

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

March 4, 2010

[Cite as *03/04/2010 Case Announcements*, 2010-Ohio-765.]

MERIT DECISIONS WITH OPINIONS

2007-0866. State v. Leonard, Slip Opinion No. 2010-Ohio-717.

Ashtabula App. No. 2006-A-0064, 2007-Ohio-1545. Judgment of the court of appeals reversed in part.

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

Lundberg Stratton and Lanzinger, JJ., dissent for the reasons stated in the dissenting opinion of Lanzinger, J., in *State v. Singleton*, 124 Ohio St.3d 173, 2009-Ohio-6434.

2007-1023. State v. McKay, Slip Opinion No. 2010-Ohio-718.

Ashtabula App. No. 2006-A-0066, 2007-Ohio-1923. Judgment of the court of appeals reversed in part.

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

Lundberg Stratton and Lanzinger, JJ., dissent for the reasons stated in the dissenting opinion of Lanzinger, J., in *State v. Singleton*, 124 Ohio St.3d 173, 2009-Ohio-6434.

2007-1407. State v. Ross, Slip Opinion No. 2010-Ohio-719.

Ashtabula App. No. 2006-A-0088, 2007-Ohio-3388. Judgment of the court of appeals reversed in part.

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

Lundberg Stratton and Lanzinger, JJ., dissent for the reasons stated in the dissenting opinion of Lanzinger, J., in *State v. Singleton*, 124 Ohio St.3d 173, 2009-Ohio-6434.

2007-1787. State v. Bailey, Slip Opinion No. 2010-Ohio-720.

Hamilton App. No. C-060918. Judgment of the court of appeals reversed in part.

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

Lundberg Stratton and Lanzinger, JJ., dissent for the reasons stated in the dissenting opinion of Lanzinger, J., in *State v. Singleton*, 124 Ohio St.3d 173, 2009-Ohio-6434.

2007-2303. State v. Taylor, Slip Opinion No. 2010-Ohio-721.

Ashtabula App. No. 2007-A-0018, 2007-Ohio-5912. Judgment of the court of appeals reversed in part.

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

Lundberg Stratton and Lanzinger, JJ., dissent for the reasons stated in the dissenting opinion of Lanzinger, J., in *State v. Singleton*, 124 Ohio St.3d 173, 2009-Ohio-6434.

2008-0057. State v. Harris, Slip Opinion No. 2010-Ohio-722.

Cuyahoga App. No. 89128, 2007-Ohio-6850. Judgment of the court of appeals affirmed.

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

Lundberg Stratton and Lanzinger, JJ., dissent for the reasons stated in the dissenting opinion of Lanzinger, J., in *State v. Singleton*, 124 Ohio St.3d 173, 2009-Ohio-6434.

2008-1241. State v. Armstrong, Slip Opinion No. 2010-Ohio-724.

Cuyahoga App. No. 89995, 2008-Ohio-2184. Certified question answered, and judgment of the court of appeals affirmed.

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

Lundberg Stratton and Lanzinger, JJ., dissent for the reasons stated in the dissenting opinion of Lanzinger, J., in *State v. Singleton*, 124 Ohio St.3d 173, 2009-Ohio-6434.

2008-1246. State v. Harris, Slip Opinion No. 2010-Ohio-723.

Hamilton App. No. C-070506. Judgment of the court of appeals reversed in part.

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

Lundberg Stratton and Lanzinger, JJ., dissent for the reasons stated in the dissenting opinion of Lanzinger, J., in *State v. Singleton*, 124 Ohio St.3d 173, 2009-Ohio-6434.

2008-1424. State v. Satterfield, Slip Opinion No. 2010-Ohio-725.

Hamilton App. Nos. C-070414 and C-070415. Judgment of the court of appeals reversed in part.

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

Lundberg Stratton and Lanzinger, JJ., dissent for the reasons stated in the dissenting opinion of Lanzinger, J., in *State v. Singleton*, 124 Ohio St.3d 173, 2009-Ohio-6434.

2008-2009. State v. Downing, Slip Opinion No. 2010-Ohio-716.

Franklin App. No. 08AP-48, 2008-Ohio-4463. Judgment of the court of appeals affirmed.

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

Lundberg Stratton and Lanzinger, JJ., dissent for the reasons stated in the dissenting opinion of Lanzinger, J., in *State v. Singleton*, 124 Ohio St.3d 173, 2009-Ohio-6434.

