



Leizerman v. Wise et al

2023 | Cited 0 times | N.D. Ohio | June 12, 2023

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO

WESTERN DIVISION

Michael J. Leizerman, Case No. 3:22-cv-1539 Plaintiff, v. ORDER

D. Chris Cook, 1

et al., Defendants. On May 10, 2023, Defendants filed a motion to stay these proceedings in light of the Supreme Court of Ohio's recent actions to amend the rules on attorney specialization. (Doc. No. 14). Hearing no opposition by Plaintiff, I grant the motion and stay these proceedings. Accordingly, I deny the pending motion to transfer without prejudice. (Doc. No. 10). The parties shall file a joint status report within ninety (90) days of this Order or within ten (10) days of an action by the Supreme Court of Ohio on the anticipated rule amendment, whichever is sooner. So Ordered.

s/ Jeffrey J. Helmick United States District Judge

1 Defendants have advised that "Patricia Wise's term as Chair of the Board of Professional Conduct ended in December 2022. Defendant D. Chris Cook, former Vice Chair of the Board, is serving as the Chair. Patrick M. McLaughlin is now serving as Vice Chair of the Board." (Doc. No. 14 at 1 n.1). Because the Plaintiff's claims are asserted against these individuals in their official capacity, Federal Rule of Civil Procedure 25(d) applies. Rule 25(d) provides, "when a public officer who is a party in an official capacity ... ceases to hold office while the action is pending[,] the officer's successor is automatically substituted as a party [and] later proceedings should be in the substituted party's name." Fed. R. Civ. P. 25(d). Therefore, "D. Chris Cook" is substituted as the "Chair of the Ohio Board of Professional Conduct" Defendant for "Patricia Wise," and "Patrick M. McLaughlin" is substituted as the "Vice-Chair of the Ohio Board of Professional Conduct" Defendant for "D. Chris Cook."

