

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

December 22, 2004

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### MERIT DECISIONS WITH OPINIONS

**2003-0001. Arth Brass & Aluminum Castings, Inc. v. Conrad, 2004-Ohio-6888.**

Franklin App. No. 02APE01-0066, 2002-Ohio-6282. Judgment reversed and cause remanded.

Moyer, C.J., Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

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

**2003-0622. Funtime, Inc. v. Wilkins, 2004-Ohio-6890.**

Board of Tax Appeals, No. 2001-A-342. Decision affirmed.

Moyer, C.J., Resnick, F.E. Sweeney and O'Connor, JJ., concur.

Pfeifer, J., dissents.

Lundberg Stratton and O'Donnell, JJ., dissent.

**2003-1648. State ex rel. Adams v. Aluchem, Inc., 2004-Ohio-6891.**

Franklin App. No. 02AP-1210, 2003-Ohio-4510. Judgment reversed.

Moyer, C.J., Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

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

**2003-1682. State ex rel. Middlesworth v. Regal Ware, Inc., 2004-Ohio-6893.**

Franklin App. No. 02AP-1264. Judgment reversed.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

**2003-1767. State v. Francis, 2004-Ohio-6894.**

Cuyahoga App. No. 82324, 2003-Ohio-4406. Judgment reversed and cause remanded.

Resnick, F.E. Sweeney and O'Connor, JJ., concur.  
Moyer, C.J., and Pfeifer, J., concur in judgment only.  
Lundberg Stratton and O'Donnell, JJ., concur in part and dissent in part.

**2003-2017. In re Gill, 2004-Ohio-6895.**

On Order from the Bankruptcy Appellate Panel of the United States Sixth Circuit Court of Appeals Certifying a Question of State Law, No. 03-8020. Certified question answered in the affirmative.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer and O'Connor, JJ., concur.  
Lundberg Stratton and O'Donnell, JJ., dissent.

**2004-0180. State ex rel. Wootton v. Indus. Comm., 2004-Ohio-6505.**

Franklin App. No. 03AP-5, 2003-Ohio-7155. Judgment affirmed.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

**2004-0272. In re Nowak, 2004-Ohio-6777.**

On Order from the Bankruptcy Appellate Panel of the United States Sixth Circuit Court of Appeals Certifying a Question of State Law, No. 03-8051. Certified question answered in the affirmative.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer and O'Connor, JJ., concur.  
Lundberg Stratton and O'Donnell, JJ., dissent.

**2004-1373. Columbus Bar Assn. v. Moushey, 2004-Ohio-6897.**

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 03-022. Michael Lee Moushey, Attorney Registration No. 0033805, is permanently disbarred from the practice of law in Ohio.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

**2004-1407. Disciplinary Counsel v. Nagorny, 2004-Ohio-6899.**

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 03-108. Edward Jerry Nagorny, Attorney Registration No. 0043882, is indefinitely suspended from the practice of law in Ohio.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton and O'Donnell, JJ., concur.

O'Connor, J., dissents and would permanently disbar respondent.

**2004-1410. Disciplinary Counsel v. Engel, 2004-Ohio-6900.**

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 03-103. Andrew M. Engel, Attorney Registration No. 0047371, is suspended from the practice of law in Ohio for two years, with six months stayed on conditions.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

**2004-1585. Disciplinary Counsel v. Alexicole, Inc., 2004-Ohio-6901.**

On Certified Report by the Board of Commissioners on the Unauthorized Practice of Law, No. 02-06. Bandali Dahdah and Alexicole, Inc. are enjoined from conduct that constitutes the unauthorized practice of law.

Moyer, C.J., Resnick, F.E. Sweeney, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

Pfeifer, J., concurs but would also impose a \$500 fine.

**2004-1761. Disciplinary Counsel v. Connor, 2004-Ohio-6902.**

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 04-027. John Aloysius Connor, Attorney Registration No. 0013324, is suspended from the practice of law in Ohio for six months, stayed on condition.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.

## **DISCIPLINARY CASES**

**2004-1681. In re Resignation of Moushey.**

On affidavit of resignation from the practice of law of Michael Lee Moushey, Attorney Registration No. 0033805, and report filed upon seal by Disciplinary Counsel.

Resignation not accepted.