

# The Supreme Court of Ohio

---

## CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

August 19, 2004

---

### MOTION AND PROCEDURAL RULINGS

**2003-1913. Community First Bank & Trust v. Dafoe.**

Van Wert App. No. 15-03-04. On August 17, 2004, this cause was dismissed for want of prosecution for failure of appellant to file its merit brief. It appearing to the court that appellant's merit brief was filed on August 6, 2004, but was inadvertently not docketed,

IT IS ORDERED by the court, sua sponte, that this court's August 17, 2004, entry be, and hereby is, vacated, and this appeal is reinstated.

IT IS FURTHER ORDERED by the court that appellees' merit brief is due thirty days from the date of this entry and the parties shall otherwise proceed in accordance with S.Ct.Prac.R. VI.

**2004-0399. Zion Evangelical Lutheran Church v. Zaino.**

Board of Tax Appeals, No. 2003-A-876. This cause is pending before the court as an appeal from the Board of Tax Appeals. It appearing from the records of this case that appellant has not filed with this court proof of the filing of the notice of appeal with the Board of Tax Appeals as required by R.C. 5717.04,

IT IS ORDERED by the court, sua sponte, that appellant show cause within 14 days of the date of this entry why this case should not be dismissed.

### DISCIPLINARY CASES

**1996-1433. Cleveland Bar Assn. v. Rea.**

On March 26, 1997, this court indefinitely suspended respondent, Rebecca Rea. This cause came on for further consideration upon the filing of a petition for reinstatement by respondent on June 22, 2004. Accordingly,

IT IS ORDERED by the court, sua sponte, that respondent show cause on or before 20 days from the date of this order why her petition for reinstatement should not be denied for failure to comply with a prerequisite to reinstatement contained in the court's order of March 26, 1997, to wit, failure to reimburse the Clients' Security Fund for a June 20, 1997, award made against her in the amount of \$2,000.00.

**2002-0699. Dayton Bar Assn. v. Graham.**

IT IS ORDERED by this court, sua sponte, that V. Ellen Graham, Attorney Registration No. 0030454, last known business address in Dayton, Ohio, is found in contempt for failure to comply with this court's order of September 12, 2003, to wit: failure to file an affidavit of compliance on or before October 14, 2003.

**2002-0721. Dayton Bar Assn. v. Green.**

IT IS ORDERED by this court, sua sponte, that Lana F. Green, Attorney Registration No. 0051802, last known business address in Dayton, Ohio, is found in contempt for failure to comply with this court's order of October 16, 2002, to wit: failure to surrender her certificate of admission and failure to file an affidavit of compliance on or before November 15, 2002.

**2002-1135. Disciplinary Counsel v. Mbakpuo.**

IT IS ORDERED by this court, sua sponte, that Chukwujindu V. Mbakpuo, Attorney Registration No. 0052019, last known business address in Bowie, Maryland, is found in contempt for failure to comply with this court's order of December 26, 2002, to wit: failure to pay Board costs in the amount of \$1,758.08 on or before March 26, 2003.

**2002-1380. Disciplinary Counsel v. Brown.**

IT IS ORDERED by this court, sua sponte, that Bruce A. Brown, last known business address in Shaker Heights, Ohio, is found in contempt for failure to comply with this court's order of May 28, 2003, to wit: failure to pay Board costs in the amount of \$701.50 on or before August 26, 2003.

**2002-1474. Geauga Cty. Bar Assn. v. Bruner.**

IT IS ORDERED by this court, sua sponte, that Henry B. Bruner, Attorney Registration No. 0020420, last known business address in Chagrin Falls, Ohio, is found in contempt for failure to comply with this court's order of March 5, 2003, to wit: failure to surrender her certificate of admission and failure to file an affidavit of compliance on or before April 4, 2003.

**2002-1779. Disciplinary Counsel v. Allison.**

IT IS ORDERED by this court, sua sponte, that Paul Wesley Allison, Attorney Registration No. 0009604, last known business address in Fostoria, Ohio, is found in contempt for failure to comply with this court's order of March 5, 2003, to wit: failure to surrender his certificate of admission, failure to file an affidavit of compliance on or before April 4, 2003, and failure to pay Board costs in the amount of \$142.83 on or before June 3, 2003.

