

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

March 17, 2014

[Cite as *03/17/2014 Case Announcements*, 2014-Ohio-962.]

SLIP OPINIONS REPLACED BY OHIO OFFICIAL REPORTS VERSIONS AS OF MARCH 17, 2014

The official versions of the opinions listed below, which were previously released as slip opinions, have been published in the March 17, 2014 Ohio Official Reports advance sheet. These opinions should now be cited using the Ohio Official Reports citation format.

2012-0815. State ex rel. Roxbury v. Indus. Comm., 138 Ohio St.3d 91, 2014-Ohio-84.

2012-0941. Esber Beverage Co. v. Labatt USA Operating Co., L.L.C., 138 Ohio St.3d 71, 2013-Ohio-4544.

2012-2105. Gesler v. Worthington Income Tax Bd. of Appeals, 138 Ohio St.3d 76, 2013-Ohio-4986.

2013-0636. State ex rel. V.K.B. v. Smith, 138 Ohio St.3d 84, 2013-Ohio-5477.

2013-0922. Disciplinary Counsel v. Simpson, 138 Ohio St.3d 94, 2014-Ohio-54.

2013-1268. State ex rel. Ullmann v. JobsOhio, 138 Ohio St.3d 83, 2013-Ohio-5188.

DISCIPLINARY CASES

2006-0443. Columbus Bar Assn. v. Linnen.

On petition for reinstatement of Stephen P. Linnen, Attorney Registration No. 0071290. Petition granted and respondent is reinstated to the practice of law in Ohio subject to conditions.

2006-2308 and 2007-1579. Cleveland Bar Assn. v. Church.

This cause came on for further consideration upon the filing on May 20, 2013, of a petition for reinstatement by respondent, Joseph Jeffrey Church, Attorney Registration No. 0006961. In accordance with Gov.Bar R. V(10)(F), respondent's petition for reinstatement was referred to the Board of Commissioners on Grievances and Discipline. The board filed its final report in this court on December 16, 2013, recommending that respondent be denied reinstatement to the practice of law in Ohio. No objections to the final report were filed.

Upon consideration thereof, it is ordered by this court that the petition for reinstatement of respondent is denied.

It is further ordered by the court that respondent be taxed the costs of these proceedings in the amount of \$3,184.53, less the deposit of \$500, for a total balance due of \$2,684.53, payable by cashier's check or money order by respondent on or before 90 days from the date of this order. If the costs are not paid on or before 90 days from the date of this order, interest at the rate of 10 percent per annum will accrue until the costs are paid in full. It is further ordered that if the costs are not paid in full on or before 90 days from the date of this order, the matter may be referred to the attorney general for collection, and respondent may be found in contempt until all costs and accrued interest are paid in full.

It is further ordered, sua sponte, by the court that within 90 days of the date of this order, respondent shall reimburse any amounts that have been awarded against respondent by the Clients' Security Fund pursuant to Gov.Bar R. VIII(7)(F). It is further ordered, sua sponte, by the court that if, after the date of this order, the Clients' Security Fund awards any amount against respondent pursuant to Gov.Bar R. VIII(7)(F), respondent shall reimburse that amount to the Clients' Security Fund within 90 days of the notice of that award.

It is further ordered, sua sponte, that all documents filed with this court in this case shall meet the filing requirements set forth in the Rules of Practice of the Supreme Court of Ohio, including requirements as to form, number, and timeliness of filings. All case documents are subject to Sup.R. 44 through 47, which govern access to court records.

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.

2009-1541. Mahoning Cty. Bar Assn. v. Theisler.

This cause came on for further consideration upon the filing on January 11, 2013, of a petition for reinstatement by respondent, Charles Theisler, Attorney Registration No. 0062582. In accordance with Gov.Bar R. V(10)(F), respondent's petition for reinstatement was referred to the Board of Commissioners on Grievances and Discipline. The board filed its final report in this court on December 16, 2013, recommending that respondent's petition be denied. Respondent filed objections to the final report, relator filed an answer, and this matter was considered by the court.

Upon consideration thereof, it is ordered by this court that the petition for reinstatement of respondent is denied.