2008-2326. State ex rel. Lear Operations Corp. v. Crispen, Slip Opinion No. 2010-Ohio-686.

Franklin App. No. 07AP-428, 2008-Ohio-5256. Judgment of the court of appeals affirmed.

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

Pfeifer, J., dissents and would reverse the judgment of the court of appeals.

2008-2343. State v. Fuller, Slip Opinion No. 2010-Ohio-726.

Madison App. No. CA2008-04-008. Judgment of the court of appeals reversed in part.

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

Lanzinger, J., concurs separately.

Pfeifer, J., dissents.

2008-2408. HIN, L.L.C. v. Cuyahoga Cty. Bd. of Revision, Slip Opinion No. 2010-Ohio-687.

Board of Tax Appeals, No. 2006-A-712. Decision affirmed.

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

Lundberg Stratton, J., concurs separately.

2009-1252. State v. Porter, Slip Opinion No. 2010-Ohio-727.

Pickaway App. No. 08CA26, 2009-Ohio-3112. Motion for reconsideration granted and discretionary appeal accepted on Proposition of Law No. II. Judgment of the court of appeals affirmed.

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

Lanzinger, J., concurs for the reasons stated in her concurring opinion in *State v. Fuller*, ___ Ohio St.3d ___, 2010-Ohio-726.

Pfeifer, J., dissents for the reasons stated in his dissenting opinion in *State v. Fuller*, ___ Ohio St.3d ___, 2010-Ohio-726.

MOTION AND PROCEDURAL RULINGS

2009-1543. Global Knowledge Training, L.L.C. v. Levin.

Board of Tax Appeals, No. 2006-V-471. This cause is pending before the court as an appeal from the Board of Tax Appeals. Upon consideration of appellant's motion for continuance of oral argument scheduled for March 30, 2010,

It is ordered by the court that the motion is granted, and oral argument will be rescheduled at a later date.

2009-1543. Global Knowledge Training, L.L.C. v. Levin.

Board of Tax Appeals, No. 2006-V-471. This cause is pending before the court as an appeal from the Board of Tax Appeals. Upon consideration of the motion of J. Kieran Jennings to withdraw as counsel,

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

2009-2060. In re Application of Ormet Primary Aluminum Corp.

Public Utilities Commission, No. 09-119-EL-AEC. This cause is pending before the court as an appeal from the Public Utilities Commission of Ohio. Upon consideration of the joint motion of the Office of the Ohio Consumer's Counsel and The Ohio Energy Group to strike portions of appellant's merit brief,

It is ordered by the court that the motion is denied, without prejudice to the issues being raised again in the Ohio Consumer Counsel's and The Ohio Energy Group's merit briefs.

2010-0127. In re Petition of CSX Transp., Inc.

Public Utilities Commission, No. 09-125-RR-UNC. This cause is pending before the court as an appeal from the Public Utilities Commission of Ohio. Upon consideration of the motion for leave to intervene as appellee of CSX Transportation, Inc.,

It is ordered by the court that the motion for leave to intervene is granted.

DISCIPLINARY CASES

2006-2331. Disciplinary Counsel v. Margolis.

On application for reinstatement of Loren Jonathan Margolis, Attorney Registration No. 0007957. Application granted and respondent is reinstated to the practice of law in Ohio.

2009-0465. Disciplinary Counsel v. Willard.

On application for reinstatement of John Thaddeus Willard, Attorney Registration No. 0002125. Application granted and respondent is reinstated to the practice of law in Ohio.

2010-0149. In re Resignation of Van Horn.

On affidavit of resignation from the practice of law of Darrell Vernon Van Horn, Attorney Registration No. 0018511, and on report filed under seal by Disciplinary Counsel. Resignation accepted with disciplinary action pending.

2010-0171. In re Asante.

On January 28, 2010, and pursuant to Gov.Bar R. V(5)(A)(3), the secretary of the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio certified to the Supreme Court a certified copy of a judgment entry of a felony conviction against Lilian Antwiwaa Asante, an attorney licensed to practice law in the state of Ohio.

Upon consideration thereof and pursuant to Gov.Bar R.V(5)(A)(4), it is ordered and decreed that Lilian Antwiwaa Asante, Attorney Registration No. 0079520, last known business address in Columbus, Ohio, is suspended from the practice of law for an interim period, effective as of the date of this entry.

It is further ordered that this matter is referred to the Disciplinary Counsel for investigation and commencement of disciplinary proceedings.

