

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

December 6, 2012

[Cite as *12/06/2012 Case Announcements*, 2012-Ohio-5693.]

MERIT DECISIONS WITH OPINIONS

2008-0525. State v. Jones, Slip Opinion No. 2012-Ohio-5677.

Summit App. No. CR07 04 1294. Judgment affirmed.

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

Lanzinger, J., concurs in judgment only.

Pfeifer, J., dissents.

2011-0299. Mahoning Cty. Bar Assn. v. Vivo, Slip Opinion No. 2012-Ohio-5682.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 10-074. James Vivo, Attorney Registration No. 0071891, is suspended from the practice of law in Ohio for a period of one year, with the entire suspension stayed on condition.

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

2011-0751. In re Application of Columbus S. Power Co., Slip Opinion No. 2012-Ohio-5690.

Appeals and Cross-Appeal from the Public Utilities Commission of Ohio, No. 10-1261-EL-UNC. Order affirmed.

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

Pfeifer, J., dissents.

2011-0899. Ruther v. Kaiser, Slip Opinion No. 2012-Ohio-5686.

Warren App. No. CA2010-07-066, 2011-Ohio-1723. Judgment reversed.

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

Pfeifer, J., dissents.

2011-1076. Houdek v. ThyssenKrupp Materials N.A., Inc., Slip Opinion No. 2012-Ohio-5685.

Cuyahoga App. No. 95399, 2011-Ohio-1694. Judgment reversed.

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

Pfeifer, J., dissents.

2011-1473. State v. Hampton, Slip Opinion No. 2012-Ohio-5688.

Franklin App. No. 10AP-1109, 2011-Ohio-3486. Judgment affirmed.

O'Connor, C.J., and Pfeifer, Lanzinger, and McGee Brown, JJ., concur.

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

2011-1708. Smith v. Landfair, Slip Opinion No. 2012-Ohio-5692.

Summit App. No. 25371, 194 Ohio App.3d 468, 2011-Ohio-3043. Judgment reversed and cause remanded.

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

Pfeifer, J. dissents.

2011-1757. Ohio Trucking Assn. v. Charles, Slip Opinion No. 2012-Ohio-5679.

Franklin App. No. 10AP-673, 2011-Ohio-4361. Judgment reversed.

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

2011-1882. State v. Roberts, Slip Opinion No. 2012-Ohio-5684.

Guernsey App. No. 10CA000047, 2011-Ohio-4969. Judgment reversed and cause remanded.

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

2011-1933. Rayess v. Educational Comm. for Foreign Med. Graduates, Slip Opinion No. 2012-Ohio-5676.

Montgomery App. No. 24125. Judgment reversed.

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

2011-2096. Columbus City School Dist. Bd. of Edn. v. Franklin Cty. Bd. of Revision, Slip Opinion No. 2012-Ohio-5680.

Board of Tax Appeals, No. 2008-Q-2457. Decision affirmed.

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

O'Donnell, J., concurs in judgment only.

2011-2134. State v. Gardner, Slip Opinion No. 2012-Ohio-5683.

Montgomery App. No. 24308, 2011-Ohio-5692. Judgment affirmed.

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

2011-2147. 2200 Carnegie, L.L.C. v. Cuyahoga Cty. Bd. of Revision, Slip Opinion No. 2012-Ohio-5691.

Cuyahoga App. No. 96646, 195 Ohio App.3d 713, 2011-Ohio-5397. Judgment reversed.

Pfeifer, Lundberg Stratton, O'Donnell, Cupp, and McGee Brown, JJ., concur.

O'Connor, C.J., and Lanzinger, J., dissent.

2012-0162. Doss v. State, Slip Opinion No. 2012-Ohio-5678.

Cuyahoga App. No. 96452, 2011-Ohio-6429. Judgment reversed and cause remanded.

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

2012-0991. Cincinnati Bar Assn. v. Hennekes, Slip Opinion No. 2012-Ohio-5689.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 11-014. Jason Richard Hennekes, Attorney Registration No. 0075744, is disbarred in the state of Ohio.

