

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

July 2, 2008

[Cite as *07/02/2008 Case Announcements*, 2008-Ohio-3305.]

MERIT DECISIONS WITH OPINIONS

2007-0442. Swaisgood v. Puder, Slip Opinion No. 2008-Ohio-3177.

Erie App. No. E-06-033, 2007-Ohio-307. Judgment affirmed.

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

O'Donnell, J., dissents for the reasons stated in his dissenting opinion in *Turner v. Ohio Bell. Tel. Co.*, 118 Ohio St.3d 215, 2008-Ohio-2010, 887 N.E.2d 1158.

2007-2030 and 2007-2426. State v. Sessler, Slip Opinion No. 2008-Ohio-3180.

Crawford App. No. 3-06-23, 2007-Ohio-4931. Certified question answered in the affirmative and judgment affirmed.

Moyer, C.J., and Pfeifer, O'Connor, Lanzinger, and Cupp, JJ., concur.

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

2007-2325. State ex rel. Gilmour Realty, Inc. v. Mayfield Hts., Slip Opinion No. 2008-Ohio-3181.

Cuyahoga App. No. 90575, 174 Ohio App.3d. 113, 2007-Ohio-6480. Judgment reversed and cause remanded.

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

2008-0168. State ex rel. Jackim v. Ambrose, Slip Opinion No. 2008-Ohio-3182.

Cuyahoga App. No. 90785, 2008-Ohio-45. Judgment affirmed.

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

2008-0182. Peleg v. Spitz, Slip Opinion No. 2008-Ohio-0182.

Cuyahoga App. No. 89048, 2007-Ohio-6304. Discretionary appeal accepted and judgment affirmed.

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

2008-0532. State v. Lucky, Slip Opinion No. 2008-Ohio-3178.

Delaware App. No. 07CAA040018, 2008-Ohio-331. Discretionary appeal accepted and cause remanded.

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

Cupp, J., dissents and would not accept the appeal.

2008-0618. State v. Bell, Slip Opinion No. 2008-Ohio-3179.

Scioto App. No. 07CA3131, 2008-Ohio-823. Discretionary appeal accepted, judgment of the court of appeals reversed in part, and cause remanded.

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

MOTION AND PROCEDURAL RULINGS

2007-1832. Roe v. Planned Parenthood Southwest Ohio Region.

Hamilton App. No. C-060557, 173 Ohio App.3d 414, 2007-Ohio-4318. This cause is pending before the court as an appeal from the Court of Appeals for Hamilton County. Upon consideration of appellees' motion to supplement the record,

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

2008-0045. State v. Hatfield.

Ashtabula App. No. 2006-A-0033, 2007-Ohio-7130. This cause is pending before the court as an appeal from the Court of Appeals for Ashtabula County. Upon consideration of appellee/cross-appellant's motions for stay of execution of sentence and for appeal bond,

It is ordered by the court that the motions are denied.

Moyer, C.J., and Pfeifer, J., dissent.

DISCIPLINARY CASES

2008-0390. Toledo Bar Assn. v. Weisberg.

On February 20, 2008, the Board of Commissioners on Grievances and Discipline filed a final report in the office of the Clerk of this court pursuant to BCGD Proc. Reg. 11(D), in which the board accepted the agreement entered into by the relator, Toledo Bar Association, and the respondent, Joseph D. Weisberg. The agreement set forth the misconduct and the agreed, recommended sanction of a one-year suspension with credit for time served. The board recommended that the agreement be accepted. The court, sua sponte, issued an order waiving the issuance of a show cause order, and this matter was submitted to the court on the report and record filed by the board. On consideration thereof,

It is hereby ordered by the court, sua sponte, that the recommended sanction is rejected. It is further ordered that, pursuant to Gov. Bar R. V(8)(D), this cause is remanded to the Board of Commissioners on Grievances and Discipline for further proceedings. Proceedings before this court in this case are stayed until further order of this court. Costs to abide final determination of the case.

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.

MISCELLANEOUS ORDERS

In re Report of the Commission
On Continuing Legal Education.

Case No. CLE-2007-586

William George Simon Jr.
(#0000586),
Respondent.

ORDER

On June 16, 2008, the court suspended respondent and ordered him, inter alia, to file an affidavit of compliance and to surrender his attorney registration card within 30 days of the date of the order. On June 20, 2008, respondent filed an affidavit of compliance. Upon consideration thereof,

It is ordered that respondent file within 20 days of the date of this order an affidavit that meets the requirements of the court's suspension order. The affidavit shall include details of how respondent has complied with the notification requirements of the order and proof that such notices have been sent by certified mail.

It is further ordered that the court will not consider respondent's petition for reinstatement until he fully complies with the court's orders.

In re Report of the Commission
On Continuing Legal Education.

Case No. CLE-2007-58362

Douglas Stephen Tripp
(#0058362),
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 2005-2006 reporting period.

On June 16, 2008, 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 June 26, 2008, 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, Douglas Stephen Tripp, is hereby reinstated to the practice of law.

MEDIATION REFERRALS

The following case has been referred to mediation pursuant to S.Ct.Prac.R. XIV(6):

2008-1209. State ex rel. Badgett v. Mullens.
Washington App. No. 06CA61, 2008-Ohio-2373.