

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

May 16, 2002

MOTION AND PROCEDURAL RULINGS

2000-1984. Aetna Cas. & Sur. Co. v. Goodyear Tire & Rubber Co.

Summit App. No. 19121. This cause is pending before the court as an appeal from the Court of Appeals for Summit County. Upon consideration of appellees' motion for leave to file additional authority,

IT IS ORDERED by the court that the motion for leave to file additional authority be, and hereby is, granted, and appellees may file the citation to the additional authority within 7 days of the date of this entry.

Cook, J., not participating.

2000-2099. Cincinnati Bar Assn. v. Clapp & Affiliates Fin. Serv., Inc.

On April 3, 2002, this court ordered respondent Clapp & Affiliates Financial Services, Inc. ("Clapp, Inc."), and intervening respondent Robert D. Clapp, to produce or cause to be produced within ten days of the date of the order at the office of counsel for the relator certain documents and materials. This court further ordered Robert D. Clapp to file an affidavit with this court and with relator that he is no longer engaged and does not further intend to engage in any counseling or negotiation regarding legal matters for or on behalf of another, or appear in court by pleadings or personal appearance for or on behalf of any party other than himself, or engage in any practice that may constitute the practice of law.

In its order of April 3, 2002, this court further ordered that should intervening respondent Robert D. Clapp in his personal capacity or as Chief Executive Officer of Clapp, Inc., or as sole shareholder of Clapp, Inc., fail to produce the items referred to in the order, he shall be incarcerated in the Richland County Jail for a period of no less than 30 days and as long thereafter as he shall fail to purge himself of the contempt of this court.

It appears from the records in this case that respondent Clapp, Inc., and intervening respondent Robert D. Clapp have not complied with the April 3, 2002 order. On May 3, 2002, relator Cincinnati Bar Association filed a notice to this court that, as of April 26, 2002, relator had not received any books, files, records, documents, or other materials which pertain to any clients of respondent Clapp, Inc., and intervening respondent Robert D. Clapp, or documents which were identified in a subpoena issued on October 10, 2000, by the Board of Commissioners on the Unauthorized Practice of Law of the Supreme Court of Ohio to respondent. It further appears from the docket of this case that Robert D. Clapp did not file an affidavit with this court as required by the April 3, 2002 order. Upon consideration thereof,

IT IS ORDERED by the court that a writ of commitment shall be issued commanding the Sheriff of Richland County to imprison Robert D. Clapp, last known business address in Mansfield, Ohio, for a period of no less than 30 days and as long thereafter as he shall fail to purge himself of the contempt of this court.

IT IS FURTHER ORDERED by the court that relator Cincinnati Bar Association shall immediately file a notice with this court upon Robert D. Clapp's compliance with the April 3, 2002 order.

2001-0493. Goodyear Tire & Rubber Co. v. Aetna Cas. & Rubber Co.

Summit App. No. 19121. This cause is pending before the court as an appeal from the Court of Appeals for Summit County. Upon consideration of appellees' motion for leave to file additional authority,

IT IS ORDERED by the court that the motion for leave to file additional authority be, and hereby is, granted, and appellees may file the citation to the additional authority within 7 days of the date of this entry.

Cook, J., not participating.

2001-0748. State ex rel. R.T.G., Inc. v. State.

Franklin App. No. 98AP-1015, 2001-Ohio-4267. This cause is pending before the court as an appeal and cross-appeal from the Court of Appeals for Franklin County. Upon consideration of appellants/cross-appellees' motion for leave to file additional authority,

IT IS ORDERED by the court that the motion for leave to file additional authority be, and hereby is, granted, and appellants/cross-appellees may file the citation to the additional authority within 7 days of the date of this entry.

2001-0871. State v. Ahmed.

Belmont C.P. No. 99CR192. This cause is a death penalty appeal from the Court of Common Pleas of Belmont County. Upon consideration of appellant's motion to supplement the record with Nawaz Ahmed's medical records from the Belmont County Jail that were not previously included when the record was transmitted to this court,

IT IS ORDERED by the court that the motion to supplement the record be, and hereby is, granted.

IT IS FURTHER ORDERED by the court that the Clerk of the Belmont County Court of Common Pleas shall certify and transmit the medical records of Nawaz Ahmed from the Belmont County Jail within 20 days of the date of this entry.

2001-1057. State v. Campbell.

Franklin C.P. No. 97CR042020. Upon consideration of the motion filed by counsel for appellant to stay execution in the above-styled cause pending the exhaustion of state post-conviction remedies, and it appearing from the exhibits to the motion that post-conviction proceedings are pending,

IT IS ORDERED by the court that said motion be, and the same is hereby, granted.

IT IS FURTHER ORDERED by the court that execution of sentence be, and the same is hereby, stayed pending the exhaustion of all proceedings for post-conviction relief before courts of this state, including any appeals.

IT IS FURTHER ORDERED that counsel for the appellant and for the appellee shall notify this court when all proceedings for post-conviction relief before courts of this state have been exhausted.

2002-0739. Decker v. Benedetto.

Tuscarawas App. Nos. 2001AP070068 and 2001AP090090. This cause is pending before the court as a discretionary appeal. Upon consideration of appellant's motion for emergency stay of court of appeals' judgment,

IT IS ORDERED by the court that the motion for emergency stay be, and hereby is, denied.

Lundberg Stratton, J., dissents.

MISCELLANEOUS ORDERS

In re Report of the Commission :
on Continuing Legal Education. :

Arthur Wallace Moore : E N T R Y
(#0022814), :
Respondent. :

This matter originated in this court on the filing of reports 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 the above-named respondent for failure to comply with the provisions of Gov.Bar R. X, Attorney Continuing Legal Education, for the 1997-1998 and 1999-2000 reporting periods.

On January 20, 2000, and April 5, 2002, pursuant to Gov.Bar R. X(6)(B)(3), this court entered orders adopting the recommendations of the commission, and imposed fee sanctions upon the respondent. In the order entered April 5, 2002, this court also suspended the respondent from the practice of law.

On April 24, 2002, the commission filed a motion to vacate, requesting that the orders of January 20, 2000, and April 5, 2002, pertaining to the above-named respondent, be vacated. Upon consideration thereof,

IT IS ORDERED by the court that the motion to vacate be, and the same is hereby, granted.

IT IS FURTHER ORDERED by the court that the orders of January 20, 2000, and April 5, 2002, pertaining to respondent, are hereby vacated and this matter is dismissed.