

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF A MEMBER	§	536, 2013
OF THE BAR OF THE SUPREME	§	
COURT OF THE STATE OF	§	
DELAWARE:	§	ODC File No. 105284-B
	§	ODC File No. 105340-B
JOSEPH A. GABAY,	§	ODC File No. 105345-B
	§	ODC File No. 108282-B
Respondent,	§	ODC File No. 108290-B
	§	

Submitted: October 4, 2013

Decided: November 4 , 2013

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices.

AMENDED ORDER

This 4th day of November 2013, upon petition from Joseph A. Gabay, Esquire, pursuant to Rule 19(b) of the Delaware Lawyer's Rules of Disciplinary Procedure to transfer Mr. Gabay to Disability Inactive Status. Mr. Gabay is currently suspended on an interim basis by order of this Court dated March 12, 2013. *In re Gabay*, Del. Supr., No. 108, 2013. It appears that Mr. Gabay is suffering from physical disabilities, as well as emotional and/or mental health problems which make him unable to participate in his defense and adversely affect his ability to practice law. Joseph Benson, Esquire is receiver of Petitioner's practice. The Office of Disciplinary Counsel does not oppose the transfer to Disability Inactive Status as requested by Petitioner.

The Court has reviewed the Petition and has concluded it is in the best interest of the public to place Mr. Gabay on Disability Inactive Status for an indefinite period of time and to stay all pending disciplinary proceedings.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

Joseph Gabay, is hereby transferred to Disability Inactive Status until such time as he can demonstrate by clear and convincing evidence that any disabilities have been removed. This Order shall be made public.

BY THE COURT:

/s/ Henry duPont Ridgely
Justice