**2002-1996. Disciplinary Counsel v. Webster.**

IT IS ORDERED by this court, sua sponte, that John B. Webster, Attorney Registration No. 0033158, last known business address in Warwick, Rhode Island, is found in contempt for failure to comply with this court's order of May 16, 2003, to wit: failure to surrender his certificate of admission and failure to file an affidavit of compliance on or before June 16, 2003.

**2002-2237. Disciplinary Counsel v. Baumgartner.**

IT IS ORDERED by this court, sua sponte, that Elsebeth Baumgartner, Attorney Registration No. 0064583, last known business address in Oak Harbor, Ohio, is found in contempt for failure to comply with this court's order of September 24, 2003, to wit: failure to surrender her certificate of admission, failure to file an affidavit of compliance on or before October 24, 2003, and failure to pay Board costs in the amount of \$6,470.38 on or before December 23, 2003.

**2003-0380. Cleveland Bar Assn. v. Clavner.**

IT IS ORDERED by this court, sua sponte, that Eunice A. Clavner, Attorney Registration No. 0036747, last known business address in South Euclid, Ohio, is found in contempt for failure to comply with this court's order of May 16, 2003, to wit: failure to surrender her certificate of admission, failure to file an affidavit of compliance on or before June 16, 2003, and failure to pay Board costs in the amount of \$134.03 on or before August 14, 2003.

**2003-0385. Disciplinary Counsel v. Wilson.**

IT IS ORDERED by this court, sua sponte, that Harrison B. Wilson III, Attorney Registration No. 0015561, last known business address in Richmond, Virginia, is found in contempt for failure to comply with this court's order of June 26, 2003, to wit: failure to surrender his certificate of admission and failure to file an affidavit of compliance on or before July 28, 2003.

**2003-0395. Cleveland Bar Assn. v. Collins.**

IT IS ORDERED by this court, sua sponte, that Larry D. Collins, Attorney Registration No. 0038052, last known business address in Cleveland, Ohio, is found in contempt for failure to comply with this court's order of May 16, 2003, to wit: failure to surrender his certificate of admission, failure to file an affidavit of compliance on or before June 16, 2003, and failure to pay Board costs in the amount of \$12.74 on or before August 14, 2003.

**2003-0409. In re Resignation of Mirando.**

IT IS ORDERED by this court, sua sponte, that Michael Angelo Mirando, Attorney Registration No. 0032587, last known business address in Jefferson, Ohio, is found in contempt for failure to comply with this court's order of May 7, 2003; to wit: failure to surrender his certificate of admission and failure to file an affidavit of compliance on or before June 6, 2003.

**2003-0466. Disciplinary Counsel v. Paine.**

IT IS ORDERED by this court, sua sponte, that Jeffrey Allen Paine, Attorney Registration No. 0015348, last known business address in West Palm Beach, Florida, is found in contempt for failure to comply with this court's order of July 31, 2003, to wit: failure to file an affidavit of compliance on or before September 2, 2003.

**2003-0623. In re Resignation of Conese.**

IT IS ORDERED by this court, sua sponte, that Michael S. Conese, Attorney Registration No. 0032804, last known business address in Hamilton, Ohio, is found in contempt for failure to comply with this court's order of May 7, 2003, to wit: failure to surrender his attorney registration card and failure to file an affidavit of compliance on or before June 6, 2003.

**2003-0631. In re Resignation of Rock.**

IT IS ORDERED by this court, sua sponte, that Mark Anthony Rock, Attorney Registration No. 0010385, last known business address in Cleveland, Ohio, is found in contempt for failure to comply with this court's order of June 16, 2003, to wit: failure to surrender his attorney registration card, surrender his certificate of admission, and failure to file an affidavit of compliance on or before July 16, 2003.

