

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

April 7, 2009

[Cite as *04/07/2009 Case Announcements*, 2009-Ohio-1662.]

MERIT DECISIONS WITH OPINIONS

2007-2383. State ex rel. Vazquez v. Cuyahoga Cty. Court of Common Pleas, Slip Opinion No. 2009-Ohio-1498.

Cuyahoga App. No. 90755, 2007-Ohio-6629. Judgment reversed and writ of prohibition granted.

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

Lundberg Stratton and O'Donnell, JJ., dissent for the reasons stated in the dissenting opinion in *Thorton v. Montville Plastics & Rubber, Inc.*, 121 Ohio St.3d 124, 2009-Ohio-360, 902 N.E.2d 482.

2008-0277. Morrin v. DaimlerChrysler Corp., Slip Opinion No. 2009-Ohio-1499.

Lucas App. No. L-07-1173, 2007-Ohio-6888. Judgment affirmed.

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

Lundberg Stratton and O'Donnell, JJ., dissent for the reasons stated in the dissenting opinion in *Thorton v. Montville Plastics & Rubber, Inc.*, 121 Ohio St.3d 124, 2009-Ohio-360, 902 N.E.2d 482.

2008-0298. Thorton v. Montville Plastics & Rubber, Inc., Slip Opinion No. 2009-Ohio-1516.

Geauga App. No. 2007-G-2760, 2007-Ohio-7115. Judgment affirmed.

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

Lundberg Stratton and O'Donnell, JJ., dissent for the reasons stated in the dissenting opinion in *Thorton v. Montville Plastics & Rubber, Inc.*, 121 Ohio St.3d 124, 2009-Ohio-360, 902 N.E.2d 482.

2008-1195. In re P.F., Slip Opinion No. 2009-Ohio-1518.

Lorain App. No. 07CA009243, 2008-Ohio-2105. Judgment reversed and cause remanded to the trial court.

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

2008-1785. Disciplinary Counsel v. McCord, Slip Opinion No. 2009-Ohio-1517.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 03-073. Michael McCord, Attorney Registration No. 0020304, is indefinitely suspended from the practice of law in Ohio.

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

Cupp, J., concurs in part but would not reinstate Count One.

Pfeifer, J., dissents and would suspend the respondent from the practice of law in Ohio for two years, with one year stayed.

2008-2278. In re C.J.B., Slip Opinion No. 2009-Ohio-1515.

Summit App. No. 24039, 2008-Ohio-5233. Discretionary appeal accepted, judgment reversed in part, and cause remanded to the juvenile court.

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

2008-2299. In re E.L., Slip Opinion No. 2009-Ohio-1514.

Cuyahoga App. No. 90848, 2008-Ohio-5094. Discretionary appeal accepted and cause remanded.

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

MOTION AND PROCEDURAL RULINGS

2009-0574. State ex rel., Hughley v. McMonagle.

Cuyahoga App. No. 92713, 2009-Ohio-1259. This cause was filed as a discretionary appeal and a claimed appeal of right. Upon consideration of appellant's jurisdictional memorandum, it is determined by the court that this cause originated in the court of appeals and, therefore, should proceed as an appeal of right pursuant to S.Ct.Prac.R. II(1)(A)(1).

It is ordered by the court that the Clerk shall issue an order for the transmission of the record from the Court of Appeals for Cuyahoga County, and the parties shall brief this case in accordance with S.Ct.Prac.R. VI.

2009-0599. Shroyer v. Banks.

Hocking App. No. 09CA3. This cause was filed as a discretionary appeal and claimed appeal of right. Upon consideration of appellant's jurisdictional memorandum, it is determined by the court that this cause originated in the court of appeals and shall proceed as a direct appeal.

It is ordered by the court that the Clerk shall issue an order for the transmittal of the record from the Court of Appeals for Hocking County. Appellant shall file his merit brief within forty days of the filing of the record with the Clerk of this court, and the parties shall otherwise proceed in accordance with S.Ct.Prac.R. VI.

DISCIPLINARY CASES

2007-1058. Cuyahoga Cty. Bar Assn. v. Peto.

On October 10, 2007, this court suspended respondent from the practice of law for a period of one year with six months stayed on the condition that respondent repay his client \$600 and file proof of the repayment with this court within 60 days. The order stated that if respondent failed to comply with the condition, the stay would be lifted, and respondent would be ordered to serve the full year of the suspension. Respondent failed to file proof of restitution, the stay was lifted, and respondent was ordered to serve the full suspension and required to file proof of restitution before seeking reinstatement.

This cause is before the court upon respondent's filing of a notice of efforts to comply with the court's order.

Upon consideration thereof, it is ordered that prior to seeking reinstatement, respondent shall file proof of all attempts he has made to contact his former client, including proof of mailing notices, by both ordinary and certified mail, to the client at all known addresses. If respondent is unable to locate his client, respondent shall follow the procedure for the disposition of unclaimed funds as set forth in R.C. Chapter 169. Respondent shall file a certified copy of the Unclaimed Funds Report form submitted to the Ohio Department of Commerce pursuant to R.C. Chapter 169.

2008-0824. Cuyahoga Cty. Bar Assn. v. Veneziano.

This cause came on for further consideration upon the filing on March 20, 2009, by respondent of a motion to make monthly payment arrangements. Upon consideration thereof,

It is ordered that the motion is denied.

2008-2196. Trumbull Cty. Bar Assn. v. Kafantaris.

This cause came on for further consideration upon the filing by relator on February 6, 2009, of a motion for order to show cause why respondent did not comply with the November 26, 2008, court order. Upon consideration thereof,

It is ordered by this court that the motion is denied.

MISCELLANEOUS DISMISSALS

2009-0383. State ex rel. Mills v. Strickland.

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.

MEDIATION REFERRALS

The following case has been returned to the regular docket pursuant to S.Ct.Prac.R. XIV(6)(E):

2008-2408. HIN, L.L.C. v. Cuyahoga Cty. Bd. of Revision.

Board of Tax Appeals, No. 2006-A-712.