

# The Supreme Court of Ohio

---

## CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

October 17, 2002

---

### MOTION AND PROCEDURAL RULINGS

**2002-1007. South-Western City School Dist. Bd. of Edn. v. Franklin Cty. Bd. of Revision.**

Board of Tax Appeals, No. 2001-T-14. This cause is pending before the court as an appeal from the Board of Tax Appeals.

IT IS ORDERED by the court, sua sponte, that appellant show cause, within 14 days of the date of this order, why this cause should not be dismissed as a premature appeal upon the authority of *Cleveland Elec. Illum. Co. v. Lake Cty. Bd. of Revision*, 96 Ohio St.3d 165, 2002-Ohio-4033, 772 N.E.2d 1160, for failure of the board of revision to serve a copy of its decision on the Tax Commissioner as required by R.C. 5715.20.

**2002-1013. E. Liverpool v. Columbiana Cty. Budget Comm.**

Board of Tax Appeals, Nos. 00-T-21, 00-T-377, 97-T-1516, 97-T-1517, 98-T-1322 and 98-T-1323. This cause is pending before the court as an appeal from the Board of Tax Appeals. On August 14, 2002, appellant filed a motion for stay of briefing schedule pending the resolution of Supreme Court case No. 2002-0920, *State ex rel. E. Liverpool v. Gausse-Milliken et al.* On August 26, 2002, this court granted appellant's motion for stay of briefing schedule. Whereas this court dismissed case No. 2002-0920 on September 4, 2002,

IT IS ORDERED by the court that appellant file its merit brief within 40 days of the date of this entry and the parties shall otherwise proceed in accordance with S.Ct.Prac.R. VI.

**2002-1064. Fogg Brooklyn Hts., L.L.C. v. Cuyahoga Cty. Bd. of Revision.**

Board of Tax Appeals, No. 01-K-47. This cause is pending before the court as an appeal from the Board of Tax Appeals.

IT IS ORDERED by the court, sua sponte, that appellant show cause, within 14 days of the date of this order, why this cause should not be dismissed as a premature appeal upon the authority of *Cleveland Elec. Illum. Co. v. Lake Cty. Bd. of Revision*, 96 Ohio St.3d 165, 2002-Ohio-4033, 772 N.E.2d 1160, for failure of the board of revision to serve a copy of its decision on the Tax Commissioner as required by R.C. 5715.20.

**2002-1095. Cleveland Mun. School Dist. Bd. of Edn. v. Cuyahoga Cty. Aud.**

Board of Tax Appeals, Nos. 99-J-1763, 99-J-1764, 99-J-1773 and 99-J-1774. This cause is pending before the court as an appeal from the Board of Tax Appeals. Upon consideration of appellant's motion to remand to the Board of Tax Appeals with instructions,

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

**2002-1194. Cincinnati Community Kollle v. Zaino.**

Board of Tax Appeals, No. 99-P-1578. This cause is pending before the court as an appeal from the Board of Tax Appeals. It appearing from the records of this case that appellant has not filed with this court proof of the filing of the notice of appeal with the Board of Tax Appeals as required by R.C. 5717.04,

IT IS ORDERED by the court that appellant show cause, within 14 days of the date of this entry, why this case should not be dismissed.

**2002-1198. Cincinnati Community Kollle v. Zaino.**

Board of Tax Appeals, No. 99-P-1579. This cause is pending before the court as an appeal from the Board of Tax Appeals. It appearing from the records of this case that appellant has not filed with this court proof of the filing of the notice of appeal with the Board of Tax Appeals as required by R.C. 5717.04,

IT IS ORDERED by the court that appellant show cause, within 14 days of the date of this entry, why this case should not be dismissed.

**2002-1297. N. Olmsted City School Dist. Bd. of Edn. v. Cuyahoga Cty. Aud.**

Board of Tax Appeals, No. 99-N-1728. This cause is pending before the court as an appeal from the Board of Tax Appeals. Upon consideration of appellant's motion to remand to the Board of Tax Appeals,

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

**2002-1494. State ex rel. Talley v. Gorman.**

Montgomery App. No. 19172. This cause is pending before the court as an appeal from the Court of Appeals for Montgomery County. Upon consideration of appellant's motion for appointment of counsel and request for extension of time to file merit brief,

IT IS ORDERED by the court the motion for appointment of counsel be, and hereby is, denied.

