

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

June 6, 2008

[Cite as *06/06/2008 Case Announcements, 2008-Ohio-2694.*]

MOTION AND PROCEDURAL RULINGS

2008-0411. Cleveland Clinic Found. v. Levin.

Board of Tax Appeals, Nos. 2005-V-1726, 2006-V-99 and 2006-H-117. This cause is pending before the court as an appeal from the Board of Tax Appeals. Appellee Tax Commissioner has filed a motion to dismiss the appeal for want of jurisdiction. Upon consideration thereof,

It is ordered by the court, sua sponte, that merit briefing pursuant to S.Ct.Prac.R. VI is hereby stayed until further order of this court.

It is furthered ordered that the parties are to file memoranda addressing the following two issues:

1. When a public office as litigant obtains documents through civil discovery, do those documents become “public records” that the agency must disclose upon request, or do those documents qualify as “trial preparation records” that are exempt from public records disclosure pursuant to R.C. 149.43(A)(1)(g)?

2. After *State ex rel. WBNS TV v. Dues*, 101 Ohio St.3d 406, 2004-Ohio-1497, does a protective order issued by a tribunal in discovery constitute an exception from mandatory disclosure of the discovered documents as public records pursuant to the “catch all” exception at R.C. 149.43(A)(1)(v), where the tribunal has not ruled that specific documents are confidential under specific provisions of law?

Both appellants and appellees shall file memoranda addressing the above issues within 20 days of the date of this order. Both parties may then file a response within ten days of the filing of the initial memoranda. The Clerk of this court shall refuse to file any requests for or stipulations to an extension of time under Rule XIV(3)(B)(2).

2008-1081. In re Chicase.

Trumbull App. No. 2007-T-0119, 2008-Ohio-1999. This cause is pending before the court as a discretionary appeal and claimed appeal of right. Upon review of the appeal, it appears that the case involves the termination of parental rights. Accordingly,

It is ordered by the court, sua sponte, that this case shall proceed according to the Rules of Practice of the Supreme Court of Ohio governing the termination of parental rights or adoption of a minor child. Appellee's memorandum in response shall be filed no later than 20 days from the date of this entry.

MISCELLANEOUS ORDERS

The Supreme Court of Ohio has issued orders imposing sanctions upon 187 attorneys and judges for noncompliance with the provisions of Gov.Bar R. X and Gov.Jud. R. IV. The text of the entry imposing the sanction is reproduced below. This is followed by a list of the attorneys and judges who were sanctioned. The list includes each attorney's or judge's Attorney Registration Number, the county and state of residence and the county and state of the attorney's or judge's employer, as last registered with the Attorney Registration Section, and the amount of the sanction fee imposed by the Supreme Court.

In re Report of the Commission
on Continuing Legal Education

[Attorney Name]
(#[Registration #]),
Respondent.

CLE-2007-[Registration #]

ORDER
[Issued June 6, 2008]

This matter originated in this court on the filing of a report by the Commission on Continuing Legal Education (the "commission") pursuant to Gov.Bar R. X(6)(A)(1)(b) and (A)(2)(d). The commission recommended the imposition of sanctions against certain attorneys and judges, including the above-named respondent, for failure to comply with the applicable continuing legal education provisions of Gov.Bar R. X and Gov.Jud.R. IV for the 2005-2006 reporting period.

On January 25, 2008, pursuant to Gov.Bar R. X(6)(B)(1), this court issued to the respondent an order to show cause why the commission's recommendation should not be adopted and an order so entered against the respondent. Respondent filed no objections to the commission's recommendation and this cause was considered by the court. Upon consideration thereof,

It is ordered by the court that the recommendation of the commission is adopted and, within 30 days of the date of this order, respondent shall pay to the Commission on Continuing Legal Education, by certified check or money order, a sanction fee which is hereby imposed in the total amount of \$[sanction amount].

It is further ordered that the respondent shall not be deemed to be in good standing with the Supreme Court of Ohio if the respondent has not complied with this order but that this order shall not be considered a disciplinary order pursuant to Gov.Bar R. V or Gov.Bar R. X(6)(H).

It is further ordered that the commission shall notify the Clerk of the court when payment of the imposed sanction has been made by respondent.

It is further ordered that service shall be deemed made on respondent by sending this order, and all other orders in this case, by certified mail to the most recent address respondent has given to the Office of Attorney Services.