It is further ordered by the court that respondent be taxed the costs of these proceedings in the amount of \$1,744.89, less the deposit of \$500, for a total balance due of \$1,244.89, payable by cashier's check or money order on or before 90 days from the date of this order. If the costs are not paid on or before 90 days from the date of this order, interest at the rate of 10 percent per annum will accrue until the costs are paid in full. It is further ordered that if the costs are not paid in full on or before 90 days from the date of this order, the matter may be referred to the attorney general for collection, and respondent may be found in contempt until all costs and accrued interest are paid in full.

It is further ordered, sua sponte, by the court that within 90 days of the date of this order, respondent shall reimburse any amounts that have been awarded against respondent by the Clients' Security Fund pursuant to Gov.Bar R. VIII(7)(F). It is further ordered, sua sponte, by the court that if, after the date of this order, the Clients' Security Fund awards any amount against respondent pursuant to Gov.Bar R. VIII(7)(F), respondent shall reimburse that amount to the Clients' Security Fund within 90 days of the notice of that award.

It is further ordered, sua sponte, that all documents filed with this court in this case shall meet the filing requirements set forth in the Rules of Practice of the Supreme Court of Ohio, including requirements as to form, number, and timeliness of filings. All case documents are subject to Sup.R. 44 through 47, which govern access to court records.

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.

Pfeifer, J., dissents.

2010-1463. Disciplinary Counsel v. Muntean.

On petition for reinstatement of Christopher Muntean, Attorney Registration No. 0077343. Petition granted and respondent is reinstated to the practice of law in Ohio subject to conditions.

French, J., dissents.

2012-1768. In re Resignation of LaCivita.

This matter came on for further consideration upon the filing by movant, Trumbull County Bar Association, of a motion to show cause why respondent, Richard James LaCivita, should not be held in contempt for failing to obey this court's November 26, 2012 order accepting respondent's resignation from the practice of law with disciplinary action pending. Respondent filed a response to the motion.

Upon consideration thereof, it is ordered by this court that the motion is granted. Respondent, Richard James LaCivita, Attorney Registration No. 0003122, last known business address in Hubbard, Ohio, is found in contempt. It is further ordered that respondent shall pay Donna Rose restitution in the amount of \$27,000 within 30 days of the date of this order. If respondent fails to pay said restitution, this court may find respondent in contempt. It is further ordered that all other terms and conditions of the November 26, 2012 order remain in effect.

2013-0812. Mahoning Cty. Bar Assn. v. Fagnano.

On certification of default. Frank Nicholas Fagnano, Attorney Registration No. 0081516, is indefinitely suspended from the practice of law.

2013-0896. Trumbull Cty. Bar Assn. v. Joseph.

On certification of default. Michael Dennis Joseph, Attorney Registration No. 0025086, is indefinitely suspended from the practice of law.

2013-1934. Akron Bar Assn. v. Shenise.

This cause is pending before the court on a notice of appeal filed by the Beacon Journal Publishing Company and Phil Trexler. On December 12, 2013, relator, Akron Bar Association, filed a motion to dismiss the appeal and a motion to hold Phil Trexler in contempt. On January 15, 2014, the Beacon Journal Publishing Company and Phil Trexler filed a motion requesting a hearing.

Upon consideration thereof, it is ordered by this court that relator's motion to dismiss the notice of appeal of the Beacon Journal Publishing Company and Phil Trexler is granted. It is further ordered that relator's motion to hold Phil Trexler in contempt is denied. It is further ordered that the Beacon Journal Publishing Company and Phil Trexler's motion requesting a hearing is denied. This case is hereby dismissed.

2013-2034. Disciplinary Counsel v. Gaffney.

On Certified Order of the Supreme Court of the State of Arizona, No. PDJ-2013-9059. Robert Andrew Gaffney, Attorney Registration No. 0084773, is indefinitely suspended from the practice of law.

2014-0179. In re Resignation of Lawrence.

On application for resignation from the practice of law of David Alan Lawrence, Attorney Registration No. 0015293, and on report filed under seal by disciplinary counsel. Resignation accepted with disciplinary action pending.

2014-0236. In re Resignation of Van Horn.

On application for resignation from the practice of law of Andrew Joseph Van Horn, Attorney Registration No. 0068860, and on report filed under seal by disciplinary counsel. Resignation accepted with disciplinary action pending.