

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

December 4, 2008

[Cite as *12/04/2008 Case Announcements*, 2008-Ohio-6267.]

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## MERIT DECISIONS WITH OPINIONS

**2008-0411. Cleveland Clinic Found. v. Levin, Slip Opinion No. 2008-Ohio-6197.**

Board of Tax Appeals, Nos. 2005-V-1726, 2006-V-99, and 2006-H-117. Motion to dismiss denied, order vacated in part, and cause remanded.

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

**2008-0762. Cuyahoga Cty. Bar Assn. v. Poole, Slip Opinion No. 2008-Ohio-6203.**

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 06-042. Marcus L. Poole, Attorney Registration No. 0040030, is suspended from the practice of law in Ohio for one year, stayed on conditions.

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

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

**2008-0812. Disciplinary Counsel v. O'Brien, Slip Opinion No. 2008-Ohio-6198.**

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 07-068. Kevin John O'Brien, Attorney Registration No. 0028108, is suspended from the practice of law in Ohio for six months, stayed on condition.

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

**2008-0819. Toledo Bar Assn. v. Hales, Slip Opinion No. 2008-Ohio-6201.**

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 07-061. Steven C. Hales, Attorney Registration No. 0071285, is suspended from the practice of law in Ohio for two years, with 18 months stayed on conditions.

Pfeifer, O'Donnell, and Cupp, JJ., concur.

Lundberg Stratton, J., concurs in part and dissents in part.

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

**2008-0820. Disciplinary Counsel v. Taylor, Slip Opinion No. 2008-Ohio-6202.**

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 07-058. Phillip Paul Taylor, Attorney Registration No. 0003465, is suspended from the practice of law in Ohio for one year, stayed on conditions.

Pfeifer, O'Donnell, Lanzinger, and Cupp, JJ., concur.

Moyer, C.J., and Lundberg Stratton and O'Connor, JJ., dissent.

**2008-0877. State ex rel. Duncan v. Middlefield, Slip Opinion No. 2008-Ohio-6200.**

Lake App. No. 2005-L-140, 2008-Ohio-1891. Judgment affirmed.

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

**2008-1215. Cuyahoga Cty. Bar Assn. v. Glaeser, Slip Opinion No. 2008-Ohio-6199.**

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 07-100. William P. Glaeser, Attorney Registration No. 0075837, is suspended from the practice of law in Ohio for two years, with one year stayed on conditions.

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

Lanzinger, J., dissents and would indefinitely suspend the respondent.

## **MOTION AND PROCEDURAL RULINGS**

**2008-2123. Abe's Auto Sales v. Ohio Motor Vehicle Dealers Bd.**

Lucas App. No. L-07-1165, 2008-Ohio-4739. This cause is pending before the court as a discretionary appeal and claimed appeal of right. Upon consideration of appellant's emergency motion for stay of the court of appeals' judgment,

It is ordered by the court that the motion is granted.

Pfeifer and O'Donnell, JJ., dissent

O'Connor, J., not participating.

## DISCIPLINARY CASES

### **2004-1407. Disciplinary Counsel v. Nagorny.**

On petition for reinstatement of Edward Jerry Nagorny, Attorney Registration No. 0043882. Petition granted and respondent reinstated to the practice of law in Ohio with probation imposed.

### **2008-1708. Cleveland Metro. Bar Assn. v. Polke.**

This cause is pending before the court upon the filing of a report and recommendation by the Board of Commissioners on Grievances and Discipline. On November 14, 2008, relator, Cleveland Metropolitan Bar Association, filed a motion to participate in oral argument. Upon consideration thereof,

It is ordered by the court that relator's motion is denied as moot.

## MISCELLANEOUS DISMISSALS

### **2008-2159. Countrywide Home Loans, Inc. v. Schreckengost.**

Wayne App. No. 07CA0080, 2008-Ohio-4771. This cause is pending before the court as a discretionary appeal. 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.

### **2008-2256. [State ex rel.] Gartrell v. McIntosh.**

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus. Upon consideration of relator's application for dismissal,

It is ordered by the court that the application for dismissal is granted. Accordingly, this cause is dismissed.

## MISCELLANEOUS ORDERS

### **2005-0422. Columbus Bar Assn. v. Am. Family Prepaid Legal Corp.**

This matter is pending before the court upon the filing of a report by the Board on the Unauthorized Practice of Law. Relator, Columbus Bar Association, filed a motion for leave to supplement the record and a motion to strike respondents' answer briefs. Respondent Chris Miller filed a motion for leave to supplement the record and clarify. Respondent Jack Riblett filed a motion for leave to supplement the record and clarify. The Board on the Unauthorized Practice of Law filed a motion to supplement the record. Upon consideration thereof,

It is ordered by the court that relator's motion for leave to supplement the record is granted.

It is further ordered that relator's motion to strike respondent's answer briefs is denied.

It is further ordered that the motion for leave to supplement the record and clarify filed by respondent Chris Miller is granted.

It is further ordered that the motion for leave to supplement the record and clarify filed by respondent Jack Riblett is granted.

It is further ordered that the motion to supplement filed by the board is granted.

### **MEDIATION REFERRALS**

The following case has been referred to mediation pursuant to S.Ct.Prac.R. XIV(6):

**2008-2167. State ex rel. Keyes et al. v. Ohio Pub. Emps. Retirement Fund.**  
In Mandamus.