

ORIGINAL

IN THE SUPREME COURT OF OHIO

IN RE:	)	
	)	
COMPLAINT AGAINST	)	CASE NO. 13-1934
	)	
LARRY DEAN SHENISE	)	BOARD OF COMMISSIONERS
	)	ON GRIEVANCES AND DISCIPLINE
RESPONDENT	)	CASE NO. 2013-037
	)	
AKRON BAR ASSOCIATION	)	
	)	
RELATOR	)	
	)	

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RELATOR'S MOTION TO DISMISS APPEAL

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ROBERT M. GIPPIN #0023478  
 Roderick Linton Belfance, LLP  
 1 Cascade Plaza, 15th Floor  
 Akron, Ohio 44308  
 (330) 315-3400  
 Fax: (330) 434-9220  
 rgippin@rlblp.com

KAREN C. LEFTON #0024522  
 Brouse McDowell LPA  
 388 S. Main Street, Suite 500  
 Akron, Ohio 4431-4407  
 (330) 535-5711  
 Fax: (33) 253-8601  
 klefton@brouse.com

SHARYL W. GINTHER#0063029  
 234 Portage Trail, P.O. Box 535  
 (330) 929-0507  
 Fax: (330) 929-6605  
 sharylesq@aol.com

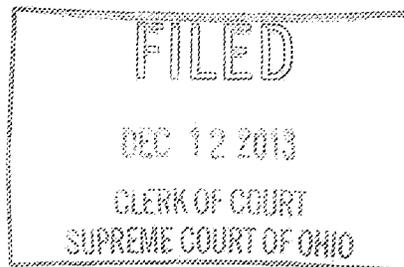
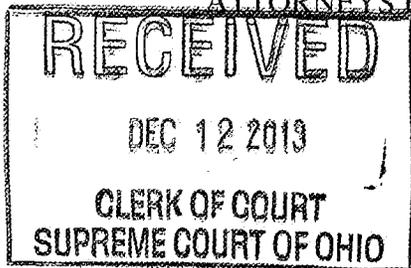
ATTORNEY FOR THE BEACON  
 JOURNAL PUBLISHING COMPANY  
 AND PHIL TREXLER

THOMAS P. KOT #0000770  
 Akron Bar Association  
 57 S. Broadway St.  
 Akron, OH 44308  
 (330) 253-5007  
 Fax: (330) 253-2140  
 tpkot@neohio.twcbc.com

LARRY D. SHENISE #0068461  
 P.O. Box 471  
 Tallmadge, Ohio 44278  
 (330) 472-5622  
 Fax: (330) 294-0044  
 ldsheniselaw@gmail.com

RESPONDENT, PRO SE

ATTORNEYS FOR RELATOR



## MOTION

Relator Akron Bar Association (“Relator”) respectfully moves the Court to dismiss the appeal filed by The Beacon Journal Publishing Company and Phil Trexler (jointly, “the Newspaper”) on December 9, 2013, pursuant to Gov Bar Rule V(6)(D)(3) and Supreme Court Rule 4.01.

## GROUND FOR MOTION

The Newspaper has attempted to appeal from an Entry filed by the Panel Chair on December 2, 2013, overruling the Newspaper’s Motion to Quash a subpoena for Trexler issued by the Board of Commissioners on August 30, 2013.

The disciplinary hearing commenced on December 5, 2013, as scheduled and proceeded through the morning of December 6, 2013, when it was adjourned pending disposition of the issue of Trexler’s testimony. All of Relator’s case in chief was heard except for the testimony of Trexler.

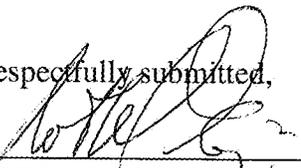
The Entry is accordingly interlocutory. This Court has provided in Gov Bar Rule V(6)(D)(3) that, “The panel chair shall rule on all motions and interlocutory matters, and no ruling by the panel chair on motions and interlocutory matters may be appealed prior to entry of the final order.”

The Newspaper’s attempted appeal is thus plainly barred and it should be dismissed.<sup>1</sup>

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<sup>1</sup> Relator requested counsel for the Newspaper to withdraw the appeal by email in the afternoon of December 6, 2013 (having been served with a copy of the intended filing), but to date no response has been received. Relator has simultaneously with this motion filed a Motion for Contempt against Trexler. The substantive issue will accordingly come before the Court in proper fashion.

Respectfully submitted,

  
ROBERT M. GIPPIN #0023478  
Roderick Linton Belfance, LLP  
1 Cascade Plaza, 15th Floor  
Akron, OH 44308  
(330) 315-3400  
Fax: (330) 434-9220  
rgippin@rlblp.com

SHARYL W. GINTHER#0063029  
Gibson & Lowry, LLC  
234 Portage Trail  
P.O. Box 535  
Cuyahoga Falls, OH 44222  
(330) 929-0507  
Fax: (330) 929-6605  
sharylesq@aol.com

THOMAS P. KOT #0000770  
Bar Counsel  
Akron Bar Association  
57 S. Broadway St.  
Akron, OH 44308  
(330) 253-5007  
Fax: (330) 253-2140  
tpkot@neohio.twcbc.com

#### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the forgoing Motion was sent by email and U.S. Mail this 11th day of December, 2013 to:

Larry D. Shenise  
P.O. Box 471  
Tallmadge, Ohio 44278  
ldsheniselaw@gmail.com

and

Karen C. Lefton  
Brouse McDowell  
388 S. Main Street, Suite 500  
Akron, Ohio 44311-4407  
klefton@brouse.com

  
Robert M. Gippin (0023478)