

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Young v. Cuyahoga Cty. Bd. of Mental Retardation & Dev. Disabilities*, Slip Opinion No. 2012-Ohio-1222.]

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SLIP OPINION NO. 2012-OHIO-1222

**YOUNG, APPELLEE, v. CUYAHOGA COUNTY BOARD OF MENTAL RETARDATION
AND DEVELOPMENTAL DISABILITIES, APPELLANT, ET AL.**

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may be cited as *Young v. Cuyahoga Cty. Bd. of Mental Retardation & Dev.
Disabilities*, Slip Opinion No. 2012-Ohio-1222.]**

*Court of appeals' judgment vacated, and cause remanded for application of
DiGiorgio v. Cleveland.*

(No. 2011-1073—Submitted March 21, 2012—Decided March 27, 2012.)

APPEAL from the Court of Appeals for Cuyahoga County, No. 95955,
2011-Ohio-2291.

{¶ 1} The judgment of the court of appeals is vacated, and the cause is remanded to the court of appeals for application of the Eighth District's en banc decision in *DiGiorgio v. Cleveland*, 8th Dist. No. 95945, 2011-Ohio-5824.

O'CONNOR, C.J., and PFEIFER, LUNDBERG STRATTON, O'DONNELL,
LANZINGER, CUPP, and MCGEE BROWN, JJ., concur.

SUPREME COURT OF OHIO

Spangenberg, Shibley & Liber, L.L.P., Peter J. Brodhead, Stuart E. Scott,
Nicholas A. Dicello, and Melissa Z. Kelly; and Mark S. Fishman, for appellee.

Tomino & Latchney, L.L.C., L.P.A, and Nick C. Tomino, for appellant.
