

# The Supreme Court of Ohio

---

## CASE ANNOUNCEMENTS

February 12, 2015

[Cite as *02/12/2015 Case Announcements*, 2015-Ohio-512.]

---

## MERIT DECISIONS WITH OPINIONS

**2013-2023. State v. Jones, Slip Opinion No. 2015-Ohio-483.**

Cuyahoga App. No. 99538, 2013-Ohio-4915. Judgment reversed and cause remanded.

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

**2014-0544. Disciplinary Counsel v. Weithman, Slip Opinion No. 2015-Ohio-482.**

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 2013-022. Stephen Edwin Weithman, Attorney Registration No. 0027094, is suspended from the practice of law in Ohio for two years, stayed on conditions.

O'Donnell, Kennedy, French, and O'Neill, JJ., concur.

O'Connor, C.J., and Lanzinger, J., dissent and would suspend respondent for one year with six months stayed.

Pfeifer, J., not participating.

## AFFIDAVITS OF DISQUALIFICATION

The chief justice has released the following judicial disqualification opinions, which were previously issued as entries in response to affidavits of disqualification filed pursuant to R.C. 2701.03.

**14-AP-058. In re Disqualification of Jennings, 2014-Ohio-5866 (decided Sept. 8, 2014).**

**14-AP-060. In re Disqualification of Clunk, 2014-Ohio-5867 (decided Sept. 3, 2014).**

**14-AP-070. In re Disqualification of Harris, 2014-Ohio-5868 (decided Sept. 10, 2014).**

**14-AP-078. In re Disqualification of Hervey, 2014-Ohio-5869 (decided Oct. 6, 2014).**

## **MOTION AND PROCEDURAL RULINGS**

**2014-0927. Dayton-Point W. Real Estate Assocs., L.L.C. v. Montgomery Cty. Bd. of Revision.**

Board of Tax Appeals, Nos. 2011-4472 and 2011-4478. This cause is pending before the court as an appeal from the Board of Tax Appeals.

Upon consideration of appellant's motion for continuance of oral argument scheduled for Tuesday, April 7, 2015, it is ordered by the court that the motion is granted.

**2014-1555. In re Application of Libretti.**

This cause is pending before the court upon the final report of the Board of Commissioners on Character and Fitness.

Upon consideration of the joint motion of applicant and amicus curiae John T. Martin to allow John T. Martin to participate in oral argument scheduled for Wednesday, February 25, 2015, it is ordered by the court that the motion is granted. Amicus curiae John T. Martin shall share the time allotted to applicant.

**2014-1646. Natl. Retail Properties, L.P. v. Montgomery Cty. Bd. of Revision.**

Board of Tax Appeals, No. 2013-6392. This cause is pending before the court as an appeal from the Board of Tax Appeals.

Upon consideration of the joint motion to remand the appeal to the Board of Tax Appeals, it is ordered by the court that the cause is remanded to the Board of Tax Appeals to take further action as appropriate.

It is further ordered that a mandate be sent to and filed with the Board of Tax Appeals.

## DISCIPLINARY CASES

### **2009-2336. Disciplinary Counsel v. Kraemer.**

On December 1, 2014, respondent, Bradley M. Kraemer, filed an application for termination of probation. Upon consideration thereof, the court finds that respondent has substantially complied with Gov.Bar R. V(21)(D) and with its order dated September 2, 2010, in which the court reinstated respondent to the practice of law upon the conditions that he continue to participate in mental-health counseling and complete a two-year period of probation monitored by relator.

On consideration thereof, it is ordered by this court that the probation of respondent, Bradley M. Kraemer, Attorney Registration No. 0070329, last known business address in West Chester, Ohio, 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(17)(D)(1) and that publication be made as provided for in Gov.Bar R. V(17)(D)(2).

### **2014-2250. Mahoning Cty. Bar Assn. v. DiMartino.**

This cause is pending before the court upon the filing of a certification of default by the Board of Commissioners on Grievances and Discipline.<sup>1</sup> The parties were ordered to show cause why an interim default suspension should not be imposed against respondent. Relator filed objections and a brief in support, and this cause was considered by the court.

Upon consideration thereof, it is ordered by the court that this matter is remanded to the board for further proceedings under Gov.Bar R. V(12).

### **2015-0059. Disciplinary Counsel v. Oberholtzer.**

On certification of default. Mattheuw William Oberholtzer, Attorney Registration No. 0041239, is suspended from the practice of law for an interim period.

### **2015-0060. Lorain Cty. Bar Assn. v. Provenza.**

This cause is pending before the court upon the filing of a certification of default by the Board of Professional Conduct. The parties were ordered to show cause why an interim default suspension should not be imposed against respondent. Respondent filed objections and a motion for leave to answer, relator filed a notice of consent for remand to the board and leave to answer, and this cause was considered by the court.

---

<sup>1</sup> Effective January 1, 2015, the Board of Commissioners on Grievances and Discipline has been renamed the Board of Professional Conduct. See Gov.Bar R. V(1)(A), 140 Ohio St.3d CII.

Upon consideration thereof, it is ordered by the court that this matter is remanded to the board for further proceedings under Gov.Bar R. V(12).

### **MISCELLANEOUS DISMISSALS**

**2014-1672. In re Estate of Thomas.**

Summit App. No. 27177. This cause is pending before the court as a jurisdictional appeal.

Upon consideration of appellant's notice of settlement, it is ordered by the court that this cause is dismissed.