IT IS FURTHER ORDERED by the court that the request for extension of time be, and hereby is, granted, and the time for filing appellant's merit brief is hereby extended to December 2, 2002.

**2002-1674. Maestle v. Best Buy Co.**

Cuyahoga App. No. 79827. This cause is pending before the court on the certification of a conflict by the Court of Appeals for Cuyahoga County. It appearing to the court that the appellees herein also filed a copy of the court of appeals' order, certifying a conflict with this court, which was assigned case No. 2002-1675,

IT IS ORDERED by the court, sua sponte, that the copy of the court of appeals' order certifying a conflict filed in case No. 2002-1675 is deemed filed in this case as a second copy of the court of appeals' order certifying a conflict.

IT IS FURTHER ORDERED that appellants herein shall proceed as appellants/cross-appellees and appellees herein shall proceed as appellees/cross-appellants.

**MISCELLANEOUS DISMISSALS**

**2001-1957. Robson v. Allstate Ins. Co.**

Delaware App. No. 01CAE03007. This cause is pending before the court as an appeal from the Court of Appeals for Delaware County. Upon consideration of appellant's application for dismissal,

IT IS ORDERED by the court that the application for dismissal be, and hereby is, granted, effective October 15, 2002.

ACCORDINGLY, IT IS FURTHER ORDERED by the court that this cause be, and hereby is, dismissed.

**2002-1348. State ex rel. P.C.C. Airfoils, Inc. v. Indus. Comm.**

Franklin App. No. 01AP-1152. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. Upon consideration of appellant's application for dismissal,

IT IS ORDERED by the court that the application for dismissal be, and hereby is, granted.

ACCORDINGLY, IT IS FURTHER ORDERED by the court that this cause be, and hereby is, dismissed.

**2002-1516. Columbus City Schools Bd. of Edn. v. Zaino.**

Board of Tax Appeals, No. 00-G-948. This cause is pending before the court as an appeal from the Board of Tax Appeals. Upon consideration of appellant's application for dismissal,

IT IS ORDERED by the court that the application for dismissal be, and hereby is, granted.

ACCORDINGLY, IT IS FURTHER ORDERED by the court that this cause be, and hereby is, dismissed.

**2002-1675. Maestle v. Best Buy Co.**

Cuyahoga App. No. 79827. This cause is pending before the court on the certification of a conflict by the Court of Appeals for Cuyahoga County. It appearing to the court that the appellees herein also filed a copy of the court of appeals' order certifying a conflict with this court, which was assigned case No. 2002-1674,

IT IS ORDERED by the court, sua sponte, that the copy of the court of appeals' order certifying a conflict filed in this case is deemed filed in case No. 2002-1674 as a second copy of the court of appeals' order certifying a conflict.

IT IS FURTHER ORDERED that appellants herein shall proceed as appellees/cross-appellants in case No. 2002-1674 and appellees herein shall proceed as appellants/cross-appellees in case No. 2002-1674.

IT IS FURTHER ORDERED by the court that this cause be, and hereby is, dismissed.

## DISCIPLINARY CASES

**1998-0423. Columbus Bar Assn. v. King.**

IT IS ORDERED by this court, sua sponte, that Christopher King, Attorney Registration No. 0062199, last known address in Columbus, Ohio, be found in contempt for failure to comply with this court's order of April 24, 2002, to wit, failure to surrender his certificate of admission and failure to file an affidavit of compliance on or before May 24, 2002.

**2000-1488. In re Resignation of Caliman.**

IT IS ORDERED by this court, sua sponte, that Alvah Noel Caliman, Attorney Registration No. 0023375, last known business address in Cincinnati, Ohio, be found in contempt for failure to comply with this court's order of March 27, 2001,

to wit, failure to surrender his certificate of admission and failure to file an affidavit of compliance on or before April 26, 2001.

