

# The Supreme Court of Ohio

---

## CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

May 15, 2006

[Cite as *05/15/2006 Case Announcements*, 2006-Ohio-2345.]

---

## MOTION AND PROCEDURAL RULINGS

### **2005-0266. State v. Moore.**

Cuyahoga App. No. 83703, 2004-Ohio-6303. This cause is pending before the court as an appeal from the Court of Appeals for Cuyahoga County.

IT IS ORDERED by the court, sua sponte, that this case is no longer held for the decisions in 2004-1171, *State v. Mathis*, Cuyahoga App. No. 83311, 2004-Ohio-2982, and 2004-1267, *State v. Fair*, Cuyahoga App. No. 82278, 2004-Ohio-2971.

IT IS FURTHER ORDERED that this case now be held for the decision in 2005-1692, *State v. Evans*, 2005-Ohio-3847. The briefing schedule remains stayed.

### **2005-0338. State v. Bezak.**

Cuyahoga App. No. 84008, 2004-Ohio-6623. This cause is pending before the court as an appeal from the Court of Appeals for Cuyahoga County.

IT IS ORDERED by the court, sua sponte, that this case is no longer held for the decisions in 2004-1171, *State v. Mathis*, Cuyahoga App. No. 83311, 2004-Ohio-2982, and 2004-1267, *State v. Fair*, Cuyahoga App. No. 82278, 2004-Ohio-2971. The Clerk shall issue an order for the transmittal of the record from the Court of Appeals for Cuyahoga County, and the parties shall brief this case on Proposition of Law No. I in accordance with the Rules of Practice of the Supreme Court of Ohio.

### **2005-0785. State v. Cloud.**

Columbiana App. No. 01 CO 64, 2005-Ohio-1331. This cause is pending before the court as an appeal from the Court of Appeals for Columbiana County.

IT IS ORDERED by the court, sua sponte, that this case is no longer held for the decisions in 2004-1171, *State v. Mathis*, Cuyahoga App. No. 83311, 2004-Ohio-2982, and 2004-1267, *State v. Fair*, Cuyahoga App. No. 82278, 2004-Ohio-2971.

IT IS FURTHER ORDERED that this case now be held for the decision in 2005-0338, *State v. Bezak*, Cuyahoga App. No. 84008, 2004-Ohio-6623. The briefing schedule remains stayed.

**2005-2364. State v. Perez.**

Clark C.P. No. 03CR1010. This cause is pending before the court as a death penalty appeal from the Clark County Court of Common Pleas. Upon consideration of appellant's motion for an extension of time to transmit the record,

IT IS ORDERED that the motion is granted, in part, and the time for transmitting the record is hereby extended to June 19, 2006.

**DISCIPLINARY CASES**

**2005-2341. Disciplinary Counsel v. Mogul.**

On December 14, 2005, relator, Disciplinary Counsel, filed a motion for an order to show cause why respondent, Michael Lott Mogul, should not be held in contempt. On January 30, 2006, this court granted the motion to the extent that respondent was ordered to show cause by filing a written response why he should not be found in contempt. Respondent filed a written response to the show cause order. On March 27, 2006, this court ordered respondent to appear before the court on May 9, 2006. Respondent did not appear. Upon consideration thereof,

IT IS ORDERED AND ADJUDGED by this court that respondent, Michael Lott Mogul, Attorney Registration No. 0003688, last known business address in Youngstown, Ohio, be suspended from the practice of law unless and until he purges himself of contempt by complying with the order of the Board of Commissioners on Grievances and Discipline to submit to a mental health examination.

IT IS FURTHER ORDERED that the respondent immediately cease and desist from the practice of law in any form and is hereby forbidden to appear on behalf of another before any court, judge, commission, board, administrative agency or other public authority.

IT IS FURTHER ORDERED that respondent is hereby forbidden to counsel or advise or prepare legal instruments for others or in any manner perform such services.

IT IS FURTHER ORDERED that respondent is hereby divested of each, any and all of the rights privileges and prerogatives customarily accorded to a member in good standing of the legal profession of Ohio.

IT IS FURTHER ORDERED that, pursuant to Gov.Bar R. X(3)(G), respondent shall complete one credit hour of continuing legal education for each month, or portion of a month, of the suspension. As part of the total credit hours of continuing legal education required by Gov.Bar R. X(3)(G), respondent shall complete one credit hour of instruction related to professional conduct required by Gov.Bar R. X(3)(A)(1) for each six months, or portion of six months, of the suspension.