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

2012-1008. Lorain Cty. Bar Assn. v. Stuart, Slip Opinion No. 2012-Ohio-5687. On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 11-100. Richard Paul Stuart, Attorney Registration No. 0047123, is publicly reprimanded.

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

2012-1097 and 2012-1218. State v. Rucker, Slip Opinion No. 2012-Ohio-5633. Summit App. No. 26212, 2012-Ohio-2176. Judgment affirmed in part and reversed in part, and cause remanded.

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

2012-1186. In re Judicial Campaign Complaint Against Moll, Slip Opinion No. 2012-Ohio-5674.

Appeal from the order of the Judicial Commission of the Supreme Court. Order affirmed.

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

Cupp, J., not participating.

MOTION AND PROCEDURAL RULINGS

2001-0288. Disciplinary Counsel v. Borger.

On consideration of respondent's motion for acceptance of affidavit of indigency. Motion denied.

Pfeifer, J., dissents.

2011-1693. Washington Mut. Bank, F.A. v. Wallace.

Warren App. No. CA2010-12-103, 2011-Ohio-4174. On motion to reactivate and reinstate case to the active docket. Motion denied.

2011-1733. State v. Chandler.

Stark App. No. 2010-CA-00295, 2011-Ohio-4387. On motion for bond pending resolution of appeal and motion to dismiss as improvidently granted. Motions denied.

2012-1830. State v. Bradley.

Hamilton App. No. C-110617. On motion for stay of execution. Motion denied.

2012-1852. Jones v. Cochran.

Lawrence App. No. 12CA14. On motion for stay of court of appeals judgment. Motion denied.

APPEALS NOT ACCEPTED FOR REVIEW

2012-1822. In re Adoption of B.A.H.

Greene App. No. 2012-CA-44, 2012-Ohio-4441.

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

RECONSIDERATION OF PRIOR DECISIONS

2011-0691. Dawson Ins., Inc. v. Freund.

Cuyahoga App. No. 94660, 2011-Ohio-1552. Reported at ___ Ohio St.3d ___, 2012-Ohio-4697, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

O'Donnell, J., dissents.

2011-1201 and 2011-1362. Fed. Home Loan Mtge. Corp. v. Schwartzwald.

Greene App. No. 2010 CA 41, 194 Ohio App.3d 644, 2011-Ohio-2681. Reported at ___ Ohio St.3d ___, 2012-Ohio-5017, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

2012-0314. Disciplinary Counsel v. Weiss.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 11-090. Reported at 133 Ohio St.3d 236, 2012-Ohio-4564, 977 N.E.2d 636. On motion for reconsideration. Motion granted in part and cause remanded for consideration of restitution.

2012-0737. State ex rel. McGrath v. McClelland.

Cuyahoga App. No. 97209, 2012-Ohio-157. Reported at ___ Ohio St.3d ___, 2012-Ohio-4782, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

2012-0940. State ex rel. Ebbing v. Ricketts.

Butler App. No. CA2011-01-009. Reported at ___ Ohio St.3d ___, 2012-Ohio-4699, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

2012-1147. Shampine v. Lee.

Cuyahoga App. No. 98205. Reported at 133 Ohio St.3d 1422, 2012-Ohio-4902, 976 N.E.2d 914. On motion for reconsideration. Motion denied.

2012-1166. State v. Boyle.

Geauga App. No. 2011-G-3035, 2012-Ohio-2831. Reported at 133 Ohio St.3d 1423, 2012-Ohio-4902, 976 N.E.2d 914. On motion for reconsideration. Motion denied.

2012-1233. Li v. Yang.

Cuyahoga App. No. 96741, 2012-Ohio-2491. Reported at 133 Ohio St.3d 1424, 2012-Ohio-4902, 976 N.E.2d 915. On motion for reconsideration. Motion denied.

2012-1241. Radzisewski v. Szymanczak.

Cuyahoga App. No. 97795, 2012-Ohio-2639. Reported at 133 Ohio St.3d 1424, 2012-Ohio-4902, 976 N.E.2d 915. On motion for reconsideration. Motion denied.

O'Donnell, J., dissents.

2012-1252. In re A.W.