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

It is further ordered that effective immediately, respondent is forbidden to counsel or advise or prepare legal instruments for others or in any manner perform legal services for others.

It is further ordered that respondent is 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 before entering into an employment, contractual, or consulting relationship with any attorney or law firm, respondent shall verify that the attorney or law firm has complied with the registration requirements of

Gov.Bar R. V(8)(G)(3). If employed pursuant to Gov.Bar R. V(8)(G), respondent shall refrain from direct client contact except as provided in Gov.Bar R. V(8)(G)(1) and from receiving, disbursing, or otherwise handling any client trust funds or property.

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 that respondent shall not be reinstated to the practice of law in Ohio until (1) respondent complies with the requirements for reinstatement set forth in the Supreme Court Rules for the Government of the Bar of Ohio, (2) respondent complies with this and all other orders issued by this court, (3) respondent complies with the Supreme Court Rules for the Government of the Bar of Ohio, and (4) this court orders respondent reinstated.

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 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 respondent pursuant to Gov.Bar R. VIII(7)(F), respondent shall reimburse that amount to the Clients' Security Fund within 90 days of the notice of such award.

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 respondent's possession or control;

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 such 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 affiant 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. All case documents are subject to Rules 44 through 47 of the Rules of Superintendence for the Courts of Ohio, which govern access to court records.

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 to respondent's last known address.

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.

2010-0172. In re Pignatelli.

On January 28, 2010, and pursuant to Gov.Bar R. V(5)(A)(3), the secretary of the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio certified to the Supreme Court a certified copy of a judgment entry of a felony conviction against Francis Michael Pignatelli, an attorney licensed to practice law in the state of Ohio.

Upon consideration thereof and pursuant to Gov.Bar R. V(5)(A)(4), it is ordered and decreed that Francis Michael Pignatelli, Attorney Registration No. 0040933, last known business address in Akron, Ohio, is suspended from the practice of law for an interim period, effective as of the date of this entry.

It is further ordered that this matter is referred to the Disciplinary Counsel for investigation and commencement of disciplinary proceedings.

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

It is further ordered that effective immediately, respondent is forbidden to counsel or advise or prepare legal instruments for others or in any manner perform legal services for others.

It is further ordered that respondent is 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 before entering into an employment, contractual, or consulting relationship with any attorney or law firm, respondent shall verify that the attorney or law firm has complied with the registration requirements of Gov.Bar R. V(8)(G)(3). If employed pursuant to Gov.Bar R. V(8)(G), respondent shall refrain from direct client contact except as provided in Gov.Bar R. V(8)(G)(1) and from receiving, disbursing, or otherwise handling any client trust funds or property.

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 that respondent shall not be reinstated to the practice of law in Ohio until (1) respondent complies with the requirements for reinstatement set forth in the Supreme Court Rules for the Government of the Bar of Ohio, (2) respondent complies with this and all other orders issued by this court, (3) respondent complies with the Supreme Court Rules for the Government of the Bar of Ohio, and (4) this court orders respondent reinstated.

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 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 respondent pursuant to Gov.Bar R. VIII(7)(F), respondent shall reimburse that amount to the Clients' Security Fund within 90 days of the notice of such award.

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 respondent's possession or control;
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 such 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 affiant 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. All case documents are subject to Rules 44 through 47 of the Rules of Superintendence for the Courts of Ohio, which govern access to court records.

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 to respondent's last known address.

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.

2010-0177. In re Resignation of Allen.

On affidavit of resignation from the practice of law of Philip Lon Allen, Attorney Registration No. 0034620, and on report filed under seal by Disciplinary Counsel. Resignation accepted with disciplinary action pending.

2010-0186. In re Zapor.

On February 1, 2010, and pursuant to Gov.Bar R. V(5)(A)(3), the secretary of the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio certified to the Supreme Court a certified copy of a judgment entry of a felony conviction against Jeffery Alan Zapor, an attorney licensed to practice law in the state of Ohio.

Upon consideration thereof and pursuant to Gov.Bar R. V(5)(A)(4), it is ordered and decreed that Jeffery Alan Zapor, Attorney Registration No. 0079076, last known business address in Sylvania, Ohio, is suspended from the practice of law for an interim period, effective as of the date of this entry.

It is further ordered that this matter is referred to the Disciplinary Counsel for investigation and commencement of disciplinary proceedings.

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

It is further ordered that effective immediately, respondent is forbidden to counsel or advise or prepare legal instruments for others or in any manner perform legal services for others.

