

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

December 15, 2009

[Cite as *12/15/2009 Case Announcements*, 2009-Ohio-6546.]

MERIT DECISIONS WITH OPINIONS

2006-2029. Stewart v. Lake Cty. Historical Soc., Inc., Slip Opinion No. 2009-Ohio-6427.

Lake App. No. 2004-L-164, 169 Ohio App.3d 1, 2006-Ohio-4822. Judgment reversed.

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

Pfeifer and Lanzinger, JJ., dissent.

2008-1781. State v. Smith, Slip Opinion No. 2009-Ohio-6426.

Greene App. No. 07-CA-47, 2008-Ohio-3717. Judgment of the court of appeals reversed, and cause remanded to the trial court.

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

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

2009-1231. Dayton Bar Assn. v. Brown, Slip Opinion No. 2009-Ohio-6424.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 08-077. Keith J. Brown, Attorney Registration No. 0025640, is indefinitely suspended from the practice of law in Ohio.

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

MOTION AND PROCEDURAL RULINGS

In re Hughley.

On September 16, 2009, this court found Kevin Hughley to be a vexatious litigator under S.Ct.Prac.R. XIV(5)(B). This court further ordered that Hughley was prohibited from continuing or instituting legal proceedings in this court without first obtaining leave. On December 10, 2009, Hughley submitted a motion for leave to file a writ of habeas corpus via R.C. 2929.41(A) and 2929.34(C). Upon review of the proffered motion for leave,

It is ordered by the court that Kevin Hughley's motion for leave is denied.

1998-0552. State v. Smith.

Lucas App. No. L-94-093. By entry filed June 17, 2009, this court ordered that appellant's sentence be carried into execution on Thursday, January 7, 2010. In order to facilitate this court's timely consideration of any matters relating to the execution of appellant's sentence,

It is ordered by the court that the Chief Justice may suspend application of any provisions of the Rules of Practice of the Supreme Court, including, but not limited to, the filing requirements imposed by S.Ct.Prac.R. XIV(1).

It is further ordered that service of documents as required by S.Ct.Prac.R. XIV(2) shall be personal, by facsimile transmission, or by email.

It is further ordered that counsel of record for the parties shall provide this court with a copy of any document relating to this matter that is filed in, or issued by, any other court in this state or any federal court, as well as any commutation, pardon, or warrant of reprieve issued by the governor. A copy of the document shall be delivered to the Office of the Clerk as soon as possible, either personally, by facsimile transmission, or by email.

RECONSIDERATION OF PRIOR DECISIONS

2008-0584 and 2008-0630. Medcorp, Inc. v. Ohio Dept. of Job & Family Servs., Slip Opinion No. 2009-Ohio-6425.

Franklin App. No. 07AP-312, 2008-Ohio-464. On motion for reconsideration. Motion granted in part. See order.

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

Pfeifer, J., concurs in judgment but believes the better course would have been to reverse the court's holding in this case in its entirety.

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

DISCIPLINARY CASES

2008-2470. Akron Bar Assn. v. McNerney.

This cause is pending before the court upon the filing of a motion to show cause filed by relator. On December 7, 2009, relator, Akron Bar Association, filed a suggestion of death of respondent. Upon consideration thereof,

It is ordered by the court that the matter is dismissed.

2009-1957. Disciplinary Counsel v. Shimko.

On Certified Order of the Supreme Court of Arizona, Case No. SB-09-0061-D. Timothy Andrew Shimko, Attorney Registration No. 0006736, is publicly reprimanded.