Montgomery App. No. 25039, 2012-Ohio-2657. Reported at ___ Ohio St.3d ___, 2012-Ohio-4650, 975 N.E.2d 1031. On motion for reconsideration. Motion denied.

O'Donnell, J., dissents.

2012-1299. State v. Haddix.

Warren App. No. CA2011-07-075, 2012-Ohio-2687. Reported at 133 Ohio St.3d 1425, 2012-Ohio-4902, 976 N.E.2d 915. On motion for reconsideration. Motion denied.

Lanzinger, J., dissents and would accept the discretionary appeal and hold the cause for the decision in *State v. Washington*, Lorain App. No. 11CA010015, 2012-Ohio-2117.

2012-1326. Citibank, N.A. v. Valentine.

Delaware App. No. 11 CAE 10 0087, 2012-Ohio-2786. Reported at 133 Ohio St.3d 1465, 2012-Ohio-5149, 977 N.E.2d 693. On motion for reconsideration. Motion denied.

2012-1368. State v. Murphy.

Cuyahoga App. No. 97459, 2012-Ohio-2924. Reported at 133 Ohio St.3d 1466, 2012-Ohio-5149, 977 N.E.2d 694. On motion for reconsideration. Motion denied.
Lanzinger, J., dissents.

2012-1385. Alsfelder v. Alsfelder.

Hamilton App. No. C-110681. Reported at 133 Ohio St.3d 1467, 2012-Ohio-5149, 977 N.E.2d 694. On motion for reconsideration. Motion denied.

2012-1400. Harper v. Nicholson.

On complaint filed by relator. Reported at ___ Ohio St.3d ___, 2012-Ohio-4650, 975 N.E.2d 1027. On motion for reconsideration and motion to present evidence. Motions denied.

2012-1401. State v. Yee.

Erie App. No. E-93-072. Reported at 133 Ohio St.3d 1467, 2012-Ohio-5149, 977 N.E.2d 695. On motion for reconsideration. Motion denied.

2012-1410. State v. Long.

Hamilton App. No. C-110160, 2012-Ohio-3052. Reported at 133 Ohio St.3d 1468, 2012-Ohio-5149, 977 N.E.2d 695. On motion for reconsideration. Motion granted; appeal accepted.

Pfeifer, O'Donnell, and Lanzinger, JJ., dissent.

2012-1412. Young v. Cuyahoga Cty. Bd. of Mental Retardation.

Cuyahoga App. No. 97671, 2012-Ohio-3082. Reported at 133 Ohio St.3d 1468, 2012-Ohio-5149, 977 N.E.2d 695. On motion for reconsideration. Motion denied.
O'Connor, C.J., dissents.

2012-1449. Longbottom v. Huber.

Clermont App. Nos. CA2011-01-005 and CA2011-01-006, 2012-Ohio-2148. Reported at 133 Ohio St.3d 1468, 2012-Ohio-5149, 977 N.E.2d 695. On motion for reconsideration. Motion denied.

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

2012-1666. State ex rel. Whitehead v. Sandusky Cty. Bd. of Commrs.

Sandusky App. No. S-12-022, 2012-Ohio-4484. Reported at ___ Ohio St.3d ___, 2012-Ohio-4837, ___ N.E.2d ___. On motion for reconsideration. Motion denied.
Pfeifer, Acting C.J.

O'Connor, C.J., not participating.

J. Howard Sundermann Jr., J., of the First Appellate District, sitting for O'Connor, C.J.

DISCIPLINARY CASES

2011-0464. Disciplinary Counsel v. Summers. This cause came on for further consideration upon the filing of an application for reinstatement by respondent, William Lawrence Summers, Attorney Registration No. 0013007, last known business address in Cleveland, Ohio.

The court coming now to consider its order of March 22, 2012, wherein the court, pursuant to Gov.Bar R. V(6)(B)(3), suspended respondent from the practice of law for a period of six months, finds that respondent has substantially complied with that order and with the provisions of Gov.Bar R. V(10)(A).

Therefore, it is ordered by this court that respondent is reinstated to the practice of law in the state of Ohio.

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.