

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

September 27, 2018

[Cite as *09/27/2018 Case Announcements*, 2018-Ohio-3910.]

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## MERIT DECISIONS WITH OPINIONS

**2017-0004. *Turner v. CertainTeed Corp.*, Slip Opinion No. 2018-Ohio-3869.**

Cuyahoga App No. 103475, 2016-Ohio-7776. Judgment reversed and cause remanded.

French, Fischer, and DeGenaro, JJ., concur.

O'Connor, C.J., concurs in judgment only.

Kennedy, J., concurs in judgment only, with an opinion joined by O'Donnell, J.

DeWine, J., concurs in judgment only, with an opinion.

**2017-0279. *Wells Fargo Bank, N.A. v. Burd*, Slip Opinion No. 2018-Ohio-3891.**

Franklin App. No. 15AP-1044, 2016-Ohio-7706. Cause dismissed.

O'Connor, C.J., and French, Fischer, DeWine, and Miller, JJ., concur.

Kennedy, J., dissents, with an opinion joined by Piper, J.

Robin N. Piper, J., of the Twelfth District Court of Appeals, sitting for O'Donnell, J.

Charles M. Miller, J., of the First District Court of Appeals, sitting for DeGenaro, J.

**2017-0589. *State ex rel. Klein v. Precision Excavating & Grading Co.*, Slip Opinion No. 2018-Ohio-3890.**

Franklin App. No. 15AP-908, 2017-Ohio-1020. Judgment reversed and writ denied.

O'Connor, C.J., and French, Fischer, and DeGenaro, JJ., concur.

Kennedy, J., concurs in judgment only, with an opinion joined by O'Donnell and DeWine, JJ.

**2017-0790. State ex rel. Jackson Tube Serv., Inc. v. Indus. Comm., Slip Opinion No. 2018-Ohio-3892.**

Franklin App. No. 16AP-351, 2017-Ohio-1573. Judgment reversed and writ granted.

O'Donnell, Kennedy, French, and Fischer, JJ., concur.

O'Connor, C.J., dissents, with an opinion joined by DeWine and DeGenaro, JJ.

**2018-0249. Disciplinary Counsel v. Harter, Slip Opinion No. 2018-Ohio-3899.**

On Certified Report by the Board of Professional Conduct, No. 2017-021. Brian Wade Harter, Attorney Registration No. 0055500, last known address in Delaware, Ohio, permanently disbarred.

O'Connor, C.J., and O'Donnell, Kennedy, French, Fischer, DeWine, and DeGenaro, JJ., concur.

**2018-0256. Warren Cty. Bar Assn. v. Ernst, Slip Opinion No. 2018-Ohio-3900.**

On Certified Report by the Board of Professional Conduct, No. 2017-043. David Edward Ernst, Attorney Registration No. 0029675, last known address in Lebanon, Ohio, publicly reprimanded.

O'Connor, C.J., and O'Donnell, Kennedy, French, Fischer, and DeGenaro, JJ., concur.

DeWine, J., not participating.

**2018-0494. In re Application of Wammes, Slip Opinion No. 2018-Ohio-3906.**

On Report by the Board of Commissioners on Character and Fitness, No. 697. Brison Deverick Wammes's pending application to take bar examination approved.

O'Connor, C.J., and O'Donnell, Kennedy, French, Fischer, DeWine, and DeGenaro, JJ., concur.

**2018-0539. Toledo Bar Assn. v. Rehkopf, Slip Opinion No. 2018-Ohio-3907.**

On Certified Report by the Board of Professional Conduct, No. 2017-053. Brandon Rehkopf, Attorney Registration No. 0089374, last known address in Toledo, Ohio, publicly reprimanded.

O'Connor, C.J., and O'Donnell, Kennedy, French, Fischer, DeWine, and DeGenaro, JJ., concur.

**2018-0541. Columbus Bar Assn. v. Midian, Slip Opinion No. 2018-Ohio-3908.**

On Certified Report by the Board of Professional Conduct, No. 2017-044. William Martin Midian, Attorney Registration No. 0080941, last known address in Columbus, Ohio, publicly reprimanded.

O'Connor, C.J., and O'Donnell, Kennedy, French, Fischer, and DeGenaro, JJ., concur.  
DeWine, J., not participating.

## **MOTION AND PROCEDURAL RULINGS**

### **2018-0997. State ex rel. Bates v. Franklin Cty. Court of Common Pleas.**

Franklin App. No. 17AP-752. On appellant's motion to supplement the record and request for extension of time to file merit brief. Motion and request denied as moot.

### **2018-1167. State ex rel. Armatas v. Disciplinary Counsel.**

In Mandamus. On respondents' motion for leave to file substitute motion to dismiss. Motion granted. Respondents' original motion to dismiss shall remain under seal.

## **RECONSIDERATION OF PRIOR DECISIONS**

### **2018-0770. State v. Rieves.**

Cuyahoga App. No. 105386, 2018-Ohio-955. On appellant's motion for reconsideration. Motion denied as moot.

## **DISCIPLINARY CASES**

### **2018-1227. Disciplinary Counsel v. Clutts.**

On certified order of the Supreme Court of Illinois, No. 2017PR00048. Raymond Edward Clutts, Attorney Registration No. 0058842, last known address in Schaumburg, Illinois, suspended from the practice of law in Ohio for three years.

## **MISCELLANEOUS DISMISSALS**

### **2018-1197. Penland v. Dinkelacker.**

In Mandamus. On relator's application for dismissal. Application granted. Cause dismissed.

## **MEDIATION MATTERS**

The following case has been referred to mediation under S.Ct.Prac.R. 19.01.

**2018-1113. McAdams v. Goldberg.**

In Prohibition.