

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

November 1, 2006

[Cite as *11/01/2006 Case Announcements, 2006-Ohio-5625.*]

MERIT DECISIONS WITH OPINIONS

2005-1631. State ex rel. Advanced Metal Precision Prods. v. Indus. Comm., 2006-Ohio-5336.

Franklin App. No. 04AP-95, 2005-Ohio-3789. Judgment reversed.

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

Pfeifer, J., concurs in judgment only.

2005-1862. Ameritech Publishing, Inc. v. Wilkins, 2006-Ohio-5337.

Board of Tax Appeals, No. 2003-V-698. Decision affirmed.

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

Thomas F. Bryant, J., of the Third Appellate District, sitting for Resnick, J.

2005-2194. Bd. of Edn. of the Olentangy Local School Dist. v. Delaware Cty. Bd. of Revision, 2006-Ohio-5603.

Board of Tax Appeals, No. 2004-K-1173. Appeal dismissed.

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

Pfeifer, J., dissents.

2005-2340. Bd. of Edn. of the Olentangy Local School Dist. v. Delaware Cty. Bd. of Revision, 2006-Ohio-5605.

Board of Tax Appeals, No. 2004-A-1171. Appeal dismissed.

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

Pfeifer, J., dissents.

2005-2426. State ex rel. Davis v. Pub. Emp. Retirement Bd., 2006-Ohio-5339.

Franklin App. No. 04AP-1293, 2005-Ohio-6612. Judgment affirmed.

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

2006-0019. State v. Naugler, 2006-Ohio-5340.

Madison App. No. CA2004-09-033, 2005-Ohio-6274. Judgment affirmed.

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

2006-0035. Polaris Commerce Center, L.L.C. v. Delaware Cty. Bd. of Revision, 2006-Ohio-5606.

Board of Tax Appeals, No. 2004-B-1100. Appeal dismissed.

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

Pfeifer, J., dissents.

2006-0268. Seven Seventeen HB Philadelphia No. 2 v. Franklin Cty. Bd. of Revision, 2006-Ohio-5608.

Board of Tax Appeals, Nos. 2002-A-1925, 2002-A-2019, 2004-A-843, and 2004-A-851. Appeal and cross-appeal dismissed.

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

Pfeifer, J., dissents.

2006-0463. Disciplinary Counsel v. Lord, 2006-Ohio-5341.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 04-071. John Albert Lord, Attorney Registration No. 0072696, is indefinitely suspended from the practice of law in Ohio.

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

O'Donnell, J., dissents and would suspend respondent from the practice of law in Ohio for two years.

2006-0491. Columbus Bar Assn. v. Farmer, 2006-Ohio-5342.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 04-046. Derek A. Farmer, Attorney Registration No. 0071654, is suspended from the practice of law in Ohio for two years, with one year stayed on conditions.

Moyer, C.J., Resnick, Lundberg Stratton, O'Connor and Lanzinger, JJ., concur.

Pfeifer and O'Donnell, JJ., dissent and would suspend respondent from the practice of law in Ohio for one year, with six months stayed.

2006-0730. State ex rel. CNG Financial Corp. v. Nadel, 2006-Ohio-5344.

Hamilton App. No. C-060115. Judgment affirmed.

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

2006-1113. Cuyahoga Hts. Local School Dist. Bd. of Edn. v. Cuyahoga Cty. Bd. of Revision, 2006-Ohio-5609.

Board of Tax Appeals, Nos. 2003-H-601, 2003-H-602, 2003-H-604, 2003-H-605, 2003-H-606, 2003-H-607, 2003-H-611, and 2003-H-612. Appeal dismissed.

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

Pfeifer, J., dissents.

2006-1114. Bd. of Edn. of the Westerville City School Dist. v. Franklin Cty. Bd. of Revision, 2006-Ohio-5611.

Board of Tax Appeals, No. 2004-A-1343. Appeal dismissed.

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

Pfeifer, J., dissents.

