

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

November 22, 2011

[Cite as *11/22/2011 Case Announcements*, 2011-Ohio-6027.]

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## MERIT DECISIONS WITHOUT OPINIONS

### **2011-1570. State ex rel. Richard v. Brown.**

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 to dismiss, it is ordered by the court that the motion to dismiss is granted. Accordingly, this cause is dismissed.

It is further ordered that Donald L. Richard is found to be a vexatious litigator under S.Ct.Prac.R. 14.5(B). Accordingly, Donald L. Richard is prohibited from continuing or instituting legal proceedings in the Supreme Court without first obtaining leave and is further prohibited from filing actions in the Supreme Court without the filing fee and security for costs required by S.Ct.Prac.R. 15.1 and 15.2. Any request for leave shall be submitted to the clerk of this court for the court's review.

Yvette McGee Brown, Acting C.J.

Clair Dickinson, J., of the Ninth Appellate District, sitting for O'Connor, C.J.

Mary DeGenaro, J., of the Seventh Appellate District, sitting for Pfeifer, J.

William Klatt, J., of the Tenth Appellate District, sitting for Lundberg Stratton, J.

John Willamowski, J., of the Third Appellate District, sitting for O'Donnell, J.

Patricia Delaney, J., of the Fifth Appellate District, sitting for Lanzinger, J.

Stephen Yarbrough, J., of the Sixth Appellate District, sitting for Cupp, J.

## MOTION AND PROCEDURAL RULINGS

### **2011-0902. Bennett v. Goodremont's, Inc.**

Lucas App. No. L-10-1185, 2011-Ohio-1264. This cause is pending before the court as a discretionary appeal and claimed appeal of right.

Upon consideration of Matthew P. Hampton's motion for admission pro hac vice on behalf of appellee, Bureau of Workers' Compensation, it is ordered by the court that the motion is granted.

### **2011-1697. State v. Overton.**

Franklin App. No. 09AP-858, 2011-Ohio-4204. This cause is pending before the court as a discretionary appeal and claimed appeal of right.

Upon review of the amended memorandum in support of jurisdiction filed on October 7, 2011, it is evident that despite listing case No. 2011-1697 on the cover page, it was intended for filing in Supreme Court case No. 2011-1679, *State of Ohio v. Norman McCrary*. Therefore, it is ordered by the court, sua sponte, that the amended memorandum in support of jurisdiction is stricken from this case.

### **2011-1882. State v. Roberts.**

Guernsey App. No. 10CA000047, 2011-Ohio-4969. This cause is pending before the court as a discretionary appeal and claimed appeal of right.

Upon review of the motion for admission pro hac vice of Sharon Katz as counsel for amicus curiae, The Innocence Network, it appears that Sharon Katz did not comply with Gov.Bar R. XII(2)(A)(6)(e), which requires an attorney seeking pro hac vice admission to provide the name and attorney registration number of an active Ohio attorney, in good standing, who has agreed to associate with the out-of-state attorney. It is ordered by the court that Sharon Katz shall file an amended motion for admission pro hac vice that fully complies with Gov.Bar R. XII(2)(A)(6)(a) through (e) within ten days of the date of this entry.

Upon review of the memorandum in support of jurisdiction of amicus curiae, The Innocence Network, it is evident that Julia Nestor and David C. Newman have not timely filed motions for admission pro hac vice pursuant to S.Ct.Prac. R. 1.2. Therefore, it is ordered by the court, sua sponte, that Julia Nestor and David C. Newman are stricken from the memorandum in support of jurisdiction of amicus curiae, The Innocence Network, for failure to comply with S.Ct.Prac.R. 1.2 and Gov.Bar R. XII(2)(A)(6)(a) through (e). In accordance with S.Ct.Prac.R. 1.2(C), Julia Nestor and David C. Newman shall not file an amended motion for admission pro hac vice.

**2011-1949. State ex rel. Bryant v. Thompson.**

Cuyahoga App. No. 97057, 2011-Ohio-5281. 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 Cuyahoga County, and the parties shall otherwise proceed in accordance with S.Ct.Prac.R. 6.2 through 6.7.

**APPEALS ACCEPTED FOR REVIEW**

**2011-1593. State v. Hobbs.**

Summit App. No. 25379, 2011-Ohio-3192. Upon consideration of the jurisdictional memoranda filed in this case, the court accepts the appeal on Proposition of Law No. I.

It is ordered by the court, sua sponte, that this cause is consolidated with Supreme Court case No. 2011-1504, *State v. Hobbs*, and that the briefing in case Nos. 2011-1593 and 2011-1504 shall be consolidated. The parties shall file two originals of each of the briefs permitted under S.Ct.Prac.R. 6.2 through 6.4 and include both case numbers on the cover page of the briefs. Appellant's brief is due within 40 days of the date of this entry for both cases. The parties shall otherwise comply with the requirements of S.Ct.Prac.R. 6.1 through 6.4.

It is further ordered that the clerk shall file the record of case No. 2011-1504 into case No. 2011-1593.

**MEDIATION REFERRALS**

The following cases have been referred to mediation pursuant to S.Ct.Prac.R. 17.1(A):

**2011-1902. State ex rel. Sigler v. Lubrizol Corp.**

Franklin App. No. 10AP-255, 2011-Ohio-4917.

**2011-1922. State ex rel. Scott v. Indus. Comm.**

Franklin App. No. 10AP-713, 2011-Ohio-5467.

**2011-1926. State ex rel. Sanderson v. Indus. Comm.**

Franklin App. No. 10AP-771, 2011-Ohio-5285.

**2011-1927. State ex rel. Henderson v. Artistic Granite & Marble, L.L.C.**  
Franklin App. No. 10AP-715, 2011-Ohio-5052.