

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

April 27, 2009

[Cite as *04/27/2009 Case Announcements*, 2009-Ohio-1907.]

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### **SLIP OPINIONS REPLACED BY OHIO OFFICIAL REPORTS VERSIONS AS OF APRIL 27, 2009**

The official versions of the opinions listed below, which were previously released as slip opinions, have been published in the April 27, 2009 Ohio Official Reports advance sheet. These opinions should now be cited using the Ohio Official Reports citation format.

**2007-0640. Dohme v. Eurand Am., Inc., 121 Ohio St.3d 277, 2009-Ohio-506.**

**2007-1751. In re S.B., 121 Ohio St.3d 279, 2009-Ohio-507.**

**2007-2217 and 2007-2220. State ex rel. Blank v. Beasley, 121 Ohio St.3d 301, 2009-Ohio-835.**

**2007-2281. HealthSouth Corp. v. Levin, 121 Ohio St.3d 282, 2009-Ohio-584.**

**2008-0033. Northeast Ohio Psych. Inst. v. Levin, 121 Ohio St.3d 292, 2009-Ohio-583.**

**2008-0536. State v. Coburn, 121 Ohio St.3d 310, 2009-Ohio-834.**

**2008-1200. Disciplinary Counsel v. McAuliffe, 121 Ohio St.3d 315, 2009-Ohio-1151.**

**2008-2431. Lake Cty. Bar Assn. v. Kubyn, 121 Ohio St.3d 321, 2009-Ohio-1154.**

## **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 appellants' motion for permission to file affidavit of Hon. Robert P. Mecklenborg in support of post argument brief of appellants,

It is ordered by the court that the motion is granted, and the affidavit attached to the motion is deemed filed.

### **2009-0026. State ex rel. Nickoli v. Erie Metroparks.**

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus. Upon consideration of respondent's motion for leave to file an amended answer,

It is ordered by the court that the motion for leave is granted and the amended answer shall be filed within seven days from the date of this entry.

### **2009-0152. Hickory Grove Investors, Ltd. v. Jackson.**

Franklin App. No. 08AP-514, 2008-Ohio-6428. This cause is pending before the court as a discretionary appeal. On January 22, 2009, appellant filed a notice that a motion to certify a conflict was pending in the court of appeals and, pursuant to S.Ct.Prac.R. IV(4)(A), this court stayed consideration of the jurisdictional memoranda filed in this appeal. Whereas appellant has neither notified this court that the court of appeals determined that a conflict does not exist as provided by S.Ct.Prac.R. IV(4)(B) nor filed a copy of the court of appeals' order certifying the existence of a conflict as provided by S.Ct.Prac.R. IV(4)(C),

IT IS ORDERED by the court, sua sponte, that appellant show cause within 14 days of the date of this entry why this court should not proceed to consider the jurisdictional memoranda in this appeal pursuant to S.Ct.Prac.R. III(6).

### **2009-0710. State ex rel. Ohio Consumers' Counsel v. Schriber.**

In Prohibition. This cause originated in this court on the filing of a complaint for a writ of prohibition. Upon consideration of the motion of Columbus Southern Power Company and Ohio Power Company for leave to intervene as respondents,

It is ordered by the court that the motion is denied for failure to attach a responsive pleading pursuant to Civ.R. 24(C).

It is further ordered by the court, sua sponte, that Columbus Southern Power Company and Ohio Power Company are joined as respondents in this action and shall file a response to relators' complaint within ten days of the date of this entry.

## **DISCIPLINARY CASES**

### **2009-0504. In re Resignation of Vettel.**

On affidavit of resignation from the practice of law of Louis Martin Vettel, Attorney Registration No. 0034486, and on report filed under seal by Disciplinary Counsel. Resignation accepted with disciplinary action pending.

## **MISCELLANEOUS DISMISSALS**

### **2009-0404. Jackson v. Phillips.**

Cuyahoga App. No. 91963 2009-Ohio-125. This cause is pending before the court as an appeal from the Court of Appeals for Cuyahoga County. It appears from the records of this court that appellant has not filed a merit brief, due April 20, 2009, 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 this cause is dismissed sua sponte.

## **MISCELLANEOUS ORDERS**

### **2008-2329. Lorain Cty. Bar Assn. v. Kocak.**

This cause came on for further consideration upon the filing by respondent, Anthony Kocak, of a motion for clarification filed on April 10, 2009, regarding the fine imposed by the court in its April 2, 2009, order.

It is ordered by this court that respondent's motion is hereby denied.

### **2008-2329. Lorain Cty. Bar Assn. v. Kocak.**

This cause came on for further consideration upon the filing by respondent, Anthony C. Kocak, of a motion for clarification on April 17, 2008. Upon consideration thereof,

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

## **MEDIATION REFERRALS**

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

### **2009-0437. Rich's Dept. Stores, Inc. v. Levin.**

Board of Tax Appeals, No. 2005-T-1609.