2006-1145. Mentor Exempted Village School Dist. Bd. of Edn. v. Lake Cty. Bd. of Revision, 2006-Ohio-5613.

Board of Tax Appeals, No. 2005-M-603. Appeal dismissed.

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

Pfeifer, J., dissents.

2006-1146. Disciplinary Counsel v. Stollings, 2006-Ohio-5345.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 05-074. Jerry Chad Stollings, Attorney Registration No. 0073342, is suspended from the practice of law in Ohio for six months.

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

2006-1188. Columbus Bar Assn. v. Downey, 2006-Ohio-5346.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 04-008. Jacqueline Souel Downey, Attorney Registration No. 0022818, is indefinitely suspended from the practice of law in Ohio.

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

2006-1526. Berea City School Dist. Bd. of Edn. v. Cuyahoga Cty. Bd. of Revision, 2006-Ohio-5601.

Board of Tax Appeals, Nos. 2002-V-2595 and 2002-V-2800. Appeal dismissed.

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

Pfeifer, J., dissents.

MERIT DECISIONS WITHOUT OPINIONS

2006-1080. State ex rel. Yavitch & Palmer Co., L.P.A. v. Jackson.

In Mandamus. On motion to dismiss. Motion to dismiss granted. Cause dismissed.

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

2006-1553. State ex rel. Martin v. Shaddy.

In Mandamus. On motion to dismiss. Motion to dismiss granted. Cause dismissed.

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

2006-1557. State ex rel. Ludt v. Sciortino.

In Mandamus. On motion for leave to intervene, answer, and motion for judgment on the pleadings of Ohio Valley Mall Co., and answer and motion to dismiss of respondent. Motion for leave to intervene granted. Motion for judgment on the pleadings granted. Motion to dismiss treated as a motion for judgment on the pleadings and granted. Cause dismissed.

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

Pfeifer, J., dissents and would deny the motions to dismiss and for judgment on the pleadings and grant an alternative writ.

2006-1595. Cotten v. Farmer.

In Prohibition. On motion to dismiss. Motion to dismiss granted. Motion to amend complaint in prohibition dismissed as moot. Cause dismissed.

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

2006-1617. State ex rel. Rickard v. Wolfe.

In Mandamus. On motion to dismiss. Motion to dismiss granted. Cause dismissed.

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

2006-1618. State ex rel. Weaver v. Hartmann.

In Mandamus. On motion to dismiss. Motion to dismiss granted. Cause dismissed.

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

2006-1705. State v. Williams.

In Habeas Corpus. On petition for writ of habeas corpus of Anthony Williams. Sua sponte, cause dismissed.

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

2006-1706. Campbell v. Mausser.

In Habeas Corpus. On petition for writ of habeas corpus of Curtis Campbell. Sua sponte, cause dismissed.

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

2006-1751. Williams v. Wolfe.

In Habeas Corpus. On petition for writ of habeas corpus of David Williams IV. Sua sponte, cause dismissed.

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

MOTION AND PROCEDURAL RULINGS

2006-0507. Peters v. Columbus Steel Castings Co.

Franklin App. No. 05AP-308, 2006-Ohio-382. On motion for admission pro hac vice of John Vail, Stephen B. Pershing, and Jesse R. Merriam by Michael J. Rourke. Motion granted.

2006-0884. St. Bernard Self-Storage LLC v. Hamilton Cty. Bd. of Revision.

Board of Tax Appeals, No. 2003-T-1532. On motion of cross-appellee Hamilton County Auditor to dismiss the cross-appeal for the reason that the notice of cross-appeal does not explicitly name the Tax Commissioner as an appellee. Cross-appellant St. Bernard Self-Storage LLC did serve the Tax Commissioner in accordance with the jurisdictional service requirement enforced in *Olympic Steel, Inc. v. Cuyahoga Cty. Bd. of Revision*, 110 Ohio St.3d 1241, 2006-Ohio-4091, 852 N.E.2d 178. Failure to explicitly name the Tax Commissioner as an appellee does not deprive the court of jurisdiction provided that the Tax Commissioner has been duly served. Accordingly, the motion to dismiss the cross-appeal is denied.