**2000-2229. Greene Cty. Bar Assn. v. Fodal.**

IT IS ORDERED by this court, sua sponte, that Joe R. Fodal, Attorney Registration No. 0011515, last known business address in Fairborn, Ohio, be found in contempt for failure to comply with this court's order of June 13, 2001, to wit, failure to surrender his certificate of admission and failure to file an affidavit of compliance on or before July 13, 2001.

**2000-2283. Disciplinary Counsel v. Droe.**

IT IS ORDERED by this court, sua sponte, that William G. Droe, Attorney Registration No. 0040993, last known business address in Cleveland, Ohio, be found in contempt for failure to comply with this court's order of May 30, 2001, to wit, failure to file an affidavit of compliance on or before June 29, 2001.

**2001-0368. Columbus Bar Assn. v. Foster.**

IT IS ORDERED by this court, sua sponte, that Thomas J. Foster, Attorney Registration No. 0058540, last known business address in Columbus, Ohio, be found in contempt for failure to comply with this court's order of July 18, 2001, to wit, failure to surrender his certificate of admission and attorney registration card and failure to file an affidavit of compliance on or before August 17, 2001.

**2001-0627. Greene Cty. Bar Assn. v. Fodal.**

IT IS ORDERED by this court, sua sponte, that Joe R. Fodal, Attorney Registration No. 0011515, last known business address in Fairborn, Ohio, be found in contempt for failure to comply with this court's order of May 14, 2001, to wit, failure to file an affidavit of compliance on or before June 13, 2001.

**2001-0747. Cleveland Bar Assn. v. DeMore-Ford.**

IT IS ORDERED by this court, sua sponte, that Evette DeMore-Ford, Attorney Registration No. 0041338, last known business address in Cleveland, Ohio, be found in contempt for failure to comply with this court's order of October 3, 2001, to wit, failure to surrender her certificate of admission and failure to file an affidavit of compliance on or before November 2, 2001.

**2001-0777. In re Resignation of Henry.**

IT IS ORDERED by this court, sua sponte, that Albert James Henry IV, Attorney Registration No. 0034290, last known business address in Milford, Ohio, be found in contempt for failure to comply with this court's order of September 14, 2001, to

wit, failure to surrender his certificate of admission and failure to file an affidavit of compliance on or before October 15, 2001.

**2001-1202. Cleveland Bar Assn. v. Aldrich.**

IT IS ORDERED by this court, sua sponte, that Thomas P. Aldrich III, Attorney Registration No. 0042451, last known business address in Lyndhurst, Ohio, be found in contempt for failure to comply with this court's order of November 21, 2001, to wit, failure to surrender his certificate of admission and attorney registration card and failure to file an affidavit of compliance on or before December 21, 2001.

**2001-1223. Toledo Bar Assn. v. Godbey.**

IT IS ORDERED by this court, sua sponte, that James D. Godbey, Attorney Registration No. 0014101, last known business address in Toledo, Ohio, be found in contempt for failure to comply with this court's order of March 6, 2002, to wit, failure to surrender his certificate of admission and failure to file an affidavit of compliance on or before April 5, 2002.

**2001-1319. Disciplinary Counsel v. Hogan.**

IT IS ORDERED by this court, sua sponte, that Jerry E. Hogan, Attorney Registration No. 0048125, last known address in Dayton, Ohio, be found in contempt for failure to comply with this court's order of October 4, 2001, to wit, failure to surrender his certificate of admission and failure to file an affidavit of compliance on or before November 5, 2001.

**2001-1562. Disciplinary Counsel v. Bozanich.**

IT IS ORDERED by this court, sua sponte, that Peter Bozanich, Attorney Registration No. 0037881, last known business address in Youngstown, Ohio, be found in contempt for failure to comply with this court's order of April 24, 2002, to wit, failure to surrender his certificate of admission and failure to file an affidavit of compliance on or before May 24, 2002.

**2001-1580. Stark Cty. Bar Assn. v. Conrad.**

IT IS ORDERED by this court, sua sponte, that Roxann Conrad, Attorney Registration No. 0040529, last known business address in East Sparta, Ohio, be found in contempt for failure to comply with this court's order of January 30, 2002, to wit, failure to surrender her certificate of admission and failure to file an affidavit of compliance on or before March 1, 2002.

