

**SUPREME COURT OF OHIO**

**COLUMBUS**

**ANNOUNCEMENT**

1:00 P.M.

WEDNESDAY  
August 15, 2001

**MERIT DOCKET**

**98-726. State v. Jackson.**

Franklin C.P. No. 97CR041902. Judgment affirmed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg  
Stratton, JJ., concur.

**99-2022. State ex rel. Clark v. Indus. Comm.**

Franklin App. No. 98AP-1178. Judgment affirmed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer and Lundberg  
Stratton, JJ., concur.

Cook, J., dissents.

**99-2122. State ex rel. Johnston v. Ohio Bur. of Workers' Comp.**

Franklin App. No. 98AP-1236. Judgment reversed and writ granted.

Douglas, Resnick, F.E. Sweeney, Pfeifer and Lundberg Stratton, JJ., concur.

Moyer, C.J., and Cook, J., dissent.

**00-118. State ex rel. Middleburg Hts. v. Indus. Comm.**

Franklin App. No. 98AP-1629. Judgment affirmed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg  
Stratton, JJ., concur.

**00-290. State ex rel. Crim v. Ohio Bur. of Workers' Comp.**

Franklin App. No. 98AP-1412. Judgment affirmed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer and Lundberg  
Stratton, JJ., concur.

Cook, J., dissents.

**00-841. Strongsville Bd. of Edn. v. Zaino.**

Board of Tax Appeals, No. 99-A-351. Decision affirmed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg  
Stratton, JJ., concur.

**00-842. Ehrnfelt v. Zaino.**

Board of Tax Appeals, No. 99-A-350. Decision affirmed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg  
Stratton, JJ., concur.

**00-914. Q3 Stamped Metal, Inc. v. Zaino.**

Board of Tax Appeals, No. 98-A-506. Decision affirmed in part and reversed in  
part.

Moyer, C.J., Douglas, Resnick and F.E. Sweeney, JJ., concur.

Pfeifer and Lundberg Stratton, JJ., concur in part and dissent in part.

Cook, J., concurs in part and dissents in part.

**00-1205. State ex rel. David's Cemetery v. Indus. Comm.**

Franklin App. No. 99AP-800. Judgment affirmed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg  
Stratton, JJ., concur.

**00-1456 and 00-1553. Smith v. Friendship Village of Dublin, Ohio, Inc.**

Franklin App. No. 99AP-1332. Judgment affirmed and cause remanded.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg  
Stratton, JJ., concur.

**00-1472. State ex rel. Ellis v. Indus. Comm.**

Franklin App. No. 99AP-211. Judgment affirmed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg  
Stratton, JJ., concur.

**00-1478. Saturn of Kings Automall, Inc. v. Mike Albert Leasing, Inc.**

Hamilton App. No. C-990703. Judgment reversed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney and Lundberg Stratton, JJ., concur.

Pfeifer, J., dissents.

Cook, J., dissents.

**00-1786. State ex rel. Highfill v. Indus. Comm.**

Franklin App. No. 99AP-709. Judgment affirmed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg Stratton, JJ., concur.

**00-2051. State ex rel. Elsass v. Shelby Cty. Bd. of Commrs.**

Shelby App. No. 17-99-17. Judgment reversed and cause remanded.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney and Cook, JJ., concur.

Pfeifer and Lundberg Stratton, JJ., dissent.

**00-2113. State ex rel. Eagle-Picher Industries, Inc. v. Indus. Comm.**

Franklin App. No. 99AP-1069. Judgment affirmed consistent with the opinion of the court of appeals.

Moyer, C.J., Pfeifer, Cook and Lundberg Stratton, JJ., concur.

Douglas, Resnick and F.E. Sweeney, JJ., dissent.

**00-2200. State v. Brooks.**

Cuyahoga App. No. 48914. Judgment affirmed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer and Lundberg Stratton, JJ., concur.

Cook, J., dissents.

**00-2211. Agee v. Russell.**

Warren App. No. CA2000-07-062. Judgment affirmed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg Stratton, JJ., concur.

**00-2230. Cincinnati Bar Assn. v. Keplar.**

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 99-51.

J. Andrew Keplar is permanently disbarred.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg Stratton, JJ., concur.

**00-2279. State ex rel. Stewart v. Indus. Comm.**

Franklin App. No. 99AP-1096. Judgment affirmed consistent with the opinion of the court of appeals.

Moyer, C.J., Pfeifer, Cook and Lundberg Stratton, JJ., concur.

Douglas, Resnick and F.E. Sweeney, JJ., dissent.

**01-182. Davis v. Wolfe.**

Noble App. No. 279. Judgment affirmed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg Stratton, JJ., concur.

**01-384. Disciplinary Counsel v. Carson.**

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 00-48.

Edward Luke Carson is suspended from the practice of law for two years with one year stayed and with credit since May 8, 2000.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney and Cook, JJ., concur.

Pfeifer and Lundberg Stratton, JJ., dissent.

**01-387. Toledo Bar Assn. v. Pommeranz.**

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 00-27.

Melvin R. Pommeranz is suspended from the practice of law for one year with six months stayed, plus monitoring.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg Stratton, JJ., concur.

Douglas, J., not participating.

**01-410. Cincinnati Bar Assn. v. Holcombe.**

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 99-74.

Marshall Maynard Holcombe, Jr. is indefinitely suspended from the practice of law with no credit for time served.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg Stratton, JJ., concur.

**01-411. Columbus Bar Assn. v. Rieser.**

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 00-38.

David P. Rieser is suspended from the practice of law for two years with the final eighteen months stayed, on conditions.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg Stratton, JJ., concur.

**01-420. Holloway v. Clermont Cty. Dept. of Human Serv.**

Clermont App. No. CA2000-11-085. Judgment affirmed.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg Stratton, JJ., concur.

Douglas, J., dissents.

**01-468. Duganitz v. Ohio Adult Parole Auth.**

Ashtabula App. No. 2000-A-0051. Judgment affirmed.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg Stratton, JJ., concur.

**01-691. Disciplinary Counsel v. Fucetola.**

On Final Report of the Board of Commissioners on the Unauthorized Practice of Law, No. UPL 99-4. The further unauthorized practice of law of Ralph Fucetola III is enjoined.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg Stratton, JJ., concur.

**01-744. Disciplinary Counsel v. Lutchin.**

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 00-63.

Howard L. Lutchin is permanently disbarred.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg Stratton, JJ., concur.

**01-745. Cleveland Bar Assn. v. Nusbaum.**

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 00-60.

Alan H. Nusbaum is publicly reprimanded.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer and Cook, JJ., concur.

Lundberg Stratton, J., concurs and concurs separately.