It is further ordered that payment of the sanction notwithstanding, respondent shall comply with the requirements imposed by Gov.Bar R. X for the 2005-2006 reporting period. See CLE Reg. 503.4.

<u>Attorney Name</u>	<u>Registration #</u>	<u>Residence</u>		<u>Employer</u>		<u>Amount</u>
		<u>County</u>	<u>State</u>	<u>County</u>	<u>State</u>	
James Byrne Varanese	0039292					\$750.00
Wendy Toolin Breau	0059400					\$100.00
Marjorie Lord Westphal	0005714		AZ		AZ	\$150.00
Richard Adam Schloss	0075604		CA		CA	\$540.00
Jennifer Marie Peter	0077286		FL		DC	\$150.00
Peter Jerry Manso	0002416		FL		FL	\$330.00
Thomas Terry Schell	0010603		FL		FL	\$750.00
Frank Walter Nagorka	0028012		IL		IL	\$750.00
Jefferson N. Schaffner	0016235		IN			\$150.00
William Douglas Thorne	0037416		IN		IN	\$150.00
Heath Oliver Weaver	0069929		IN		IN	\$750.00
Andrew Joseph Nill	0074277		IN		IN	\$310.00
Shawn Robert Ryan	0042267		KY		KY	\$230.00
Margot Ann Tillman-Fleet	0029560		LA		LA	\$250.00
Lester Jay Rosensaft	0034216		MA			\$150.00
Anthony Francis McKeown	0041323		MA			\$610.00
Ronald Edward Xavier	0069422		MA		MA	\$250.00
Richard Lawrence Steinberg	0030885		MI		MI	\$460.00
Gregory Lynn Moore	0033957		MI		MI	\$120.00
Kirk Daniel Trammel	0049145		MI		MI	\$700.00
Patrick Wendell Noaker	0052031		MN		MN	\$150.00
Michelle Lynne Higginson	0059387		MO		MO	\$600.00
Michael Edward Susco	0029660	Warren	OH		NH	\$490.00
David William Norgard	0033393		NJ		NJ	\$150.00
Dwight Alan Teegardin	0017381		NV		NV	\$250.00
Cesare Albert Refe	0020750		NV			\$750.00