**2003-0663. In re Resignation of Corbett.**

IT IS ORDERED by this court, sua sponte, that James John Corbett, Attorney Registration No. 0040929, last known business address in Youngstown, Ohio, is found in contempt for failure to comply with this court's order of May 16, 2003, to

wit: failure to surrender his certificate of admission and failure to file an affidavit of compliance on or before June 16, 2003.

**2003-0700. Cincinnati Bar Assn. v. Al'Uqdah.**

IT IS ORDERED by this court, sua sponte, that William M. Al'Uqdah, Attorney Registration No. 0039809, last known business address in Cincinnati, Ohio, is found in contempt for failure to comply with this court's order of August 6, 2003, to wit: failure to surrender his certificate of admission and failure to file an affidavit of compliance on or before September 5, 2003.

**2003-0703. Lorain Cty. Bar Assn. v. Fernandez.**

IT IS ORDERED by this court, sua sponte, that Yolanda B. Fernandez, Attorney Registration No. 0062647, last known business address in Lorain, Ohio, is found in contempt for failure to comply with this court's order of August 13, 2003, to wit: failure to file an affidavit of compliance on or before September 12, 2003.

**2003-0704. Cincinnati Bar Assn. v. Forg.**

IT IS ORDERED by this court, sua sponte, that E. Farran Forg, Attorney Registration No 0061123, last known business address in Cincinnati, Ohio, is found in contempt for failure to comply with this court's order of August 13, 2003, to wit: failure to file an affidavit of compliance on or before September 12, 2003.

**2003-0725. Disciplinary Counsel v. Herman.**

IT IS ORDERED by this court, sua sponte, that John Herman, Attorney Registration No. 0003056, last known business address in Wapakoneta, Ohio, is found in contempt for failure to comply with this court's order of August 6, 2003, to wit: failure to surrender his attorney registration card and failure to file an affidavit of compliance on or before September 5, 2003.

**2003-0817. Disciplinary Counsel v. Johnson.**

IT IS ORDERED by this court, sua sponte, that Jacqueline Tullos Johnson, Attorney Registration No. 0029249, last known business address in New Albany, Ohio, is found in contempt for failure to comply with this court's order of November 12, 2003, to wit: failure to file an affidavit of compliance on or before December 12, 2003.

**2003-1073. Lorain Cty. Bar Assn. v. Kaderbek.**

IT IS ORDERED by this court, sua sponte, that Mary Lou Kaderbek, Attorney Registration No. 0065833, last known business address in Amherst, Ohio, is found

in contempt for failure to comply with this court's order of November 12, 2003, to wit: failure to file an affidavit of compliance on or before December 12, 2003.

**2003-1515. In re Dodge.**

IT IS ORDERED by this court, sua sponte, that James C. Dodge, Attorney Registration Number 0000649, last known business address in West Chester, Ohio, is found in contempt for failure to comply with this court's order of September 29, 2003, to wit: failure to file an affidavit of compliance on or before October 29, 2003.

**MISCELLANEOUS DISMISSALS**

**2004-0413. State ex rel. Rowe v. Indus. Comm.**

Franklin App. No. 03AP-181, 2004-Ohio-587. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. Upon consideration of appellant's application for dismissal,

IT IS ORDERED by the court that the application for dismissal be, and hereby is, granted.

ACCORDINGLY, IT IS FURTHER ORDERED by the court that this cause be, and hereby is, dismissed.

**2004-1304. State ex rel. Gonzalez v. McCall.**

This cause originated in this court on the filing of a complaint for a writ of mandamus involving an expedited election matter. It appears from the records of this court that appellant has not filed a merit brief, due August 16, 2004, in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that this cause be, and hereby is, dismissed sua sponte.

**MEDIATION REFERRALS**

**2004-1153. State ex rel. Rabin v. Davis.**

Montgomery App. No. 20472. The court refers this case to mediation under S.Ct.Prac.R. XIV(6), and stays the briefing schedule for this case until further notice. The court will not issue any decision on the merits of this case until mediation has concluded. The lifting of this stay of briefing or the return of this case to the court's regular docket will begin de novo the time for briefing prescribed in S.Ct.Prac.R. VI.

