

# THE DAILY REPORTER

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COLUMBUS' ONLY DAILY BUSINESS AND LEGAL NEWSPAPER - ESTABLISHED 1896

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Friday, December 12, 2003

Law & GOVERNMENT

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## Commerce Department employees stitch toys for needy children

By BOB PASCHEN  
Daily Reporter Staff Writer

Employees from the Department of Commerce's divisions of Industrial Compliance, Liquor Control and the State Fire Marshal's office, along with Director of Commerce Jenette Bradley, donated their lunch hour Wednesday to sew 550 stuffed toys.

Each year, hundreds of stuffed animals are cut open at a Department of Commerce lab so their contents can be examined for the safety of Ohio consumers. Commerce's Bedding and Upholstered Furniture section inspects filler material inside samples of stuffed toys sold statewide to ensure the toys are safe and accurately labeled. The toys are sent by the manufacturers to the state lab in Cambridge, where they are cut open by technicians, who perform chemical and microscopic tests on hundreds of different types of fillers used in

toys produced by manufacturers from around the world.

As the result of a holiday program begun 17 years ago, the toys are set aside until the holidays when they are reserved for distribution to needy children.

"This annual tradition of sewing toys inspected by the Ohio Department of Commerce Division of Industrial Compliance is one of the many ways Commerce employees show they are committed to helping families in need," said Bradley, who also is Ohio's lieutenant governor. "There's a special joy in repairing these toys, so that they can be given to children to brighten their holidays."

This year, the program was renamed "The Norman DeHaas Annual Holiday Sewing Project," in honor of long-time Bedding Section supervisor, Norman DeHaas. The toys will be donated to gift projects by the Columbus Division of Fire and St. Stephen's Community House and Heritage Day/Health Care.

## Attorney writes parody of holiday songs

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or the attorneys on their shopping lists.

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Song titles from the album and its addendum (a second CD) include: "Santa and I are Gonna Pull an All-Nighter," "All I Want for Christmas is a Stomach Lining," "I Dreamed I Saw Santa Workin' in the Library," "A Million Christmas Trees (The Document Production Song)," "Santa v. Acme Sleigh" and "Billin' on Christmas Eve."

Savell, a self-proclaimed middle aged, sleep deprived, song writing attorney, has been producing these works for many years, distributing them as gifts to "tolerant family, friends, colleagues, clients and people he meets on airplanes."

Savell says the CDs, which are available from his Web site, www.LawTunes.com, are his attempt to "reverse the unfortunately persistent inaccurate belief of some people that lawyers are necessarily humorless, boring and incapable of self-deprecation."

Savell is with the law firm of Chadbourne & Parke LLP in New York. His original CD, with the free update disc, is \$15.

## Appeals Court Summaries

These summaries are not part of the opinions or judgments of the court, and have no independent or precedential value. Interested parties should read the full opinions of the court for further information on the holding.

Twelfth District

STATE OF OHIO (EE) V. LAMAR EUGENE CANNADY (ANT)

CA2002-12-139

Decided: 9/2/2003

Dismissed

Warren

Criminal Law, Anders Brief

Appellant's counsel has filed an Anders brief in which he requests permission to withdraw, asserts arguable assignments of error and requests that this court independently review the record for error. Having independently reviewed the record, we find no error and dismiss this appeal as being wholly frivolous.

CHRISTOPHER C. CLARK, ET AL. (ANTS) V. MATHEW ALLEN, ET AL. (EES)

CA2002-08-084

Decided: 9/2/2003

Affirmed

Warren

Real Estate Law, Breach of Contract, Fraud

The Clarks purchased a home from the Allens and subsequently found water damage to the crawl space. The Clarks sued for breach of contract, fraudulent misrepresenta-

tion, fraudulent concealment and fraudulent inducement. The trial court did not err in finding in favor of appellees. Appellees checked the box on the residential property disclosure form indicating a water problem in the crawl space. Appellants failed to obtain a home inspection or even inspect the crawl space itself and we must affirm.

IN RE: GORDON HENSLEY

CA2003-01-004

Decided: 9/2/2003

Reversed in Part

Warren

Criminal Law, Relief from Disability

In 1994, appellant was convicted of gross sexual imposition. Appellant subsequently moved, per RC 2923.14, to be relieved of his disability. We find the trial court properly applied an amended statute rendering gross sexual imposition an offense of violence. Because the amendment was remedial, it was properly applied retroactively to appellant. However the court erred in determining that appellant was thus ineligible for relief from disability and we must reverse. The court also erred in failing to provide the parties with a full hearing.

STATE OF OHIO (EE) V. GARY MATHIS (ANT)

CA2002-16-146

Decided: 9/2/2003

Affirmed

Butler

Child Endangering

Appellants Melissa Krull and her boyfriend, Bart Hill, were properly convicted of child endangering. Appellants both struck Melissa's child with a switch, causing bruises

Appellant was convicted of assault. However, the court erred by favoring the prosecutor to question appellant regarding his attempt to plead no contest which was refused by the court. Crim.R. 11(G) specifically states a refused plea of no contest shall not be commented on and we must reverse.

ANTON JOHN DUBAN, III, ET AL. (ANTS) V. UNION TOWNSHIP BOARD OF ZONING APPEALS (EE)

CA2002-09-232

Decided: 9/4/2003

Affirmed

Butler

Zoning

The trial court properly affirmed the trial court's decision upholding appellee's order denying appellants' a variance regarding a barbed wire fence on their property. In regulating the location of barbed wire fences, the Board was acting within the authority granted to it by RC 519.02.

STATE OF OHIO (EE) V. MELISSA KRULL, ET AL. (ANTS)

CA2002-16-146

Decided: 9/4/2003

Affirmed

Butler

Child Endangering

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(See Summaries, Page 16)

## Judicial Proceedings

Common Pleas Court

03CV112-13407 — Wynn Brenner vs. Ford Motor Co.; damages and breach of warranty.

03CV113-13380 — Teresa A. Bruny vs. Michael J. Strasser; John Doe 1-3; property damage, personal injury, lost wages and damages with interest for an amount in excess of \$25,000.00. Kevin F. Kurgis Co. LPA and Ohio Shoreline & Michael J. Etkin, Attorney & Counsel LLC by Lawrence D. Abramson and Thomas J. O'Connell. (Steward, J.)

December 8  
03CV112-13421 — Teresa Jones, Executive Director, Columbus, Brown, Johnson & O'Connell LLC by Lawrence D. Abramson and Thomas J. O'Connell. (Steward, J.)

HEARING SCHEDULE  
The complete Franklin County Common Pleas Court civil trial assignment can be found on The Central Ohio Source, The Daily Reporter's site on the Internet

03CV113-14220 — State Farm Mutual Automobile Ins. vs. Stefan Anders, A.M., Zehender, S.J.  
03CV112-12461 — Wilson vs. Ohio Bureau of Workers Comp., Cowan, T.E., McDonald, Row, Colquhoun, M.J.

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**CONTINUING EDUCATION CREDIT FOR ATTORNEYS AND CPAs**  
JOIN US FOR OUR MONTHLY MEETING!  
(USUALLY HELD ON THE 3RD THURSDAY OF EVERY MONTH)

**NEXT MEETING:**  
December 18, 2003 from 9-11 am

**TOPIC:**  
"How to Buy or Start the Right Private Business"

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