry, P.J., Lynch, Aarons, Reynolds Fitzgerald and Fisher, JJ.

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*David Denning Scaglione*, Oracle, Arizona, pro se.

*Monica A. Duffy*, Attorney Grievance Committee for the Third Judicial  
Department, Albany, for Attorney Grievance Committee for the Third Judicial  
Department.

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Per Curiam.

David Denning Scaglione was admitted to practice by this Court in 1990 and lists a business address in Tucson, Arizona with the Office of Court Administration. Scaglione now seeks leave to resign from the New York bar for nondisciplinary reasons (*see* Rules for Atty Disciplinary Matters [22 NYCRR] § 1240.22 [a]). The Attorney Grievance Committee for the Third Judicial Department (hereinafter AGC) opposes the application by correspondence from its Chief Attorney.

As is noted by AGC, Scaglione is presently delinquent in his New York attorney registration requirements, having failed to register for the 2022-2023 biennial period (*see* Judiciary Law § 468-a; Rules of Chief Admr of Cts [22 NYCRR] § 118.1). Inasmuch as Scaglione is therefore subject to potential disciplinary action (*see* Judiciary Law § 468-a [5]; Rules of Professional Conduct [22 NYCRR 1200.0] rule 8.4 [d]; *see also* *Matter of*

*Attorneys in Violation of Judiciary Law § 468-a*, 113 AD3d 1020, 1021 [3d Dept 2014]), he is ineligible for nondisciplinary resignation and his application must be denied (*see Matter of Cluff*, 148 AD3d 1346, 1346-1347 [3d Dept 2017]; *Matter of Bomba*, 146 AD3d 1226, 1226-1227 [3d Dept 2017]). Further, any future application by Scaglione must be supported by proof of his full satisfaction of the requirements of Judiciary Law § 468-a and Rules of the Chief Administrator of the Courts (22 NYCRR) § 118.1 (*see Matter of Frank*, 146 AD3d 1228, 1228-1229 [3d Dept 2017]).

Garry, P.J., Lynch, Aarons, Reynolds Fitzgerald and Fisher, JJ., concur.

ORDERED that David Denning Scaglione's application for permission to resign is denied.

ENTER:

A handwritten signature in black ink that reads "Robert D. Mayberger". The signature is written in a cursive, slightly slanted style.

Robert D. Mayberger  
Clerk of the Court