

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

September 20, 2012

[Cite as *09/20/2012 Case Announcements*, 2012-Ohio-4261.]

MERIT DECISIONS WITH OPINIONS

2010-1642. State ex rel. McCaffrey v. Mahoning Cty. Prosecutor's Office, Slip Opinion No. 2012-Ohio-4246.

In Mandamus. Writ granted in part and denied in part.

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

2011-0621. Lawrence v. Youngstown, Slip Opinion No. 2012-Ohio-4247.

Mahoning App. No. 09 MA 189, 2011-Ohio-998. Judgment reversed and cause remanded.

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

O'Donnell, J., dissents.

2012-0105. State ex rel. Fernbach v. Brush, Slip Opinion No. 2012-Ohio-4214.

Montgomery App. No. 24713. Judgment affirmed.

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

2012-0967. Lenard v. Russo, Slip Opinion No. 2012-Ohio-4236.

Cuyahoga App. No. 98106, 2012-Ohio-2397. Judgment affirmed.

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

MOTION AND PROCEDURAL RULINGS

2012-1186. In re Judicial Campaign Complaint against Moll.

This matter came on for further consideration upon the filing by respondent, Jeanette Moll, of a notice of appeal and a motion for stay of the imposition of sanctions.

Upon consideration of the motion for stay, it is ordered by this court that the motion is granted. The sanctions imposed by the five-judge commission in its August 30, 2012 order are stayed pending the disposition of respondent's appeal.

2012-0628. State v. Athon.

Hamilton App. Nos. C-110236, C-110237, C-110238, C-110239, and C-110290, 2012-Ohio-765. This cause is pending before the court as a discretionary appeal.

Upon consideration of appellant's motion for stay of the court of appeals' judgment and lower court proceedings, it is ordered by the court that the motion is granted.

Pfeifer and Lanzinger, JJ., dissent.

2012-1243. Westgate Ford Truck Sales, Inc. v. Ford Motor Co.

Cuyahoga App. No. 96978, 2012-Ohio-1942. This cause is pending before the court as a discretionary appeal and cross-appeal.

Upon consideration of the motions for admission pro hac vice of Jonathan Hacker, Brian D. Boyle, and Loren L. AliKhan, it is ordered by the court that the motions are stricken as having been untimely filed pursuant to S.Ct.Prac.R. 1.2(B)(3). It is further ordered that Jonathan Hacker, Brian D. Boyle, and Loren L. AliKhan are stricken from the notice of appeal and all other documents for failure to comply with S.Ct.Prac.R. 1.2 and Gov.Bar R. XII(2)(A)(6)(a) through (e).

2012-1448. State v. Sweeney.

Cuyahoga App. No. 97414, 2012-Ohio-3152. This cause is pending before the court as an appeal from the Court of Appeals for Cuyahoga County.

Upon consideration of appellee's motion to strike the notice of appeal and memorandum in support of jurisdiction for failure to provide service, or in the alternative, provide additional time to respond, it is ordered by the court that the motion is denied in part and granted in part. The motion to strike is denied. Appellee may file a memorandum in response within 20 days of the date of this entry.

DISCIPLINARY CASES

2009-1544. Disciplinary Counsel v. Nicks.

On September 4, 2012, respondent, J. Michael Nicks, filed an application for termination of probation. Upon consideration thereof, the court finds that respondent has substantially complied with Gov.Bar R. V(9)(D) and with its order, dated February 4, 2011, in which the court reinstated respondent to the practice of law and placed him on monitored probation for a period of 18 months.

On consideration thereof, it is ordered by this court that the probation of respondent, J. Michael Nicks, Attorney Registration No. 0073608, last known business address in Galena, Ohio, is terminated.

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.

2012-1467. In re Resignation of Ward.

On affidavit of resignation from the practice of law of Richard Hackney Ward, Attorney Registration No. 0003016, and on report filed under seal by disciplinary counsel. Resignation accepted with disciplinary action pending.