Branislav Pandurevic	0038139		NV		NV	\$150.00
Edward Wayne Miller	0033816		NY		NY	\$750.00
Andrew Joseph Van Horn	0068860	Hancock	OH	Allen	OH	\$150.00
Sherry Lee Tyree	0077385	Clark	OH			\$370.00
Kenneth Michael Miller	0047157	Brown	OH	Clermont	OH	\$150.00
Christopher Thomas Travis	0067699	Clermont	OH	Clermont	OH	\$150.00
Raymond Terry Sawyer, III	0002048	Cuyahoga	OH	Cuyahoga	OH	\$490.00
Gerald Robert Walton	0003914	Cuyahoga	OH	Cuyahoga	OH	\$150.00
Patricia Ann Stealey	0014539	Cuyahoga	OH			\$680.00
Henry Charles Navin	0016605	Cuyahoga	OH			\$540.00
Oscar Trivers	0019588	Cuyahoga	OH	Cuyahoga	OH	\$150.00
Robin Geoffrey Weaver	0020673	Cuyahoga	OH	Cuyahoga	OH	\$100.00
Hugh Emerson McKay	0023017	Cuyahoga	OH	Cuyahoga	OH	\$150.00
Walter Reinold Wertheim	0024137	Cuyahoga	OH			\$150.00
Wendy Irene Wills	0030244	Cuyahoga	OH	Cuyahoga	OH	\$270.00
Ann Therese Mannen	0030952	Cuyahoga	OH	Cuyahoga	OH	\$600.00
Marvin Sorin	0032226	Cuyahoga	OH	Cuyahoga	OH	\$680.00
Kent Ross Minshall, Jr.	0032453	Cuyahoga	OH	Cuyahoga	OH	\$55.00
Donald Sylvester Nance	0034086	Cuyahoga	OH	Cuyahoga	OH	\$250.00
Alfred Freeman Nimrod	0034135	Cuyahoga	OH	Cuyahoga	OH	\$750.00
Dale Edward Papajcik	0036939	Summit	OH	Cuyahoga	OH	\$640.00
E. Tasso Paris	0038609	Cuyahoga	OH	Cuyahoga	OH	\$60.00
James Michael Mancini	0038862	Cuyahoga	OH	Cuyahoga	OH	\$80.00
Marcus Lloyd Poole	0040030	Cuyahoga	OH	Cuyahoga	OH	\$440.00
William Anthony Sweeney	0041415	Cuyahoga	OH	Cuyahoga	OH	\$150.00
Faye Judith Maloof-Wolf	0041550	Cuyahoga	OH	Cuyahoga	OH	\$55.00
David Michael Maistros	0047390	Cuyahoga	OH	Cuyahoga	OH	\$215.00
Gregory Michael Troyan	0055831	Cuyahoga	OH	Cuyahoga	OH	\$560.00
Steven Michael Moss	0055997	Cuyahoga	OH	Cuyahoga	OH	\$400.00
Scott Michael Mendes	0058594	Cuyahoga	OH	Cuyahoga	OH	\$205.00
Rene' Darlene Smith	0061284	Cuyahoga	OH	Cuyahoga	OH	\$250.00
George Walker Schmedlen	0062478	Cuyahoga	OH	Cuyahoga	OH	\$150.00
Daniel Zereski	0063418	Medina	OH	Cuyahoga	OH	\$750.00
Daniel Joseph Nealon	0063752	Cuyahoga	OH	Cuyahoga	OH	\$570.00
Guy Darius Rutherford	0066032	Cuyahoga	OH	Cuyahoga	OH	\$430.00
Colleen Moran O'Neil	0066576	Lorain	OH	Cuyahoga	OH	\$150.00
Mark Mariotti	0067608	Cuyahoga	OH	Cuyahoga	OH	\$340.00
Frank Anthony Raso	0069270	Medina	OH	Cuyahoga	OH	\$390.00
Edward Oscar Palm	0069750	Cuyahoga	OH	Cuyahoga	OH	\$750.00
Daniel Mark Newman	0073535	Cuyahoga	OH	Cuyahoga	OH	\$100.00
Chipper Felix Xavier	0074042	Cuyahoga	OH			\$390.00
Shane Thomas Pflaiderer	0076584	Cuyahoga	OH	Cuyahoga	OH	\$120.00
Christine Marie Przybysz	0078332	Cuyahoga	OH	Cuyahoga	OH	\$150.00
Patricia Westbrook McKay	0078980	Cuyahoga	OH	Cuyahoga	OH	\$150.00
Erica Dawn Barnhill	0079309			Cuyahoga	OH	\$150.00
Shawn Javon Brown	0079331			Cuyahoga	OH	\$150.00
Perry Raynard Silverman	0020244	Franklin	OH	Delaware	OH	\$360.00
John Michael Nicks	0073608	Licking	OH	Delaware	OH	\$350.00
Helen Barbara Thompson	0031438	Erie	OH			\$520.00
Patrick Scott Mason	0076884	Erie	OH	Erie	OH	\$150.00
Don Stephen McAuliffe	0014629	Fairfield	OH	Fairfield	OH	\$750.00