Cross-appellant shall file a merit brief within 40 days of the date hereof, and the parties shall otherwise proceed in accordance with S.Ct.Prac.R. VI.

2006-1589. Hubbell v. Xenia.

Greene App. No. 2005 CA 99, 2006-Ohio-3369. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated at page 5 of the court of appeals' Decision and Entry filed August 14, 2006:

“Is the denial of a governmental entity’s motion for summary judgment on the issue of sovereign immunity due to the existence of genuine issues of material fact a final appealable order, pursuant to R.C. 2744.02(C)?”

Pfeifer, J., dissents.

The conflict case is *Lutz v. Hocking Technical College* (May 18, 1999), Athens App. No. 98CA12.

Sua sponte, cause consolidated with 2006-1528, *Hubbell v. Xenia*, Greene App. No. 2005 CA 99, 2006-Ohio-3369.

2006-1592. State v. Wagoner.

Montgomery App. No. 21225, 2006-Ohio-3760. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause held for the decision in 2006-0151, *State v. Carswell*, Warren App. No. CA2005-04-047, 2005-Ohio-6547; cause consolidated with 2006-1580, *State v. Wagoner*, Montgomery App. No. 21225, 2006-Ohio-3760; and briefing schedule stayed.

2006-1636. Davis v. Cuyahoga Cty. Juvenile Court.

Cuyahoga App. No. 87953. On motion to stay appeal. Motion denied.

2006-1712. State v. Evans.

Montgomery App. No. 20794, 2006-Ohio-1425. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2006-1734. State v. Winslow.

Hamilton App. No. C-060532. On motion for leave to file delayed appeal. Motion denied.

Moyer, C.J., and Pfeifer, J., dissent.

2006-1758. State v. Barker.

Jefferson App. No. 05-JE-21, 2006-Ohio-1472. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2006-1759. State v. Clarke.

Cuyahoga App. No. 85999, 2006-Ohio-281. On motion for leave to file delayed appeal. Motion denied.

Resnick and Pfeifer, JJ., dissent.

2006-1762. Griffin v. Smith.

Summit App. No. 23350. On motion for stay of court of appeals' judgment. Motion denied.

2006-1795. In re T.B.

Franklin App. No. 06AP-769, 2006-Ohio-4789 and 2006-Ohio-5300. On motion for stay of court of appeals' judgment. Motion denied.

2006-1813. Ohio Patrolmen's Benevolent Assn. v. Fostoria Civil Serv. Comm.

Seneca App. No. 13-06-03, 2006-Ohio-4193. On motion for stay of court of appeals' judgment. Motion denied.

Lundberg Stratton, J., dissents.

2006-1821. Griffin v. Jones Wenner Ins. Agency, Inc.

Summit App. No. 23381. On motion for stay of court of appeals' decision. Motion denied.

2006-1845. State v. Rutherford.

Champaign App. No. 06CA13, 2006-Ohio-5132. On amended motion to stay postrelease control and to release on bond or, in the alternative, for an expedited briefing schedule. Motion denied.

Moyer, C.J., and Lanzinger, J., dissent and would order an expedited briefing schedule.

O'Donnell, J., dissents and would grant the motion.

APPEALS ACCEPTED FOR REVIEW

2006-1501. State v. Rodriguez.

Huron App. No. H-05-020, 2006-Ohio-3378. Discretionary appeal accepted, cause held for the decision in 2006-0151, *State v. Carswell*, Warren App. No. CA2005-04-047, 2005-Ohio-6547; and briefing schedule stayed.

2006-1528. Hubbell v. Xenia.

Greene App. No. 2005 CA 99, 2006-Ohio-3369. Discretionary appeal accepted and cause consolidated with 2006-1589, *Hubbell v. Xenia*, Greene App. No. 2005 CA 99, 2006-Ohio-3369.

Pfeifer, J., dissents.

