

**SUPREME COURT OF OHIO**

**COLUMBUS**

**ANNOUNCEMENT**

MONDAY  
July 12, 1999

**MOTION DOCKET**

**97-1474. State v. Sheppard.**

Hamilton App. Nos. C-950402 and C-950744. Upon consideration of the motion filed by counsel for appellant to stay execution in the above-styled cause pending the exhaustion of state post-conviction remedies, and it appearing from the exhibits to the motion that a petition for post-conviction relief is pending in this court under case No. 99-893,

IT IS ORDERED by the court that said motion be, and the same is hereby, granted.

IT IS FURTHER ORDERED by the court that execution of sentence be, and the same is hereby, stayed pending the exhaustion of all proceedings for post-conviction relief before courts of this state, including any appeals.

IT IS FURTHER ORDERED that counsel for the appellant and for the appellee shall notify this court when all proceedings for post-conviction relief before courts of this state have been exhausted.

**99-359. Berthelot v. Dezso.**

Summit App. No. 19349. This cause is pending before the court as an appeal from the Court of Appeals for Summit County. On July 7, 1999, appellee Michael J. Berthelot filed a memorandum opposing motion to remand which was due June 28, 1999. S.Ct.Prac.R. XIV(1)(C) prohibits the filing of a memorandum that is not timely. Accordingly,

IT IS ORDERED by the court, *sua sponte*, that the memorandum opposing motion to remand be, and hereby is, stricken.

**MISCELLANEOUS DISMISSALS**

**99-869. Tribett v. Mestek, Inc.**

Jefferson App. No. 99JE1. This cause is pending before the court as a discretionary appeal. Upon consideration of the applications for dismissal by Mestek, Inc. and Wheeling Pittsburgh Steel Corporation,

IT IS ORDERED by the court that the applications for dismissal be, and hereby are, granted.

ACCORDINGLY, IT IS FURTHER ORDERED by the court that this cause be, and hereby is, dismissed.

**MISCELLANEOUS DOCKET**

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| In re Report of the Commission<br>on Continuing Legal Education. | : |           |
|  | : | 1999 TERM |
| David W. Fassett   | : |           |
| (#0029221),  | : | E N T R Y |
| Respondent.  |   |           |

This matter originated in this court on the filing of a report by the Commission on Continuing Legal Education (the "commission") pursuant to Gov.Bar R. X(6)(A)(1)(b) and (A)(2)(d). The commission recommended the imposition of sanctions against certain attorneys, including the above-named respondent, for failure to comply with the provisions of Gov.Bar R. X, Attorney Continuing Legal Education, for the 1994-1995 reporting period.

On April 14, 1997, this court adopted the recommendation of the commission, imposed a sanction fee upon the respondent, and suspended the respondent from the practice of law pursuant to Gov.Bar R. X(6)(B)(3), and Gov.Bar R. X(5)(A)(4). The court further ordered that respondent shall not be reinstated to the practice of law in Ohio until respondent complies with the requirements for reinstatement set forth in Gov.Bar R. X(7).

On June 14, 1999, the commission filed a recommendation pursuant to Gov.Bar R. X(7)(B)(2), finding that the respondent has paid all fees assessed for noncompliance, has made up all deficiencies, and is now in full compliance with all requirements of Gov.Bar R. X, and recommending that the respondent be reinstated to the practice of law in Ohio. On June 14, 1999, the commission certified that respondent had completed the credit hours of continuing legal education required during his suspension by this court's order of suspension. Upon consideration thereof,

IT IS ORDERED by the court that the recommendation of the commission be adopted and respondent, David W. Fassett, be hereby reinstated to the practice of law.