

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

May 22, 2007

[Cite as *05/22/2007 Case Announcements*, 2007-Ohio-2459.]

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## MOTION AND PROCEDURAL RULINGS

### **2003-1572. State ex rel. Howard v. Indus. Comm.**

Franklin App. No. 97AP-860. On September 24, 2004, this court found appellant Gregory T. Howard to be a vexatious litigator under S.Ct.Prac.R. XIV(5)(B). This court further ordered that appellant was prohibited from continuing or instituting legal proceedings in this court without first obtaining leave. On May 17, 2007, appellant filed a motion for leave to file a valid action against Judge John F. Bender in this court, *instante*,

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

### **2003-1572. State ex rel. Howard v. Indus. Comm.**

Franklin App. No. 97AP-860. On September 24, 2004, this court found appellant Gregory T. Howard to be a vexatious litigator under S.Ct.Prac.R. XIV(5)(B). This court further ordered that appellant was prohibited from continuing or instituting legal proceedings in the court without obtaining leave. On May 17, 2007, appellant filed a motion for leave to file a motion to reconsider this court's denial of Howard's motion for leave to pursue an action against the Ohio Bureau of Workers' Compensation in this court, *instante*,

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

### **2006-1890. Taylor Bldg. Corp. of Am. v. Benfield.**

Clermont App. No. CA2005-09-083, 168 Ohio App.3d 517, 2006-Ohio-4428. This cause is pending before the court as an appeal from the Court of Appeals for Clermont County. Upon consideration of appellant's motion to strike the brief of amicus curiae Ohio Attorney General Marc Dann,

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

**2006-2043. Taylor Bldg. Corp. of Am. v. Benfield.**

Clermont App. No. CA2005-09-083, 168 Ohio App.3d 517, 2006-Ohio-4428. This cause is pending before the court on the certification of a conflict by the Court of Appeals for Clermont County. Upon consideration of appellant's motion to strike the brief of amicus curiae Ohio Attorney General Marc Dann,

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

**2007-0817. Burdge v. Supervalu Holdings, Inc.**

Hamilton App. No. C-060194, 2007-Ohio-1318. This cause is pending before the court as a discretionary appeal and a claimed appeal of right.

It is ordered by the court, sua sponte, that this cause is consolidated with 2007-0840, *Burdge v. Supervalu Holdings, Inc.*, Hamilton App. No. C-060194, 2007-Ohio-1318.

**2007-0840. Burdge v. Supervalu Holdings, Inc.**

Hamilton App. No. C-060194, 2007-Ohio-1318. This cause is pending before the court as a discretionary appeal and a claimed appeal of right.

It is ordered by the court, sua sponte, that this cause is consolidated with 2007-0817, *Burdge v. Supervalu Holdings, Inc.*, Hamilton App. No. C-060194, 2007-Ohio-1318.

**MISCELLANEOUS DISMISSALS**

**2007-0099. State ex rel. Pappas v. Burnside.**

Cuyahoga App. No. 88824, 2006-Ohio-6775. This cause is pending before the court as an appeal from the Court of Appeals for Cuyahoga 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.

**2007-0136. State ex rel. JKKDR Ltd. v. Smith.**

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.

**2007-0654. State v. Riley.**

Wood App. No. WD-03-076, 2006-Ohio-116, and 2007-Ohio-879. This cause is pending before the court as a discretionary appeal and cross-appeal. It appears from the records of the court that appellee/cross-appellant has not filed a

memorandum in response and in support of the cross-appeal, due May 14, 2007 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 the cross-appeal is dismissed sua sponte.

It is further ordered that the appeal of the State of Ohio remains pending.

### **MISCELLANEOUS ORDERS**

In re Report of the Commission  
On Continuing Legal Education.

Case No.: CLE-2006-68036

Sherry Darlene Davis (#0068036),  
Respondent.

E N T R Y

This matter originated in this court on the filing of a report by the Commission on Continuing Legal Education (“commission”) pursuant to Gov.Bar R. X(6)(A)(1)(b) and (A)(2)(d). The commission recommended the imposition of sanctions against certain attorneys, including the above-named respondent, for failure to comply with the provisions of Gov.Bar R. X, Attorney Continuing Legal Education, for the 2004-2005 reporting period.

On April 27, 2007, this court adopted the recommendation of the commission, imposed a sanction fee upon the respondent, and suspended the respondent from the practice of law pursuant to Gov.Bar R. X(6)(B)(3) and (5)(A)(4). The court further ordered that respondent shall not be reinstated to the practice of law in Ohio until respondent complies with the requirements for reinstatement set forth in Gov.Bar R. X(7), respondent complies with the Supreme Court Rules for the Government of the Bar of Ohio, respondent complies with this and all other orders of the court, and this court orders respondent reinstated.

On May 14, 2007, the commission filed a recommendation pursuant to Gov.Bar R. X(7)(B)(2), finding that the respondent has paid all fees assessed for noncompliance, has made up all deficiencies and is now in full compliance with all requirements of Gov.Bar R. X, and recommending that the respondent be reinstated to the practice of law in Ohio. The commission certified that respondent had completed the credit hours of continuing legal education required during the suspension by this court’s order of suspension. Respondent has satisfied all the requirements of this court’s order of suspension. Upon consideration thereof,

IT IS ORDERED by the court that the recommendation of the commission is adopted and respondent, Sherry Darlene Davis, is hereby reinstated to the practice of law.

### **MEDIATION REFERRALS**

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

**2007-0111. State ex rel. DaimlerChrysler Corp. v. Majerowski.**  
Franklin App. No. 05AP-1103, 2006-Ohio-6428.

**2007-0550. Bd. of Edn. of Dublin City Schools v. Franklin Cty. Bd. of Revision.**  
Board of Tax Appeals, No. 2005-B-638.