

[Cite as *Morgan Stanley Dean Witter Commercial Fin. Servs., Inc. v. Sutula*, 2010-Ohio-3501.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 93156

**MORGAN STANLEY DEAN WITTER
COMMERCIAL FINANCIAL SERVICES,
INC., ET AL.**

RELATOR

vs.

JUDGE JOHN SUTULA

RESPONDENT

**JUDGMENT:
WRIT DENIED**

Writ of Prohibition

Order No. 435452

RELEASE DATE: July 27, 2010

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ANN DYKE, J.:

{¶ 1} In *Morgan Stanley Dean Witter Commercial Fin. Servs., Inc. v. Sutula*, 185 Ohio App.3d 152, 923 N.E.2d 642, 2009-Ohio-6109 ["Case No. 93156"], this court issued a writ of prohibition preventing respondent judge from proceeding in the underlying case, *Marks v. Morgan Stanley Dean Witter Commercial Fin. Servs., Inc.*, Cuyahoga County Court of Common Pleas Case No. CV-502459. On June 9, 2010, the Supreme Court reversed this court's holding in Case No. 93156 in *Morgan Stanley Dean Witter Commercial Fin. Servs., Inc. v. Sutula*, Slip Opinion No. 2010-Ohio-2468.

{¶ 2} Accordingly, this court's journal entry and opinion released on November 16, 2009 and granting a writ of prohibition is vacated. Judgment is entered for respondent judge. Relators to pay costs. The clerk is directed to serve upon the parties notice of this judgment and its date of entry upon the journal. Civ.R. 58(B).

Writ denied.

ANN DYKE, JUDGE

SEAN C. GALLAGHER, A.J., and
LARRY A. JONES, J., CONCUR