

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

December 18, 2014

[Cite as *12/18/2014 Case Announcements*, 2014-Ohio-5543.]

MERIT DECISIONS WITH OPINIONS

2012-2040. State ex rel. Varney v. Indus. Comm., Slip Opinion No. 2014-Ohio-5510.

Franklin App. No. 11AP-585, 2012-Ohio-4904. Judgment reversed and writ denied.

O'Connor, C.J., and O'Donnell, Lanzinger, Kennedy, and French, JJ., concur.

Pfeifer and O'Neill, JJ., dissent.

2013-0797. Pixley v. Pro-Pak Industries, Inc., Slip Opinion No. 2014-Ohio-5460.

Lucas App. No. L-12-1177, 2013-Ohio-1358. Judgment reversed.

Kennedy and French, JJ., concur.

O'Connor, C.J., concurs in judgment only.

Lanzinger, J., concurs in judgment only and joins the dissent of Pfeifer, J., only to the extent that it states that R.C. 2745.01(C) applies to both operators and nonoperators.

Pfeifer and O'Neill, JJ., dissent.

2013-1277. Walker v. Toledo, Slip Opinion No. 2014-Ohio-5461.

Lucas App. No. L-12-1056, 2013-Ohio-2809. Judgment reversed.

O'Connor, C.J., and Gwin and Lanzinger, JJ., concur.

Pfeifer, French, and O'Neill, JJ., dissent.

W. Scott Gwin, of the Fifth Appellate District, sitting for O'Donnell, J.

MOTION AND PROCEDURAL RULINGS

2012-2008. In re Application of Ohio Power Co.

Public Utilities Commission, Nos. 11-4920-EL-RDR and 11-4921-EL-RDR. This cause is pending before the court as an appeal from the Public Utilities Commission of Ohio.

Upon consideration of appellee/cross-appellant Industrial Energy Users-Ohio's motion seeking authorization to withdraw the third assignment of error, it is ordered by the court that the motion is granted.

2013-2026. In re Rev. of Alternative Energy Rider Contained in Tariffs of Ohio Edison Co.

Public Utilities Commission, No. 11-5201-EL-RDR. This cause is pending before the court as an appeal from the Public Utilities Commission of Ohio.

Upon consideration of appellant/cross-appellee's motion to seal certain portions of the supplement to the third merit brief, it is ordered by the court that the motion is denied as moot. Pursuant to S.Ct.Prac.R. 3.02(B), the "confidential" version of the merit brief, appendix, and supplement filed on December 4, 2014, is exempt from public disclosure and shall be maintained under seal pending resolution of this appeal.

2014-1905. Disciplinary Counsel v. Stokes.

This matter is pending before the court upon the filing by relator, disciplinary counsel, of a request for an interim remedial suspension. Respondent filed an affidavit opposing relator's motion for an immediate interim remedial suspension. On December 1, 2014, respondent filed a motion to remove from public access exhibits 1 through 21 attached to respondent's affidavit. On December 4, 2014, relator filed a response to respondent's motion.

Upon consideration thereof, it is ordered by this court that respondent's motion to remove exhibits 1 through 21 from public access is denied.

2014-1940. Linert v. Foutz.

Mahoning App. No. 11-MA-189, 2014-Ohio-4431. This cause is pending before the court as a jurisdictional appeal and cross-appeal.

Upon consideration of the motions for admission pro hac vice of Robert W. Schmieder II and Robert J. Evola, it is ordered by the court that the motions are granted. Pursuant to Gov.Bar R. XII(4), counsel shall file notices of permission to appear pro hac vice with the Supreme Court's Office of Attorney Services within 30 days of the date of this entry.

DISCIPLINARY CASES

2014-1905. Disciplinary Counsel v. Stokes.

On motion for immediate interim remedial suspension. Angela Rochelle Stokes, Attorney Registration No. 0025650, is suspended from the practice of law for an interim period.

2014-1997. Disciplinary Counsel v. Klima.

On certification of default. Gregory Keith Klima, Attorney Registration No. 0036968, is suspended from the practice of law for an interim period.

MISCELLANEOUS DISMISSALS

2014-2131. State v. Richard.

Cuyahoga App. No. 101135, 2014-Ohio-4838. This cause is pending before the court as a jurisdictional appeal. On November 22, 2011, this court found Donald Richard to be a vexatious litigator under S.Ct.Prac.R. 4.03. This court further ordered that Richard was prohibited from continuing or instituting legal proceedings in the court without obtaining leave. On December 12, 2014, a motion for leave of court to file a notice of appeal and a memorandum in support of jurisdiction were filed in as case No. 2014-2131. Upon review of the documents, the motion for leave fails to state good cause for allowing the filing and therefore the motion for leave to file is denied. Accordingly, it is ordered by the court that this cause is dismissed.