

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

November 26, 2014

[Cite as *11/26/2014 Case Announcements*, 2014-Ohio-5253.]

MERIT DECISIONS WITH OPINIONS

2014-0185. State ex rel. Smith v. Winkler, Slip Opinion No. 2014-Ohio-5198.
Hamilton App. No. C-130773. Judgment affirmed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2014-0424. In re Application of Baudendistel, Slip Opinion No. 2014-Ohio-5200.

Board of Commissioners on Character and Fitness, No. 562. The pending application of Thomas Donald Baudendistel to take the Ohio bar examination is disapproved, but he may apply to take the July 2015 bar examination.

Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

O'Connor, C.J., dissents and would allow the applicant to reapply for the July 2016 or a later bar exam.

2014-0425. State v. Ware, Slip Opinion No. 2014-Ohio-5201.

Portage App. No. 2013-P-0011, 2013-Ohio-5833. Judgment reversed.

O'Connor, C.J., and O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

Pfeifer, J. concurs in judgment only.

MOTION AND PROCEDURAL RULINGS

2014-0874. Metamore Elevator Co. v. Fulton Cty. Bd. of Revision.

Board of Tax Appeals, No. 2011-1854. This cause is pending before the court as an appeal from the Board of Tax Appeals.

Upon consideration of appellants' motion to extend the page limit for appellants' reply brief, it is ordered by the court that the motion is granted. Appellants' reply brief shall not exceed 30 pages in length.

2014-1633. In re Comm. Rev. of Ohio Adm.Code Chapter 4901:1-10 regarding Elec. Cos.

Public Utilities Commission, No. 12-2050-EL-ORD. This cause is pending before the court as an appeal from the Public Utilities Commission of Ohio.

Upon consideration of the joint motion to stay the briefing schedule, it is ordered by the court that the motion is granted. It is further ordered that the parties shall notify the court within 60 days from the date of this entry of the status and whether the stay may be lifted.

2014-1847. Am. Mun. Power, Inc. v. Bechtel Power Corp.

Certified Question of State Law, United States District Court, Southern District of Ohio, Eastern Division, No. 11-CV-131. This cause is pending before the court on the certification of a state law question from the United States District Court for the Southern District of Ohio, Eastern Division.

Upon consideration of the motions for admission pro hac vice of Judah Lifschitz, Michael P. Subak, and Richard W. Foltz Jr., it is ordered by the court that the motions are granted. Pursuant to Gov.Bar R. XII(4), counsel shall file notices of permission to appear pro hac vice with the Supreme Court's Office of Attorney Services within 30 days of the date of this entry.

2014-1989. State v. Cook.

Franklin App. Nos. 14AP-777 and 14AP-780. This cause is pending before the court as a jurisdictional appeal.

Review of appellant's memorandum in support of jurisdiction reveals that it fails to comply with S.Ct.Prac.R. 7.02(B), which requires that a memorandum "shall not exceed fifteen numbered pages, exclusive of the table of contents and the certificate of service." Therefore, it is ordered by the court, sua sponte, that pages 16 through 28 of the memorandum in support of jurisdiction are stricken.

DISCIPLINARY CASES

2013-1252. Disciplinary Counsel v. Turner.

On order to show cause. Talbert Randall Turner, Attorney Registration No. 0016670, is found in contempt for failure to comply with the court's October 29, 2014 order. The previously imposed stay of his two-year suspension is revoked, and he is suspended from the practice of law in Ohio.

2013-1624. Dayton Bar Assn. v. Hooks.

On order to show cause. Shawn Patrick Hooks, Attorney Registration No. 0079100, is found in contempt for failure to comply with the court's October 16, 2014 order. The previously imposed stay of his six-month suspension is revoked, and he is suspended from the practice of law in Ohio.

2014-0258. Disciplinary Counsel v. Bruder.

On certification of default. Susan Marie Bruder, Attorney Registration No. 0008014, is indefinitely suspended from the practice of law.

2014-1516. Lorain Cty. Bar Assn. v. Awadallah.

The Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio filed a certification of default in the office of the clerk of this court. On October 9, 2014, this court imposed an interim default judgment suspension upon respondent, Rami Majed Awadallah, pursuant to Gov.Bar R. V(6a)(B)(1). On October 20, 2014, respondent filed a motion for leave to answer relator's certified complaint and a request to terminate interim default suspension. On October 21, 2014, relator, Lorain County Bar Association, filed a motion to remand to the board for default proceedings. On October 24, 2014, the parties filed a stipulated consent for respondent to file an answer. On October 24, 2014, relator filed a brief in opposition to respondent's request to terminate the interim default suspension and a motion to convert the interim default suspension to an interim remedial suspension.

