

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

June 18, 2014

[Cite as *06/18/2014 Case Announcements*, 2014-Ohio-2626.]

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## MERIT DECISIONS WITH OPINIONS

**2013-0239. State ex rel. Flanagan v. Lucas, Slip Opinion No. 2014-Ohio-2588.**

In Quo Warranto. Cause dismissed.

Pfeifer, O'Donnell, and Kennedy, JJ., concur.

French, J., concurs in judgment only.

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

**2013-0278. Health Care REIT, Inc. v. Cuyahoga Cty. Bd. of Revision, Slip Opinion No. 2014-Ohio-2574.**

Board of Tax Appeals, Nos. 2009-Q-1547, 2009-Q-1615, and 2009-Q-1616. The BTA's decision is affirmed, and Health Care REIT's request for sanctions is denied.

Pfeifer, O'Donnell, and Kennedy, JJ., concur.

French, J., concurs in judgment only.

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

**2013-1251. Cleveland Metro. Bar Assn. v. Schiff, Slip Opinion No. 2014-Ohio-2573.**

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 2012-071. Marvin Hermann Schiff, Attorney Registration No. 0000681, is suspended from the practice of law in Ohio for two years, with the entire suspension stayed on conditions.

O'Connor, C.J., and Pfeifer, Lanzinger, Kennedy, and French, JJ., concur.

O'Donnell and O'Neill, JJ., dissent and would adopt the recommendation of the panel and the board and impose a one-year suspension, stayed, with condition.

## AFFIDAVITS OF DISQUALIFICATION

The chief justice has released the following judicial disqualification opinions, which were previously issued as entries in response to affidavits of disqualification filed pursuant to R.C. 2701.03, 2501.03, or 2101.39.

**14-AP-024. In re Disqualification of Boros, 2014-Ohio-2598 (Decided April 21, 2014).**

**14-AP-030. In re Disqualification of Swenski, 2014-Ohio-2599 (Decided April 30, 2014).**

## MOTION AND PROCEDURAL RULINGS

**2014-0424. In re Application of Baudendistel.**

This matter is pending before the court upon the report of the Board of Commissioners on Character and Fitness. On May 13, 2014, applicant, Thomas Donald Baudendistel, filed with this court a motion to seal the record.

Upon consideration thereof, it is ordered by the court that the motion is denied.

O'Donnell and O'Neill, JJ., dissent and would grant the motion as to the records referencing the Ohio Lawyers Assistance Program.

**2014-0509. In re Application of Grimsley.**

This cause is pending before the court upon the filing of a report by the Board of Commissioners on Character and Fitness. On May 19, 2014, applicant filed a notice of acceptance and motion for expedited consideration.

Upon consideration thereof, it is ordered by the court that the motion is denied.

**2014-0794. State v. Noling.**

Portage App. No. 2011-P-0018, 2014-Ohio-1339. This cause is pending before the court as a jurisdictional appeal.

Upon consideration of the motion for admission pro hac vice of Ralph I. Miller, it is ordered by the court that the motion is granted. Pursuant to Gov.Bar R. XII(4), counsel shall file a notice of permission to appear pro hac vice with the Supreme Court's Office of Attorney Services within 30 days of the date of this entry.

## DISCIPLINARY CASES

### **2013-1253. Mahoning Cty. Bar Assn. v. Marrelli.**

The Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio filed a certification of default in the office of the clerk of this court. On September 23, 2013, this court imposed an interim default-judgment suspension upon respondent, Deneen Marie Marrelli, pursuant to Gov.Bar R. V(6a)(B)(1). Respondent was ordered to show cause why the interim default-judgment suspension should not be converted into an indefinite suspension. Respondent filed objections, relator filed an answer, and this cause was considered by the court.

On consideration thereof, it is ordered by this court that this matter is remanded to the board for the consideration of mitigating evidence only.

The court further orders that the interim default-judgment suspension imposed against respondent on September 23, 2013, shall remain in place while this matter is pending before the board. Proceedings before this court in this case are stayed until further order of this court.

### **2013-1423. Disciplinary Counsel v. Kerek.**

On certification of default. Wayne Lewis Kerek, Attorney Registration No. 0029211, is indefinitely suspended from the practice of law.

## MISCELLANEOUS DISMISSALS

### **2014-0365. State ex rel. White v. Internatl. House of Pancakes.**

Franklin App. No. 13AP-285, 2014-Ohio-412. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County.

Upon consideration of appellant's application for dismissal, it is ordered by the court that the application for dismissal is granted. Accordingly, this cause is dismissed.

It is further ordered that a mandate be sent to and filed with the clerk of the Court of Appeals for Franklin County.