2006-1541. State v. Tribett.

Franklin App. No. 04AP-828, 2006-Ohio-3437. Discretionary appeal accepted on Proposition of Law No. III; cause held for the decision in 2006-1245 and 2006-1383, *State v. Payne*, Franklin App. No. 05AP-517, 2006-Ohio-2552; and briefing schedule stayed.

Moyer, C.J., would also accept the appeal on Proposition of Law No. IV.

Resnick and Pfeifer, JJ., dissent.

2006-1580. State v. Wagoner.

Montgomery App. No. 21225, 2006-Ohio-3760. Discretionary appeal accepted; cause held for the decision in 2006-0151, *State v. Carswell*, Warren App. No. CA2005-04-047, 2005-Ohio-6547; cause consolidated with 2006-1592, *State v. Wagoner*, Montgomery App. No. 21225, 2006-Ohio-3760; and briefing schedule stayed.

Pfeifer, J., dissents.

APPEALS NOT ACCEPTED FOR REVIEW

2006-1341. State v. Jackson.

Trumbull App. No. 2004-T-0089, 2006-Ohio-1007 and 2006-Ohio-2651.

Pfeifer, J., dissents.

2006-1367. Palmer v. Williams.

Franklin App. No. 04AP-434.

2006-1379. State v. Hassel.

Lorain App. No. 05CA008760, 2006-Ohio-2849.

2006-1386. Lowrey v. DeGenova.

Fairfield App. No. 2005-CA-51 and 2005-CA-92, 2006-Ohio-2835.

2006-1391. Dimenna v. Pflanz.

Hamilton App. No. C-050289.

2006-1394. State v. Martin.

Muskingum App. No. CT2006-0002, 2006-Ohio-3137.

2006-1397. State v. Larimer.

Muskingum App. No. CT2005-0055, 2006-Ohio-3252.

2006-1402. Crable v. Nestle USA, Inc.

Cuyahoga App. No. 86746, 2006-Ohio-2887.

2006-1408. Bogdan v. Ford Motor Co.

Cuyahoga App. No. 86745, 2006-Ohio-2894.

2006-1410. Richter v. Moreland.

Warren App. No. CA2005-03-031, 2006-Ohio-2946.

O'Donnell and Lanzinger, JJ., dissent and would accept the appeal on Proposition of Law No. I.

2006-1412. Danforth v. Danforth.

Cuyahoga App. No. 86693, 2006-Ohio-2890.

2006-1417. Proctor v. N & E Realty, LLC.

Trumbull App. No. 2005-T-0051, 2006-Ohio-3078.

Moyer, C.J., dissents and would accept the appeal on Proposition of Law Nos. I and II.

2006-1418. Wood v. Palomba.

Tuscarawas App. No. 05AP100071, 2006-Ohio-3030.
Resnick and Pfeifer, JJ., dissent.

2006-1422. State ex rel. Petro v. Mercomp, Inc.

Cuyahoga App. No. 86563, 167 Ohio App.3d 64, 2006-Ohio-2729.

Moyer, C.J., dissents and would accept the appeal on Proposition of Law Nos. I and II.

Lundberg Stratton, J., dissents and would accept the appeal on Proposition of Law No. I.

O'Donnell, J., dissents.

2006-1424. Delbalso v. Kippen.

Cuyahoga App. No. 86717, 2006-Ohio-2731.

O'Donnell, J., dissents.

2006-1428. State v. White.

Hamilton App. No. C-040770.

Moyer, C.J., dissents and would accept the appeal on Proposition of Law Nos. I and II.

Lanzinger, J., dissents and would accept the appeal on Proposition of Law No. I.

2006-1431. State v. Gaines.

Hamilton App. No. C-050409.

2006-1434. State v. Lundy.

Cuyahoga App. No. 87050, 2006-Ohio-3497.

Moyer, C.J., dissents and would accept the appeal on Proposition of Law No. I.

2006-1436. State v. Crace.

Fairfield App. No. 05 CA 93, 2006-Ohio-3027.