On consideration thereof, it is ordered that respondent's motion for leave to answer relator's certified complaint is granted. This matter is remanded to the board for further proceedings under Gov.Bar R. V(6). It is further ordered that respondent's request to terminate the interim default suspension is denied. It is further ordered that relator's motion to remand to the board for default proceedings is denied. It is further ordered that relator's motion to convert the interim default suspension to an interim remedial suspension is denied.

The court further orders that the interim default judgment suspension imposed against respondent on October 9, 2014, shall remain in place while this matter is pending before the board. Proceedings before this court in this case are stayed until further order of this court.

2014-1745. Cleveland Metro. Bar Assn. v. Axner.

On certification of default. Gary Ray Axner, Attorney Registration No. 0018278, is suspended from the practice of law for an interim period.

2014-1755. Disciplinary Counsel v. Freeman.

On certification of default. Henry Roosevelt Freeman, Attorney Registration No. 0022713, is suspended from the practice of law for an interim period.

MEDIATION MATTERS

The following cases have been referred to mediation pursuant to S.Ct.Prac.R. 19.01(A):

2014-1781. Emerson Network Power, Energy Sys., N. Am., Inc. v. Lorain Cty. Bd. of Revision.

Board of Tax Appeals, No. 2013-5354.

2014-1893. Renacci v. Testa.

Board of Tax Appeals, No. 2012-1850.

2014-1913. Taylor v. Cuyahoga Cty. Bd. of Revision.

Board of Tax Appeals, No. 2014-658.

2014-1916. Roe v. Cuyahoga Cty. Bd. of Revision.

Board of Tax Appeals, No. 2013-6418.

2014-1918. RGA Constr. Co., L.L.C. v. Cuyahoga Cty. Bd. of Revision.

Board of Tax Appeals, No. 2014-828.

2014-1923. State ex rel. Conley v. Park.

Stark App. No. 2014CA00169.

2014-1977. Megaland GP, L.L.C. v. Franklin Cty. Bd. of Revision.

Board of Tax Appeals, No. 2014-3677.

2014-2008. Dauch v. Erie Cty. Bd. of Revision.

Board of Tax Appeals, No. 2014-1410.

2014-2009. Dauch v. Erie Cty. Bd. of Revision.

Board of Tax Appeals, No. 2014-1412.

2014-2010. Dauch v. Erie Cty. Bd. of Revision.

Board of Tax Appeals, No. 2014-1413.

2014-2012. Giddens v. Testa.

Board of Tax Appeals, No. 2012-359.

The following cases have been returned to the regular docket pursuant to S.Ct.Prac.R. 19.01(E). The appellants in each case shall file a brief within 40 days of the date of these entries, and the parties shall otherwise proceed in accordance with S.Ct.Prac.R. 16.02 through 16.07. As provided in S.Ct.Prac.R. 16.07, the court may dismiss these cases or take other action if the parties fail to timely file merit briefs.

2013-0802. First Place Bank v. Cuyahoga Cty. Bd. of Revision.

Board of Tax Appeals, No. 2013-Y-252.

2014-1582. Olentangy Local Schools Bd. of Edn. v. Delaware Cty. Bd. of Revision.

Board of Tax Appeals, No. 2012-694.

2014-1594. Jefferson Industries Corp. v. Madison Cty. Bd. of Revision.

Board of Tax Appeals, No. 2012-3624.

2014-1626. Christian Voice of Cent. Ohio v. Testa.

Board of Tax Appeals, No. 2011-1446.

2014-1669. Lunn v. Lorain Cty. Bd. of Revision.

Board of Tax Appeals, No. 2013-2661.

2014-1768. Heritage Club v. Warren Cty. Bd. of Revision.

Board of Tax Appeals, No. 2013-5703.

2014-1342. State ex rel. Baker v. Buehrer.

In Mandamus. The court hereby returns this case to the regular docket under S.Ct.Prac.R. 19.01. Respondent shall file a response to the complaint within 21 days of the date of this entry.

2014-1792. State ex rel. Stewart v. Ohio Local Govt. Innovation Council.

In Mandamus. The court hereby returns this case to the regular docket under S.Ct.Prac.R. 19.01. Respondents shall file a response to the complaint within 21 days of the date of this entry.