It is further ordered that respondent is 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 before entering into an employment, contractual, or consulting relationship with any attorney or law firm, respondent shall verify that the attorney or law firm has complied with the registration requirements of Gov.Bar R. V(8)(G)(3). If employed pursuant to Gov.Bar R. V(8)(G), respondent shall refrain from direct client contact except as provided in Gov.Bar R. V(8)(G)(1) and from receiving, disbursing, or otherwise handling any client trust funds or property.

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 that respondent shall not be reinstated to the practice of law in Ohio until (1) respondent complies with the requirements for reinstatement set forth in the Supreme Court Rules for the Government of the Bar of Ohio, (2) respondent complies with this and all other orders issued by this court, (3) respondent complies with the Supreme Court Rules for the Government of the Bar of Ohio, and (4) this court orders respondent reinstated.

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 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 respondent pursuant to Gov.Bar R. VIII(7)(F), respondent shall reimburse that amount to the Clients' Security Fund within 90 days of the notice of such award.

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 respondent's possession or control;
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 such 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 affiant 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. All case documents are subject to Rules 44 through 47 of the Rules of Superintendence for the Courts of Ohio, which govern access to court records.

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 to respondent's last known address.

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 ORDERS

In re Report of the Commission
on Continuing Legal Education.

Thomas Grist
(#0062185),
Respondent.

Case No. CLE-2002-62185
Case No. CLE-2004-62185

ORDER

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 2000-2001 and 2002-2003 reporting periods.

This court adopted the recommendations of the commission, imposed a sanction fee upon the respondent in case No. CLE-2002-62185, and imposed a sanction fee and suspended the respondent from the practice of law in case No.

CLE-2004-62185 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 January 12, 2010, the respondent filed a motion for reinstatement to the bar and request for relief. On January 22, 2010, the commission filed objections to the motion. Upon consideration thereof,

It is ordered by the court that respondent's motion for reinstatement and request for relief is denied.

2005-0422. Columbus Bar Assn. v. Am. Family Prepaid Legal Corp.

This cause came on for consideration upon the filing on February 22, 2010 by the Board on the Unauthorized Practice of Law of a motion to amend the statement of costs. Upon consideration thereof,

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

It is further ordered by the court that pursuant to the court's October 14, 2009 opinion and order in this matter, which stated that costs would be taxed to respondents American Family Prepaid Legal Corporation, Heritage Marketing and Insurance Services, Inc., Jeffrey Norman, and Stanley Norman, these respondents shall provide reimbursement of additional costs and expenses incurred by the board and relator in the amount of \$6,620.51, which costs shall be payable to this court by certified check or money order on or before 30 days from the date of this order. It is further ordered that if these costs are not paid in full on or before 30 days from the date of this order, interest at the rate of 10% per annum shall accrue on the balance of unpaid costs, effective 30 days from the date of this order. It is further ordered that if costs are not paid in full on or before 30 days from the date of this order, this matter will be referred to the Office of the Attorney General for collection.

2009-2118. In re Application of Brown.

This matter is pending before the court on the final report of the Board of Commissioners on Character and Fitness. Upon consideration of the applicant's motion to seal the record,

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

2010-0150. Cleveland Metro. Bar Assn. v. Hernick.

On January 25, 2010, movant, the Cleveland Metropolitan Bar Association, filed a motion for sanctions for failing to comply with the order to compel discovery and a

motion to compel attendance at deposition. On February 3, 2010, respondents filed a memo in opposition. On consideration thereof,

It is ordered by the court that movant's motions are granted. Respondents are ordered to fully comply with the request for production of documents as described by the order to compel discovery issued by the Board on the Unauthorized Practice of Law. It is further ordered that respondent Norman Hernick shall submit to an oral deposition. Respondents are further ordered to pay the reasonable expenses incurred in obtaining this order and reasonable attorneys' fees.

MEDIATION REFERRALS

The following case has been referred to mediation pursuant to S.Ct.Prac.R. 14.6:

2010-0304. Harp Midam Beachwood Hotel Investors, L.L.C. v. Cuyahoga Cty. Bd. of Revision.
Board of Tax Appeals, No. 2006-M-1629.

The following case has been returned to the regular docket pursuant to S.Ct.Prac.R. 14.6(E):

2009-2192. State ex rel. Bardwell v. Cleveland.
Cuyahoga App. No. 91831, 2009-Ohio-5688.