

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

October 12, 2006

[Cite as *10/12/2006 Case Announcements*, 2006-Ohio-5314.]

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## MOTION AND PROCEDURAL RULINGS

### **2004-1554. State v. Craig.**

Summit C.P. No. CR2003-06-1638. This cause came on for further consideration of appellant's motion for stay of execution scheduled for January 9, 2007. Upon consideration thereof,

It is ordered by the court that the motion for stay of execution is granted.

It is further ordered that this stay shall remain in effect until exhaustion of all state post-conviction proceedings, including any appeals.

It is further ordered that counsel for the appellant and for the appellee shall notify this court when all proceedings for post-conviction relief before courts of this state have been exhausted.

### **2005-1698. Dugan & Meyers Constr. Co., Inc. v. Ohio Dept. of Adm. Servs.**

Franklin App. No. 03AP-1194, 162 Ohio App.3d 491, 2005-Ohio-3810. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. Upon consideration of the motion of amici curiae Ohio Municipal League, Ohio School Boards Association, Buckeye Association of School Administrators, and Ohio Association of School Business Officials to participate in oral argument,

It is ordered by the court that the motion is granted, and the amici curiae shall share the time allotted to the appellees.

### **2005-2264. State v. Diar.**

Lorain C.P. No. 04CR065248. This cause is pending before the court as a death penalty appeal from the Court of Common Pleas of Lorain County. Upon consideration of appellant's motion to unseal record,

It is ordered by the court that the motion is granted.

**2006-1502. State v. Fry.**

Summit C.P. No. CR2005083007. This cause is pending as a death penalty appeal from the Court of Common Pleas for Summit County. Upon consideration of appellant's motion for an extension of time to transmit the record,

It is ordered by the court that the motion is granted, and the time for transmitting the record is extended to November 20, 2006.

**2006-1522. Mesek v. Roberts Communications, Inc.**

Summit App. No. 22968, 2006-Ohio-3339. This cause is pending before the court as a discretionary appeal and claimed appeal of right. Upon consideration of appellee's motion to strike the notice of appeal and memorandum in support of jurisdiction for lack of service,

It is ordered by the court that the motion is denied.

It is further ordered, sua sponte, that appellee may file a memorandum in response to appellant's memorandum in support of jurisdiction within thirty days of the date of this entry.

**2006-1588. State ex rel. Gordon v. Murphy.**

Summit App. No. 23295. This cause is pending before the court as an appeal from the Court of Appeals for Summit County. Upon consideration of appellant's motion to supplement the record,

It is ordered by the court that the motion is denied.

**2006-1695. In re Adams.**

Cuyahoga App. No. 87881. This cause is pending before the court as an appeal involving termination of parental rights/adoption. Upon consideration of appellant's motion for stay of the court of appeals' judgment,

It is ordered by the court that the motion is granted.

Pfeifer, J., dissents.

**APPEALS NOT ACCEPTED FOR REVIEW**

**2006-1735. In Re Protest of Evans Against Initiative Petition Proposing Smoke Free Workplace Act.**

Franklin App. No. 06AP-539, 06AP-540, 06AP-541, 06AP-542, 06AP-543, 06AP-544, 06AP-545, 06AP-546, 06AP-547, and 06AP-548, 2006-Ohio-3453 and 2006-Ohio-4690. Discretionary appeal not accepted. Motion for stay of court of appeals' judgment denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

Resnick, J., not participating.

## **DISCIPLINARY CASES**

### **2003-2171. Northwestern Ohio Bar Assn. v. Lauber.**

It is ordered by this court, sua sponte, that Robert Charles Lauber, Attorney Registration No. 0025035, last known business address in Wauseon, Ohio, is found in contempt for failure to comply with this court's order of February 15, 2006, to wit: failure to file an affidavit of compliance on or before March 17, 2006.

### **2004-2172. Disciplinary Counsel v. LoDico.**

It is ordered by this court, sua sponte, that Steven L. LoDico, Attorney Registration No. 0041715, last known business address in Canton, Ohio, is found in contempt for failure to comply with this court's order of September 21, 2005, to wit: failure to file an affidavit of compliance on or before October 21, 2005.