IT IS FURTHER ORDERED, sua sponte, by the court that, within 90 days of the date of this order, respondent shall reimburse any amounts that have been awarded against the respondent by the Clients' Security Fund pursuant to Gov.Bar R. VIII(7)(F). It is further ordered, sua sponte, by the court that if, after the date of this order, the Clients' Security Fund awards any amount against the respondent pursuant to Gov.Bar R. VIII(7)(F), the respondent shall reimburse that amount to the Clients' Security Fund within 90 days of the notice of such award.

IT IS FURTHER ORDERED that respondent shall not be reinstated to the practice of law in Ohio until (1) respondent files a written application with the Clerk of this court requesting that he be purged of contempt and reinstated to the practice of law and respondent complies with the requirements for reinstatement set forth in the Supreme Court Rules for the Government of the Bar; (2) respondent complies with the Supreme Court Rules for the Government of the Bar of Ohio; (3) respondent complies with this and all other orders of the court; (4) relator files evidence with the Clerk of this court demonstrating that respondent has complied with the orders of the Board of Commissioners on Grievances and Discipline; and (5) this court orders respondent be purged of contempt and reinstated to the practice of law.

IT IS FURTHER ORDERED that on or before 30 days from the date of this order, respondent shall:

1. Notify all clients being represented in pending matters and any co-counsel of respondent's suspension and consequent disqualification to act as an attorney after the effective date of this order and, in the absence of co-counsel, also notify the clients to seek legal service elsewhere, calling attention to any urgency in seeking the substitution of another attorney in respondent's place;
2. Regardless of any fees or expenses due respondent, deliver to all clients being represented in pending matters any papers or other property pertaining to the client, or notify the clients or co-counsel, if any, of a suitable time and

place where the papers or other property may be obtained, calling attention to any urgency for obtaining such papers or other property;

3. Refund any part of any fees or expenses paid in advance that are unearned or not paid, and account for any trust money or property in the possession or control of respondent;

4. Notify opposing counsel in pending litigation or, in the absence of counsel, the adverse parties, of respondent's disqualification to act as an attorney after the effective date of this order, and file a notice of disqualification of respondent with the court or agency before which the litigation is pending for inclusion in the respective file or files;

5. Send all notices required by this order by certified mail with a return address where communications may thereafter be directed to respondent;

6. File with the Clerk of this court and the Disciplinary Counsel of the Supreme Court an affidavit showing compliance with this order, showing proof of service of notices required herein, and setting forth the address where the respondent may receive communications; and

7. Retain and maintain a record of the various steps taken by respondent pursuant to this order.

IT IS FURTHER ORDERED that respondent shall keep the Clerk and the Disciplinary Counsel advised of any change of address where respondent may receive communications.

IT IS FURTHER ORDERED, sua sponte, that all documents filed with this court in this case shall meet the filing requirements set forth in the Rules of Practice of the Supreme Court of Ohio, including requirements as to form, number, and timeliness of filings.

IT IS FURTHER ORDERED, sua sponte, that service shall be deemed made on respondent by sending this order, and all other orders in this case, by certified mail to the most recent address respondent has given to the Attorney Registration Section.

IT IS FURTHER ORDERED that the Clerk of this court issue certified copies of this order as provided for in Gov.Bar R. V(8)(D)(1), that publication be made as provided for in Gov.Bar R. V(8)(D)(2), and that respondent bear the costs of publication.

## **MISCELLANEOUS DISMISSALS**

### **2005-2131. State ex rel. Holland v. Gen. Motors Corp.**

Franklin App. No. 05AP-49, 2005-Ohio-5649. 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 is granted. Accordingly, this cause is dismissed.

**2005-2437. Charles v. Mabe.**

Franklin App. No. 05AP-410, 2005-Ohio-6106. 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 is granted. Accordingly, this cause is dismissed.

**2006-0701. Ohio Consumers' Counsel v. Pub. Util. Comm.**

Public Utilities Commission, No. 05-732-EL-MER. This cause is pending before the court as an appeal from the Public Utilities Commission of Ohio. Upon consideration of appellant's application for dismissal,

IT IS ORDERED by the court that the application for dismissal is granted. Accordingly, this cause is dismissed.