

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

December 3, 2015

[Cite as *12/03/2015 Case Announcements*, 2015-Ohio-4976.]

MERIT DECISIONS WITH OPINIONS

2014-1977. Megaland GP, L.L.C. v. Franklin Cty. Bd. of Revision, Slip Opinion No. 2015-Ohio-4918.

Board of Tax Appeals, No. 2014-3677. Decision affirmed and cause remanded to the Board of Tax Appeals.

O'Connor, C.J., and Pfeifer and O'Neill, JJ., concur.

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

Lanzinger, Kennedy, and French, JJ., dissent.

2015-0999. Disciplinary Counsel v. Schwartz, Slip Opinion No. 2015-Ohio-4946.

On Certified Report by the Board of Professional Conduct, No. 2015-009. Fred Phillip Schwartz, Attorney Registration No. 0007494, is hereby publicly reprimanded.

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

MERIT DECISIONS WITHOUT OPINIONS

2015-1472. State ex rel. McKibbon v. Drake.

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus.

Upon consideration of respondents' motions to dismiss, it is ordered by the court that the motions to dismiss are granted. Accordingly, this cause is dismissed.

MOTION AND PROCEDURAL RULINGS

2014-0423. State ex rel. Claugus Family Farm, L.P. v. Seventh Dist. Court of Appeals.

In Mandamus and Prohibition. This cause originated in this court on the filing of a complaint for a writ of mandamus and prohibition.

Upon consideration of Beck Energy Corporation's motion for adjustment of oral-argument schedule, it is ordered by the court that the motion is granted and the revised oral-argument schedule is as follows:

- Clyde A. Hupp and Larry A. and Lori Hustack et al. shall argue first, are permitted nine minutes of oral argument, and may reserve time for first rebuttal;
- Claugus Family Farm, L.P., shall argue second, is permitted nine minutes of oral argument, and may reserve time for second rebuttal;
- Beck Energy Corporation shall argue third and is permitted nine minutes of oral argument;
- XTO Energy, Inc., shall proceed as an amicus curiae, shall argue fourth, and is permitted four minutes of oral argument; and
- The Seventh District Court of Appeals et al. shall argue fifth and are permitted nine minutes of oral argument.

Any rebuttal time reserved by Clyde A. Hupp et al. shall follow the oral argument of the Seventh District Court of Appeals, and any rebuttal time reserved by Claugus Family Farm, L.P., shall follow the rebuttal of Clyde A. Hupp et al.

Pursuant to this court's February 3, 2015 entry, oral argument in this case shall be consolidated with oral argument in 2014-1933, *Hupp v. Beck Energy Corp.*

2014-1933. Hupp v. Beck Energy Corp.

Monroe App. No. 12MO6, 2014-Ohio-4255. This cause is pending before the court as an appeal from the Court of Appeals for Monroe County.

Upon consideration of Beck Energy Corporation's motion for adjustment of oral-argument schedule, it is ordered by the court that the motion is granted and the revised oral-argument schedule is as follows:

- Clyde A. Hupp and Larry A. and Lori Hustack et al. shall argue first, are permitted nine minutes of oral argument, and may reserve time for first rebuttal;

- Claugus Family Farm, L.P., shall argue second, is permitted nine minutes of oral argument, and may reserve time for second rebuttal;
- Beck Energy Corporation shall argue third and is permitted nine minutes of oral argument;
- XTO Energy, Inc., shall proceed as an amicus curiae, shall argue fourth, and is permitted four minutes of oral argument; and
- The Seventh District Court of Appeals et al. shall argue fifth and are permitted nine minutes of oral argument.

Any rebuttal time reserved by Clyde A. Hupp et al. shall follow the oral argument of the Seventh District Court of Appeals, and any rebuttal time reserved by Claugus Family Farm, L.P., shall follow the rebuttal of Clyde A. Hupp et al.

Pursuant to this court's January 28, 2015 entry, oral argument in this case shall be consolidated with oral argument in 2014-0423, *State ex rel. Claugus Family Farm, L.P. v. Seventh Dist. Court of Appeals*.

2015-0632. Lorain City School Dist. Bd. of Edn. v. Testa.

Board of Tax Appeals, No. 2013-6134. This cause is pending before the court as an appeal from the Board of Tax Appeals.

Upon consideration of the joint motion to remand the appeal to the Board of Tax Appeals, it is ordered by the court that the cause is remanded to the Board of Tax Appeals to take further action as appropriate.

It is further ordered that a mandate be sent to and filed with the Board of Tax Appeals.

2015-1284. State v. Noling.

Portage App. No. 2014-P-0045, 2015-Ohio-2454. This cause is pending before the court as a jurisdictional appeal.

Upon consideration of appellant's motion to strike appellant's own motion to consolidate, it is ordered by the court that the motion is granted.

2015-1311. Bank of New York Mellon v. Martin.

Hamilton App. No. C-140314, 2015-Ohio-2531. This cause is pending before the court as a jurisdictional appeal.

