

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

December 1, 2020

[Cite as *12/01/2020 Case Announcements*, 2020-Ohio-5481.]

MERIT DECISIONS WITH OPINIONS

2019-0961. In re Determination of Existence of Significantly Excessive Earnings for 2017 Under the Elec. Sec. Plan of Ohio Edison Co., Slip Opinion No. 2020-Ohio-5450.

Public Utilities Commission, No. 18-0857-EL-UNC. Orders reversed and cause remanded.

O'Connor, C.J., and Donnelly and Stewart, JJ., concur.

DeWine, J., concurs in judgment only, with an opinion.

Kennedy, J., concurs in judgment only in part and dissents in part, with an opinion joined by French, J.

Fischer, J., dissents.

2019-1803. State ex rel. Thomas v. McGinty, Slip Opinion No. 2020-Ohio-5452.

Cuyahoga App. No. 108633, 2019-Ohio-5129. Judgment affirmed. Appellants' request for oral argument denied.

O'Connor, C.J., and Donnelly and Stewart, JJ., concur.

Fischer, J., concurs in judgment only.

Kennedy, J., dissents, with an opinion joined by French and DeWine, JJ.

2020-0043. State ex rel. Ware v. Giavasis, Slip Opinion No. 2020-Ohio-5453.

In Mandamus. Writ denied.

O'Connor, C.J., and French, Fischer, Donnelly, and Stewart, JJ., concur.

DeWine, J., concurs in judgment only.

Kennedy, J., dissents, with an opinion.

MOTION AND PROCEDURAL RULINGS

2020-0788. Columbus City School Dist. Bd. of Edn. v. McClain.

Board of Tax Appeals, No. 2018-649. Sua sponte, cause consolidated with 2020-1015, *Columbus City School Dist. Bd. of Edn. v. McClain*, and briefing in case Nos. 2020-0788 and 2020-1015 shall be consolidated. The parties shall file two originals of the briefs permitted under S.Ct.Prac.R. 16.02 through 16.04 and include both case numbers on the cover page of the briefs. The parties shall otherwise comply with the requirements of S.Ct.Prac.R. 16.01 through 16.04.

2020-1015. Columbus City School Dist. Bd. of Edn. v. McClain.

Board of Tax Appeals, No. 2018-1184. On appellants' motion to stay briefing deadlines. Motion denied. Appellee's motion to consolidate case with 2020-0788, *Columbus City School Dist. Bd. of Edn. v. McClain*, granted and briefing in case Nos. 2020-0788 and 2020-1015 shall be consolidated. The parties shall file two originals of the briefs permitted under S.Ct.Prac.R. 16.02 through 16.04 and include both case numbers on the cover page of the briefs. The parties shall otherwise comply with the requirements of S.Ct.Prac.R. 16.01 through 16.04.

2020-1234. State v. Mathias.

Fairfield App. No. 2019 CA 00052, 2020-Ohio-4224. On appellee's motion to strike appellant's notice of appeal and memorandum in support of jurisdiction. Motion denied. Appellee may file a memorandum in response to jurisdiction within 30 days.

MISCELLANEOUS ORDERS

In re Pastor, Member of the Cincinnati City Council.

On November 16, 2020, the state of Ohio presented a request that the chief justice establish a special commission of three retired judges pursuant to R.C. 3.16(C). Pursuant to R.C. 3.16, the special commission shall be established by the chief justice, not sooner than 14 days after receipt of the request, to consider the suspension from public office of Jeffrey Pastor, member of the Cincinnati City Council, in relation to felony charges pertaining to official conduct in office.

Accordingly, the following three retired judges are hereby appointed and directed to proceed as provided by R.C. 3.16:

Retired Judge David C. Faulkner

Retired Judge L. Alan Goldsberry

Retired Judge Richard J. McMonagle

Pursuant to R.C. 3.16(C)(1), at least one member of the special commission is of the same party as the public official and all members of the special commission shall receive compensation for their services and reimbursement for expenses incurred in connection with special-commission functions, from funds appropriated by the attorney general's office.

It is further ordered that Michel Jendretzky, legal counsel in the Office of the Chief Legal Counsel, shall serve as secretary to the special commission, with authority to contact the parties, schedule hearings, and sign orders on behalf of and at the direction of the special commission.

All documents in this matter shall be filed with the secretary to the special commission either by mail or in another manner directed by the secretary. The original and five copies of all documents shall be filed. All documents filed with the special commission shall also be served on all other parties to this matter on the day of filing with the secretary.

Pursuant to R.C. 3.16(C)(2), all meetings of the special commission shall be closed to the public and the records shall not be made available to the public for inspection or copying until the special commission issues its written report or otherwise concludes its proceedings.