

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

February 5, 2009

[Cite as *02/05/2009 Case Announcements, 2009-Ohio-452.*]

MERIT DECISIONS WITH OPINIONS

2007-0895 and 2007-0912. In re L.A.B., Slip Opinion No. 2009-Ohio-354.

Summit App. No. 23309, 2007-Ohio-1479. Certified question answered in the affirmative, judgment reversed, and cause remanded to the trial court.

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

O'Donnell and Cupp, JJ., dissent.

2007-1588. Thorton v. Montville Plastics & Rubber, Inc., Slip Opinion No. 2009-Ohio-360.

Geauga App. No. 2006-G-2744, 2007-Ohio-3475. Judgment affirmed.

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

Lundberg Stratton and O'Donnell, J., dissent.

2007-2193. State v. Bartrum, Slip Opinion No. 2009-Ohio-355.

Summit App. No. 23549, 2007-Ohio-5410. Judgment affirmed.

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

O'Donnell, J., dissents.

2008-0045. State v. Hatfield, Slip Opinion No. 2009-Ohio-353.

Ashtabula App. No. 2006-A-0033, 2007-Ohio-7130. The cause is dismissed, sua sponte, as having been improvidently accepted.

Pfeifer, Lundberg Stratton, Lanzinger, and Cupp, JJ., concur.

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

2008-1205. Cleveland Metro. Bar Assn. v. Podor, Slip Opinion No. 2009-Ohio-358.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 07-029. Kenneth Charles Podor, Attorney Registration No. 0014067, is suspended from the practice of law in Ohio for one year, stayed on conditions.

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

2008-1270. Akron Bar Assn. v. Maher, Slip Opinion No. 2009-Ohio-356.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 07-035. Douglas B. Maher, Attorney Registration No. 0024038, is indefinitely suspended from the practice of law in Ohio.

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

MOTION AND PROCEDURAL RULINGS

2005-2264. State v. Diar.

Lorain C.P. No. 04CR065248. This cause came on for further consideration upon appellant's motion for appointment of counsel to file an application for reopening of direct appeal.

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

DISCIPLINARY CASES

2006-1189. Akron Bar Assn. v. Amourgis.

On July 3, 2008, respondent, Julius P. Amourgis, Attorney Registration No. 0069140, last known business address in Akron, Ohio, 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 March 21, 2007, in which the court suspended respondent for a period of twelve months, stayed the entire suspension and placed respondent on probation.

Therefore, it is ordered by this court that the probation of respondent 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.

MISCELLANEOUS DISMISSALS

2008-1931. Owens v. Cordray.

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus. It appears from the records of the court that the relator has not filed a merit brief, due January 30, 2009, in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

It is ordered by the court that this cause is dismissed sua sponte.

2008-2240. State v. Mason.

Lucas App. No. L-06-1404, 2008-Ohio-5034. This cause is pending before the court as a discretionary appeal and claimed appeal of right. It appears from the records of the court that the appellant has not filed a memorandum in support of jurisdiction, due January 30, 2009, in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

It is ordered by the court that this cause is dismissed sua sponte.

2009-0001. State v. Goldsmith.

Cuyahoga App. No. 90617, 2008-Ohio-5990. This cause is pending before the court as a discretionary appeal and cross-appeal and claimed appeal of right. It appears from the records of the court that the appellee/cross-appellant has not filed a memorandum in response and in support of the cross-appeal, due February 2, 2009, in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

It is ordered by the court that the cross-appeal is dismissed sua sponte.

It is further ordered that the appeal of the state of Ohio remains pending.

MISCELLANEOUS ORDERS

In re Continuing Legal Education Suspension	:	
Charles Paul Derby (0055272)	:	January 30,2009
Respondent.	:	
	:	ORDER OF
	:	REINSTATEMENT

On January 9, 2009, respondent was suspended from the practice of law pursuant to Gov.Bar R. X(5). On January 30, 2009, respondent applied for

reinstatement to the practice of law and complied with the requirements for reinstatement set forth in Gov.Bar R. X(7)(A).

Upon consideration thereof and pursuant to Gov.Bar R. X(7)(B), respondent is reinstated to the practice of law.

In re Continuing Legal Education Suspension	:	
David Clark Champion (0022833)	:	January 30, 2009
Respondent.	:	
	:	ORDER OF
	:	REINSTATEMENT

On January 9, 2009, respondent was suspended from the practice of law pursuant to Gov.Bar R. X(5). On January 30, 2009, respondent applied for reinstatement to the practice of law and complied with the requirements for reinstatement set forth in Gov.Bar R. X(7)(A).

Upon consideration thereof and pursuant to Gov.Bar R. X(7)(B), respondent is reinstated to the practice of law.

MEDIATION REFERRALS

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

2009-0157. South-Western City Schools Bd. of Edn. v. Franklin Cty. Bd. of Revision.

Board of Tax Appeals, No. 2005-V-332.

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

2008-1962. State ex rel. AK Steel Corp. v. Davis.

Franklin App. No. 07AP-687, 2008-Ohio-459.

2008-2149. State ex rel. Northwestern Ohio Bldg. & Constr. Trades Council v. Zurz.

In Mandamus.

2008-2220. State ex rel. Ford Motor Co. v. Johnson.

Franklin App. No. 07AP-1084, 2008-Ohio-4890.

2008-2365. Worthington City Schools Bd. of Edn. v. Franklin Cty. Bd. of Revision.

Board of Tax Appeals, No. 2006-H-381.