2006-1439. State v. Jackson.

Hamilton App. No. C-050519.

2006-1440. McGee v. Helmus.

Erie App. Nos. E-05-043, E-05-044 and E-05-066, 2006-Ohio-3061.

2006-1442. Michelson v. Michelson.

Williams App. No. WM-05-018, 2006-Ohio-3063.

2006-1444. State v. Pounds.

Montgomery App. No. 21257, 2006-Ohio-3040.

2006-1446. State v. Plaza.

Cuyahoga App. No. 88095.

2006-1447. Cuffman v. Elzy.

Summit App. No. 22981, 2006-Ohio-2969.

2006-1448. State v. Bulger.

Sandusky App. Nos. S-05-020 and S-05-021, 2006-Ohio-3046.

2006-1450. Chuparkoff v. Farmers Ins. of Columbus, Inc.

Summit App. No. 22712, 2006-Ohio-3281.

Resnick and Pfeifer, JJ., dissent.

2006-1452. State v. Raymond.

Franklin App. No. 05AP-1043, 2006-Ohio-3259.

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

2006-1457. Newell v. Anderson.

Lorain App. No. 05CA008812, 2006-Ohio-3291.

2006-1464. State v. Person.

Cuyahoga App. No. 86514, 2006-Ohio-2889.

Resnick and O'Donnell, JJ., dissent.

2006-1465. George v. Arora.

Stark App. No. 2005 CA 00302, 2006-Ohio-3123.

2006-1466. State v. Harris.

Jefferson App. No. 04 JE 44, 2006-Ohio-3520.

2006-1468. Natl. City Bank v. Calvey.

Franklin App. No. 05AP-1229, 2006-Ohio-3101.

2006-1469. Fouty v. Ohio Dept. of Youth Servs.

Franklin App. No. 05AP-119, 2006-Ohio-2957.

Moyer, C.J., dissents.

2006-1470. State v. Kruse.

Wood App. No. WD-05-001, 2006-Ohio-3179.

2006-1472. State v. Bowser.

Licking App. No. 05CA119, 2006-Ohio-3507.

2006-1473. State v. Langley.

Sandusky App. No. S-05-034, 2006-Ohio-3391.

2006-1477. State v. Savage.

Lake App. No. 2005-L-119, 2006-Ohio-3418.

2006-1483. State v. Chavis-Tucker.

Franklin App. No. 05AP-974, 2006-Ohio-3105.

2006-1485. State v. Washatka.

Cuyahoga App. No. 86786, 2006-Ohio-2734.

2006-1486. State v. Brown.

Richland App. No. 05CA41, 2006-Ohio-3277.

2006-1489. Poiry v. Certified Power, Inc.

Lucas App. No. L-05-1331, 2006-Ohio-3183.

2006-1490. Malone v. Chillicothe.

Ross App. No. 05CA2869, 2006-Ohio-3268.

2006-1491. Brezina v. Erie Ins. Co.

Licking App. No. 2005CA00102, 2006-Ohio-3275.

Pfeifer, J., dissents.

2006-1492. Baker v. Ohio Dept. of Job & Family Servs.

Lucas App. No. L-05-1296, 2006-Ohio-3176.

2006-1493. Posen v. Sitecon, L.L.C.

Cuyahoga App. No. 86239, 2006-Ohio-3167.

Pfeifer, J., dissents.

2006-1494. In re A.V.

Franklin App. No. 05AP-789, 2006-Ohio-3149.
Moyer, C.J., and Resnick, J., dissent.

2006-1495. Kertesz v. Fulton Cty.

Fulton App. No. F-05-026, 2006-Ohio-3178.

2006-1497. State v. Lemke.

Columbiana App. No. 05 CO 42, 2006-Ohio-3481.

2006-1499. State v. Ealy.

Montgomery App. No. 21514.

2006-1500. State v. Blackmon.

Stark App. No. 2005CA00220, 2006-Ohio-3395.

2006-1504. State v. Mayle.