Fredric Lewis Sagan	0009228	Franklin	OH	Franklin	OH	\$720.00
Kent Duane Stuckey	0021983		FL	Franklin	OH	\$310.00
John Alan Yaklevich	0025588	Franklin	OH	Franklin	OH	\$610.00
James Henry Stempien, Jr.	0037816	Franklin	OH	Franklin	OH	\$150.00
Eric Lee Weeden	0039232	Franklin	OH	Franklin	OH	\$270.00
Mathew Joseph Voltolini	0040695	Franklin	OH	Franklin	OH	\$250.00
Gerald Thomas Noel, Jr.	0063972	Franklin	OH	Franklin	OH	\$250.00
Stephen Ernest Palmer	0065265	Franklin	OH	Franklin	OH	\$150.00
Eric Eastman Willison	0066795	Franklin	OH			\$150.00
Neil Kumar Sethi	0070623	Franklin	OH	Franklin	OH	\$150.00
Rosanne T. Yang	0071182	Franklin	OH	Franklin	OH	\$250.00
Robert M. Simmons	0071724	Franklin	OH	Franklin	OH	\$420.00
Eric Jason Strawser	0072899	Pickaway	OH	Franklin	OH	\$55.00
James Timothy Scott	0074764	Franklin	OH			\$750.00
Mary Elizabeth Webster	0056287	Geauga	OH	Geauga	OH	\$720.00
Stamatios Leo Raptis	0025379	Guernsey	OH	Guernsey	OH	\$520.00
Edward Grauman Marks	0001251	Hamilton	OH	Hamilton	OH	\$150.00
Wayne Francis Wilke	0001279	Hamilton	OH	Hamilton	OH	\$150.00
Thomas Allen Mack	0013534	Hamilton	OH			\$170.00
Richard Stephen Trautmann	0018252	Hamilton	OH	Hamilton	OH	\$680.00
Charles Edward Mitchell	0019060	Hamilton	OH	Hamilton	OH	\$150.00
Morton Rabkin	0020770	Hamilton	OH			\$65.00
Tina Kay Manning	0025550	Hamilton	OH	Hamilton	OH	\$590.00
Penelope McCabe	0030799	Hamilton	OH	Hamilton	OH	\$600.00
Nancy Sarah Patton	0038689		KY	Hamilton	OH	\$150.00
Deborah Ann Youtsey	0039833		KY	Hamilton	OH	\$340.00
Jon Alan Trimboli	0042225	Lake	OH	Hamilton	OH	\$150.00
Michelle Mary Wenker	0062307	Hamilton	OH	Hamilton	OH	\$150.00
Patrick Michael O'Neill	0062519	Hamilton	OH	Hamilton	OH	\$340.00
Robert Melvin Waller, Jr.	0063489	Hamilton	OH	Hamilton	OH	\$750.00
Nancy Rose Wagner	0065596	Butler	OH	Hamilton	OH	\$250.00
James L. Salmon	0072233		KY	Hamilton	OH	\$150.00
Shanda Lataushia Spurlock	0076015		KY	Hamilton	OH	\$210.00
Pang Khou Yang	0078997	Butler	OH	Hamilton	OH	\$150.00
Cristyn Gay Reynolds	0059802	Hardin	OH	Hardin	OH	\$750.00
William Ernest Wilson	0033480	Jefferson	OH	Jefferson	OH	\$150.00
Elizabeth Lynne Wright	0073382	Wayne	OH	Knox	OH	\$100.00
Charles Andrew Rich	0068779	Lake	OH			\$490.00
Carma Ruth Pausch	0063194	Licking	OH			\$210.00
Carl Francis Noll	0023386	Lorain	OH	Lorain	OH	\$750.00
John Guthrie Rust	0000098	Lucas	OH	Lucas	OH	\$530.00
George Francis Runner	0007749	Lucas	OH	Lucas	OH	\$750.00
Darrell Vernon Van Horn, Jr.	0018511	Lucas	OH	Lucas	OH	\$680.00
David Louis Martin	0039953	Lucas	OH	Lucas	OH	\$590.00
Robert Bernal Scott	0073411	Lucas	OH	Lucas	OH	\$320.00
Pamela Irene Theodotou	0042617	Madison	OH	Madison	OH	\$610.00
Betty Jo Messer	0064173	Medina	OH	Medina	OH	\$150.00
Ruth Ann Knopf	0079155	Summit	OH	Medina	OH	\$150.00
Norman Ralph Wissinger	0003458	Montgomery	OH	Montgomery	OH	\$750.00
Michael Duane Matlock	0008564	Montgomery	OH	Montgomery	OH	\$750.00
Thomas Edward Skilken	0025244	Montgomery	OH	Montgomery	OH	\$400.00