Upon consideration of the notice of bankruptcy, it is ordered by the court that this cause is stayed pending resolution of the bankruptcy case or a lifting of the automatic stay imposed by 11 U.S.C. 362. The parties shall notify this court immediately upon conclusion of the bankruptcy proceedings or a lifting of the automatic stay imposed by 11 U.S.C. 362.

2015-1754. Freedom Mtge. Corp. v. Robbins.

Hamilton App. No. C-140475. This cause is pending before the court as a jurisdictional appeal.

Upon consideration of the suggestion of bankruptcy, it is ordered by the court that this cause is stayed pending resolution of the bankruptcy case or a lifting of the automatic stay imposed by 11 U.S.C. 362. The parties shall notify this court immediately upon conclusion of the bankruptcy proceedings or a lifting of the automatic stay imposed by 11 U.S.C. 362.

DISCIPLINARY CASES

2014-0968. Disciplinary Counsel v. Meyer.

It is ordered by this court, sua sponte, that Rebecca Christine Meyer, Attorney Registration No. 0076007, last known business address in Mt. Orab, Ohio, is found in contempt for failure to comply with this court's order of February 19, 2015, to wit: failure to file an affidavit of compliance on or before March 23, 2015.

2014-0970. Disciplinary Counsel v. Eisler.

It is ordered by this court, sua sponte, that David Charles Eisler, Attorney Registration No. 0020362, last known business address in Seattle, Washington, is found in contempt for failure to comply with this court's order of March 18, 2015, to wit: failure to file an affidavit of compliance on or before April 17, 2015, and failure to pay board costs in the amount of \$718.56 on or before June 16, 2015.

2014-2175. Trumbull Cty. Bar Assn. v. Bellew.

It is ordered by this court, sua sponte, that Timothy Eric Bellew, Attorney Registration No. 0067573, last known business address in Girard, Ohio, is found in contempt for failure to comply with this court's order of September 14, 2015, to wit: failure to file an affidavit of compliance on or before October 14, 2015.

2015-0919. In re Resignation of Lape.

It is ordered by this court, sua sponte, that Lynn Ann Lape, Attorney Registration No. 0068728, last known business address in Cincinnati, Ohio, is found in contempt for failure to comply with this court's order of July 2, 2015, to wit: failure to surrender her certificate of admission and failure to file an affidavit of compliance on or before August 3, 2015.

2015-1447. In re Mason.

It is ordered by this court, sua sponte, that Lance Timothy Mason, Attorney Registration No. 0067346, last known business address in Cleveland, Ohio, is found in contempt for failure to comply with this court's order of September 3, 2015, to wit: failure to file an affidavit of compliance on or before October 5, 2015.

MISCELLANEOUS DISMISSALS

2013-0724. State ex rel. Hart v. Indus. Comm.

Franklin App. No. 12AP-77, 2013-Ohio-1155. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. The records of this court indicate that appellant has not filed a merit brief, due November 24, 2015, in compliance with the Rules of Practice of the Supreme Court of Ohio and therefore has failed to prosecute this cause with the requisite diligence.

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

2015-1399. Ware v. Testa.

Board of Tax Appeals, No. 2015-445. This cause is pending before the court as an appeal from the Board of Tax Appeals.

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 Board of Tax Appeals.

MEDIATION MATTERS

The following cases have been referred to mediation pursuant to S.Ct.Prac.R. 19.01 (A).

2015-1773. State ex rel. Sunesis Constr. Co. v. Indus. Comm.

Franklin App. No. 13AP-449, 2015-Ohio-3973.

2015-1777. State ex rel. Washington v. Indus. Comm.
Franklin App. No. 14AP-445, 2015-Ohio-3897.

The following cases have been returned to the regular docket pursuant to S.Ct.Prac.R. 19.01(E). The appellants in each case shall file a brief within 40 days of the date of these entries, and the parties shall otherwise proceed in accordance with S.Ct.Prac.R. 16.02 through 16.07. As provided in S.Ct.Prac.R. 16.07, the court may dismiss these cases or take other action if the parties fail to timely file merit briefs.

2015-1410. Arbors E. RE, L.L.C. v. Franklin Cty. Bd. of Revision.
Board of Tax Appeals, Nos. 2014-4527 and 2014-4607.

2015-1431. Jakobovitch v. Cuyahoga Cty. Bd. of Revision.
Board of Tax Appeals, No. 2014-3406.

2015-1432. Mann v. Cuyahoga Cty. Bd. of Revision.
Board of Tax Appeals, No. 2014-3407.

2015-1559. 422 Sycamore Entertainment, L.L.C. v. Testa.
Board of Tax Appeals, No. 2014-1023.

The following case has been returned to the regular docket pursuant to S.Ct.Prac.R. 19.01(E). Respondent shall file a response to the complaint within 21 days of the date of this entry.

2015-1517. State ex rel. Singer v. Fairfield Local School Dist. Bd. of Edn.
In Mandamus.