Stark App. No. 2006-CA-00084, 2006-Ohio-3269.

2006-1505. State v. Bufford.

Hamilton App. No. C-050330.

2006-1516. State v. Banks.

Cuyahoga App. No. 88271.

2006-1525. FirstMerit Bank, NA v. Guarantee Title & Trust Co.

Summit App. No. 22894, 2006-Ohio-3333.
Moyer, C.J., and Resnick, J., dissent.

2006-1547. In re T.B.

Franklin App. No. 06AP-477, 2006-Ohio-3452.

2006-1555. State v. Thompson.

Cuyahoga App. No. 85843, 2006-Ohio-3162.

2006-1558. MacFarlane v. MacFarlane.

Cuyahoga App. No. 86835, 2006-Ohio-3155. Discretionary appeal not accepted. Motion for admission pro hac vice of Stephen J. Safranek by Becky Blair granted. Motion to strike appeal denied as moot.

2006-1565. In re G.S.

Cuyahoga App. No. 86832, 2006-Ohio-3161.

2006-1566. State v. Smith.

Cuyahoga App. No. 88266.

2006-1569. State v. Jackson.

Cuyahoga App. No. 86506, 2006-Ohio-3165.

2006-1570. State v. Gums.

Cuyahoga App. No. 86760, 2006-Ohio-3159.

2006-1573. State v. Smith.

Cuyahoga App. No. 86690, 2006-Ohio-3156.

2006-1582. State v. Storey.

Cuyahoga App. No. 87030, 2006-Ohio-3498.

Moyer, C.J., and Lanzinger, J., dissent and would accept the appeal on Proposition of Law No. II.

2006-1583. State v. Caldwell.

Summit App. No. 22897, 2006-Ohio-3560.

2006-1584. State v. Nicholson.

Cuyahoga App. No. 88136.

2006-1603. State v. Miller.

Hamilton App. No. C-050975.

2006-1611. State v. Brown.

Summit App. No. 23324.

2006-1614. State v. Stone.

Franklin App. No. 06AP-672.

2006-1670. State v. Srock.

Summit App. No. 22812, 2006-Ohio-251.

2006-1672. State v. Muniz.

Cuyahoga App. Nos. 85156 and 85157, 162 Ohio App.3d 198, 2005-Ohio-3580 and 2006-Ohio-3975.

2006-1714. In re A.T.

Summit App. No. 23065, 2006-Ohio-3919.

RECONSIDERATION OF PRIOR DECISIONS

2005-1930. Cincinnati Bar Assn. v. Bailey.

Board on the Unauthorized Practice of Law, UPL No. 03-13. Reported at 110 Ohio St.3d 223, 2006-Ohio-4360, 852 N.E.2d 1180. On motion for reconsideration. Motion denied.

2006-0437. Disciplinary Counsel v. Keller.

Board of Commissioners on Grievances and Discipline, No. 05-018. Reported at 110 Ohio St.3d 240, 2006-Ohio-4354, 852 N.E.2d 1195. On motion for reconsideration. The motion for reconsideration is granted to the following extent:

The opinion announced on September 6, 2006, is clarified as follows:

¶ 14 is modified to read as follows:

{¶14} Accordingly, respondent is hereby suspended from the practice of law for two years with 18 months stayed, provided that respondent (1) commit no further misconduct during the two-year suspension period, and (2) continue to comply with his OLAP contract. If respondent fails to comply with either of these conditions, the stay will be lifted, and respondent will serve the full two year suspension. We further require that respondent make restitution in the amount of \$102,800, with interest at the judgment rate, to Ann Thompson, or provide evidence that such obligation has been satisfied by settlement for less than the full amount, before he may apply to be reinstated to the practice of law. Costs are taxed to respondent.

2006-0695. Bozsik v. Hudson.

Richland App. No. 06-CA-20. Reported at 110 Ohio St.3d 245, 2006-Ohio-4356, 852 N.E.2d 1200. On motion for reconsideration. Motion denied.