Arlynn Ann Parker	0029312	Montgomery	OH			\$620.00
Alfred William Schneble, III	0030741	Montgomery	OH	Montgomery	OH	\$100.00
Michael Francis O'Loughlin	0037382	Montgomery	OH	Montgomery	OH	\$150.00
Cheryl Renee Washington	0038012	Montgomery	OH	Montgomery	OH	\$100.00
John Edward Mohr	0042682	Montgomery	OH	Montgomery	OH	\$750.00
Patricia Edmonston Rousseau	0045864	Montgomery	OH	Montgomery	OH	\$150.00
Susan Reddington Bridgman	0047368	Montgomery	OH	Montgomery	OH	\$330.00
Darlene Sue Rea	0064426	Montgomery	OH	Montgomery	OH	\$150.00
Griff Makini Nowicki	0071849	Montgomery	OH	Montgomery	OH	\$600.00
Craig William Saunders	0071865	Greene	OH	Montgomery	OH	\$150.00
Fitzgerald Terrance Murraine	0073209	Montgomery	OH	Montgomery	OH	\$250.00
Laura Jean Martin	0076590	Montgomery	OH	Montgomery	OH	\$150.00
John Conrad Meehling	0077630	Hamilton	OH	Montgomery	OH	\$100.00
John Francis Stinneford	0078639	Montgomery	OH	Montgomery	OH	\$750.00
Susan Nash Sugar	0059365	Franklin	OH	Muskingum	OH	\$850.00
Correen E. Wood	0078993	Ottawa	OH	Ottawa	OH	\$610.00
Audrey Ann Scuba	0007657	Portage	OH	Portage	OH	\$490.00
Jeffery David Myers	0065908	Portage	OH	Portage	OH	\$150.00
John Randolph Spon, Jr.	0001805	Richland	OH	Richland	OH	\$460.00
Gary Duane McCleese	0069171	Pike	OH	Ross	OH	\$150.00
Leticia Gerardine Patino	0025314	Seneca	OH	Seneca	OH	\$150.00
Robert Craig Wiesenmayer, II	0061184	Shelby	OH	Shelby	OH	\$100.00
Alton Lloyd Rinier	0012011	Stark	OH	Stark	OH	\$150.00
Michael Scott Russell	0018566	Stark	OH	Stark	OH	\$150.00
Harry Michael Zerebniak	0032551	Stark	OH	Stark	OH	\$230.00
Glenn Michael Schiller	0069141	Stark	OH	Stark	OH	\$250.00
Amy Jeannine Norton	0072092	Stark	OH	Stark	OH	\$550.00
Neil VanWinkle	0006227	Cuyahoga	OH	Summit	OH	\$250.00
Donald Leo Marks	0007209	Summit	OH	Summit	OH	\$590.00
Saundra Washington Robinson	0012840	Summit	OH	Summit	OH	\$90.00
Barbara Mary Vassel	0014387	Summit	OH	Summit	OH	\$660.00
David Birch Wirsching, Jr.	0020399	Summit	OH	Summit	OH	\$600.00
Augustin Francis O'Neil	0021157	Summit	OH	Summit	OH	\$600.00
Lawrence Robert Smith	0029026	Summit	OH	Summit	OH	\$150.00
Janice Holman Robinson	0032807	Summit	OH	Summit	OH	\$750.00
William Bruce Nye	0037663	Summit	OH	Summit	OH	\$250.00
Sidney Gene Nelson, Jr.	0047211	Summit	OH	Summit	OH	\$150.00
Edward Paul Markovich	0068046	Summit	OH	Summit	OH	\$100.00
Angela Marlene Pappas	0071244	Summit	OH	Summit	OH	\$150.00
Christopher Michael Smith	0072984	Cuyahoga	OH	Summit	OH	\$205.00
Thomas Nelson Trefethern	0073383	Mahoning	OH	Summit	OH	\$750.00
Leigh Anne Young	0077529	Summit	OH			\$340.00
Joshua Rapport Angelotta	0078808	Cuyahoga	OH	Summit	OH	\$150.00
Joseph David Ohlin	0031532	Trumbull	OH	Trumbull	OH	\$210.00
Michael Philip O'Day	0037182	Geauga	OH	Trumbull	OH	\$820.00
David Heskett McLain	0058692	Trumbull	OH	Trumbull	OH	\$150.00
Christopher Philip Zuzolo	0061957	Trumbull	OH	Trumbull	OH	\$100.00
Sharolyn Latrelle Murphy	0040176		PA		PA	\$610.00
Jeffrey Alan Pribanic	0044079		PA		PA	\$310.00
Mark Edward Moulton	0067916		PA		PA	\$750.00
David Lynn Morehous	0067371		TN		TN	\$70.00

Karin Wilson Riley	0047221	TX	TX	\$610.00
Laurence Kosin Ryan	0047225	TX		\$720.00
Frank Milton Wells	0016555	UT	UT	\$610.00
Richard Joseph Williams	0076099	WA		\$150.00
Karin Louise Weingart	0065550	WV	WV	\$750.00
Christopher John Wallace	0065561	PA	WV	\$150.00
Adam Lee Maynard	0078256	WV	WV	\$250.00
Richard Alden Smith	0043739	WY	WY	\$150.00

MEDIATION REFERRALS

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

2008-0660. State ex rel. Potts v. Fayette Tubular Prods., Inc.
Franklin App. No. 07AP-505, 2008-Ohio-1218.