### **2005-1156. Disciplinary Counsel v. Hughes.**

It is ordered by this court, sua sponte, that Jennifer Krieger Hughes, Attorney Registration No. 0063961, last known business address in Miamisburg, Ohio, is found in contempt for failure to comply with this court's order of March 22, 2006, to wit: failure to surrender her attorney registration card and file an affidavit of compliance on or before April 21, 2006.

### **2005-1524. Dayton Bar Assn. v. Fox.**

It is ordered by this court, sua sponte, that James E. Fox, Attorney Registration No. 0034331, last known business address in Huber Heights, Ohio, is found in contempt for failure to comply with this court's order of April 5, 2006, to wit: failure to file an affidavit of compliance and failure to file proof of restitution on or before May 5, 2006.

### **2005-1542. Erie-Huron Counties Joint Grievance Commt. v. Huber.**

It is ordered by this court, sua sponte, that Richard R. Huber, Attorney Registration No. 0000087, last known business address in Milan, Ohio, is found in contempt for failure to comply with this court's order of March 22, 2006, to wit: failure to file an affidavit of compliance on or before April 21, 2006.

### **2005-1549. Akron Bar Assn. v. Dietz.**

It is ordered by this court, sua sponte, that D. Robert Dietz, Attorney Registration No. 0020558, last known business address in Cuyahoga Falls, Ohio, is found in

contempt for failure to comply with this court's order of March 22, 2006, to wit: failure to file an affidavit of compliance on or before April 21, 2006.

**2005-2033. Lorain Cty. Bar Assn. v. Lang.**

It is ordered by this court, sua sponte, that William P. Lang, Attorney Registration No. 0008774, last known business address in Avon Lake, Ohio, is found in contempt for failure to comply with this court's order of April 26, 2006, to wit: failure to surrender his attorney registration card and file an affidavit of compliance on or before May 26, 2006.

**2005-2250. Disciplinary Counsel v. Giba.**

It is ordered by this court, sua sponte, that Paul Robert Giba, Attorney Registration No. 0005732, last known business address in Pittsburgh, Pennsylvania, is found in contempt for failure to comply with this court's order of January 27, 2006, to wit: failure to file an affidavit of compliance on or before February 27, 2006.

**2006-0141. In re LoDico.**

It is ordered by this court, sua sponte, that Steven Lewis LoDico, Attorney Registration No. 0041715, last known business address in Canton, Ohio, is found in contempt for failure to comply with this court's order of February 23, 2006, to wit: failure to file an affidavit of compliance on or before March 27, 2006.

### **MISCELLANEOUS DISMISSALS**

**2006-1607. State ex rel. McMahon v. Cleveland Clinic Found. Police Dept.**

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus. Upon consideration of the joint application for dismissal,

It is ordered by the court that the application for dismissal is granted. Accordingly, this cause is dismissed.

### **MISCELLANEOUS ORDERS**

**2004-2108. Disciplinary Counsel v. Kafele.**

It is ordered by this court, sua sponte, that Ajamu M. Kafele is found in contempt for failure to comply with this court's order of March 15, 2006, to wit: failure to pay board costs in the amount of \$813.36 on or before June 13, 2006, and failure to pay a civil penalty in the amount of \$1,000.00 on or before April 14, 2006.

**2004-2114. Cleveland Bar Assn. v. Sharp Estate Servs., Inc.**

It is ordered by this court, sua sponte, that Sharp Estate Services, Inc., et al., are found in contempt for failure to comply with this court's order of December 14, 2005, to wit: failure to pay board costs in the amount of \$19,879.27, on or before March 14, 2006.

**2004-2176. Miami Cty. Bar Assn. v. Wyandt & Silvers.**

It is ordered by this court, sua sponte, that respondents are found in contempt for failure to comply with this court's order of December 21, 2005, to wit: failure to pay board costs in the amount of \$2,243.34, on or before March 21, 2006.

**2005-1938. Columbus Bar Assn. v. Thomas.**

It is ordered by this court, sua sponte, that William Thomas is found in contempt for failure to comply with this court's order of May 3, 2006, to wit: failure to pay a civil penalty in the amount of \$5,000 on or before June 2, 2006.

### **MEDIATION REFERRALS**

The following case has been returned to the regular docket pursuant to S.Ct.Prac.R. XIV(6)(E):

**2006-1403. State ex rel. Ebersole v. Indus. Comm.**

Franklin App. No. 05AP-302, 2006-Ohio-3441.