**2001-1582. Cuyahoga Cty. Bar Assn. v. Cicirella.**

IT IS ORDERED by this court, sua sponte, that Leonette F. Cicirella, Attorney Registration No. 0042219, last known business address in Bedford, Ohio, be found in contempt for failure to comply with this court's order of January 30, 2002, to wit, failure to surrender his certificate of admission and failure to file an affidavit of compliance on or before March 1, 2002.

**2001-1630. In re Al'Uqdah.**

IT IS ORDERED by this court, sua sponte, that William M. Al'Uqdah, Attorney Registration No. 0039809, last known business address in Cincinnati, Ohio, be found in contempt for failure to comply with this court's order of October 4, 2001, to wit, failure to file an affidavit of compliance on or before November 5, 2001.

**2001-1880. Mahoning Cty. Bar Assn. v. Bozanich.**

IT IS ORDERED by this court, sua sponte, that Peter J. Bozanich, Attorney Registration No. 0037881, last known business address in Youngstown, Ohio, be found in contempt for failure to comply with this court's order of April 24, 2002, to wit, failure to surrender his certificate of admission and failure to file an affidavit of compliance on or before May 24, 2002.

**2001-1881. Cincinnati Bar Assn. v. Kieft.**

IT IS ORDERED by this court, sua sponte, that David W. Kieft, Attorney Registration No. 0042465, last known business address in Cincinnati, Ohio, be found in contempt for failure to comply with this court's order of March 6, 2002, to wit, failure to surrender his certificate of admission and failure to file an affidavit of compliance on or before April 5, 2002.

**2001-2176. Disciplinary Counsel v. Easterwood.**

IT IS ORDERED by this court, sua sponte, that Terry Scott Easterwood, Attorney Registration No. 0018255, last known business address in St. Clairsville, Ohio, be found in contempt for failure to comply with this court's order of April 24, 2002, to wit, failure to surrender his certificate of admission and failure to file an affidavit of compliance on or before May 24, 2002.

**2001-2284. Disciplinary Counsel v. Kohler.**

IT IS ORDERED by this court, sua sponte, that David Lee Kohler, Attorney Registration No. 0031957, last known business address in Lambertville, Michigan, be found in contempt for failure to comply with this court's order of February 22, 2002, to wit, failure to surrender his certificate of admission and failure to file an affidavit of compliance on or before March 25, 2002.

## MISCELLANEOUS ORDERS

### 2002-1745. In re Judicial Campaign Complaint Against PerDue.

#### ORDER

Pursuant to S.Ct.R.Gov.Jud. II(5)(E)(1) and R.C. 2701.11, effective October 15, 2002, the Supreme Court appoints the following judges to serve on the five-judge commission to consider the report of the hearing panel of the Board of Commissioners on Grievances and Discipline in *In re Judicial Campaign Complaint Against PerDue*, case No. 2002-1745:

Judge Judith Nicely	Summit County Court of Common Pleas
Judge Robert Kraft	Hamilton County Court of Common Pleas
Judge Deborah Alspach	Marion County Court of Common Pleas
Judge Joseph Houser	Mahoning County Court
Judge Kathleen Sutula	Cuyahoga County Court of Common Pleas

Pursuant to Gov.Jud.R. III(2)(B)(1), the Supreme Court designates Judge Nicely as chairman of the Commission.

Pursuant to R.C. 2701.11, Richard A. Dove, Director of Policy & Programs of the Supreme Court of Ohio, is, for the purpose of this proceeding, designated as Administrative Director to serve as Secretary to the Commission, with authority to sign entries and orders on behalf of and at the direction of the Commission or its chairman.

All pleadings and documents in this matter shall be filed with the Clerk of the Supreme Court. The original and seven copies of all documents shall be filed. Service on the Commission shall be made by serving the Secretary. The Rules of Practice of the Supreme Court of Ohio shall apply to all proceedings before the Commission, except as otherwise ordered by the court.