

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

July 8, 2010

[Cite as *07/08/2010 Case Announcements*, 2010-Ohio-3171.]

MERIT DECISIONS WITH OPINIONS

2008-1840. Barry v. A.E. Steel Erectors, Inc., Slip Opinion No. 2010-Ohio-3131.

Cuyahoga App. No. 90436, 2008-Ohio-3676. Judgment of the court of appeals is reversed, and judgment of the trial court is reinstated.

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

Pfeifer, J., dissents for the reasons stated in his dissenting opinions in *Kaminski v. Metal & Wire Prods. Co.*, 125 Ohio St.3d 250, 2010-Ohio-1027, and *Stetter v. R.J. Corman Derailment Servs., L.L.C.*, 125 Ohio St.3d 280, 2010-Ohio-1029.

Brown, C.J., not participating.

2008-1852. Fleming v. A.A.S. Serv., Inc., Slip Opinion No. 2010-Ohio-3132.

Portage App. No. 2007-P-0071, 177 Ohio App.3d 778, 2008-Ohio-3908. Judgment of the court of appeals is reversed, and judgment of the trial court is reinstated.

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

Pfeifer, J., dissents for the reasons stated in his dissenting opinions in *Kaminski v. Metal & Wire Prods. Co.*, 125 Ohio St.3d 250, 2010-Ohio-1027, and *Stetter v. R.J. Corman Derailment Servs., L.L.C.*, 125 Ohio St.3d 280, 2010-Ohio-1029.

Brown, C.J., not participating.

2009-1471 and 2009-1546. Smith v. Inland Paperboard & Packaging, Inc., Slip Opinion No. 2010-Ohio-3133.

Portage App. No. 2008-P-0072, 2009-Ohio-3148. Certified question answered in the affirmative, and judgment of the court of appeals affirmed.

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

Pfeifer, J., dissents for the reasons stated in his dissenting opinions in *Kaminski v. Metal & Wire Prods. Co.*, 125 Ohio St.3d 250, 2010-Ohio-1027, and *Stetter v. R.J. Corman Derailment Servs., L.L.C.*, 125 Ohio St.3d 280, 2010-Ohio-1029.

Brown, C.J., not participating.

MOTION AND PROCEDURAL RULINGS

2010-1157. State ex rel. Womack v. Marsh.

Hamilton App. No. C-100287. This cause was filed as a discretionary appeal and claimed appeal of right. Upon consideration of appellant's jurisdictional memorandum, it is determined by the court that this cause originated in the court of appeals and, therefore, should proceed as an appeal of right pursuant to S.Ct.Prac.R. 2.1(A)(1).

It is ordered by the court that the Clerk shall issue an order for the transmission of the record from the Court of Appeals for Hamilton County, and the parties shall otherwise proceed in accordance with S.Ct.Prac.R. 6.2 - 6.7.

2010-1173. State ex rel. Krihwan v. Falkowski.

Lake App. No. 2009-L-093, 2010-Ohio-2286. This cause was filed as a discretionary appeal and claimed appeal of right. Upon consideration of appellant's jurisdictional memorandum, it is determined by the court that this cause originated in the court of appeals and, therefore, should proceed as an appeal of right pursuant to S.Ct.Prac.R. 2.1(A)(1).

It is ordered by the court that the Clerk shall issue an order for the transmission of the record from the Court of Appeals for Lake County, and the parties shall otherwise proceed in accordance with S.Ct.Prac.R. 6.2 - 6.7.

DISCIPLINARY CASES

2009-1535. Cleveland Metro. Bar Assn. v. Kealy.

This cause came on for further consideration upon respondent's filing of a response to the show cause order issued by this court on June 3, 2010. Upon consideration thereof,

It is ordered that no action shall be taken at this time, provided respondent files his affidavit of compliance within ten days of the date of this order.

2010-0901. Disciplinary Counsel v. Wood.

On Certified Order of the State Bar of Texas, No. 45728. Elliott Lavoy Wood, Attorney Registration No. 0024660, is indefinitely suspended from the practice of law in the state of Ohio.