

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

January 22, 2020

[Cite as *01/22/2020 Case Announcements*, 2020-Ohio-94.]

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## MERIT DECISIONS WITH OPINIONS

**2018-1396. *In re Application of Ohio Power Co.*, Slip Opinion No. 2020-Ohio-143.**

Public Utilities Commission, Nos. 16-1852-EL-SSO and 16-1853-EL-AAM. Order affirmed.

Kennedy, French, Fischer, DeWine, Donnelly, and Stewart, JJ., concur.  
O'Connor, C.J., concurs in judgment only.

**2018-0822. *Warren Cty. Bar Assn. v. Brenner*, Slip Opinion No. 2020-Ohio-142.**

On Certified Report by the Board of Professional Conduct, No. 2018-018. Andrew Jay Brenner, Attorney Registration No. 0085066, last known business address in Mason, Ohio, suspended from the practice of law for six months, fully stayed on conditions.

O'Connor, C.J., and French, Fischer, Donnelly, and Stewart, JJ., concur.  
Fischer, J., concurs, with an opinion joined by Donnelly, J.  
Kennedy, J., dissents, with an opinion joined by DeWine, J.

**2019-0809. *Disciplinary Counsel v. Amaddio and Wargo*, Slip Opinion No. 2020-Ohio-141.**

On Certified Report by the Board of Professional Conduct, No. 2018-068. Mark Douglas Amaddio, Attorney Registration No. 0041276, last known business address in Beachwood, Ohio, and John Joseph Wargo Jr., Attorney Registration No.

0023299, last known business address in Berea, Ohio, suspended from the practice of law for one year.

O'Connor, C.J., and French, Fischer, Donnelly, and Stewart, JJ., concur.  
Kennedy, J., dissents, with an opinion joined by DeWine, J.

## **MERIT DECISIONS WITHOUT OPINIONS**

### **2019-0784. State ex rel. Harris v. Cincinnati.**

In Mandamus. On respondents' motion for judgment on pleadings with attached affidavit. Motion granted. Cause dismissed.

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

### **2019-1377. State ex rel. Martin v. Tuscarawas Cty. Job & Family Servs.**

In Mandamus. On respondent's motion to dismiss. Motion denied. Sua sponte, alternative writ granted. The following briefing schedule is set for the presentation of evidence and filing of briefs pursuant to S.Ct.Prac.R. 12.05: The parties shall file any evidence they intend to present within 20 days, relators shall file a brief within 10 days after the filing of the evidence, respondent shall file a brief within 20 days after the filing of relators' brief, and relators may file a reply brief within 7 days after the filing of respondent's brief.

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

Kennedy, DeWine, and Donnelly, JJ., dissent and would grant the motion to dismiss.

### **2019-1406. State ex rel. Ware v. Akron.**

In Mandamus. On respondents' motion to dismiss. Motion denied. Respondents' motion for default judgment denied. Sua sponte, alternative writ granted. The following briefing schedule is set for the presentation of evidence and filing of briefs pursuant to S.Ct.Prac.R. 12.05: The parties shall file any evidence they intend to present within 20 days, relator shall file a brief within 10 days after the filing of the evidence, respondents shall file a brief within 20 days after the filing of relator's brief, and relator may file a reply brief within 7 days after the filing of respondents' brief. The parties' briefs shall address statutory damages.

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

**2019-1452. State ex rel. Oldham v. Eighth Dist. Court of Appeals.**

In Mandamus. On respondent's motion to dismiss. Motion granted. Cause dismissed.

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

**2019-1492. State ex rel. Link v. Fifth Dist. Court of Appeals.**

In Prohibition. On respondent's motion to dismiss. Motion granted. Cause dismissed.

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

**2019-1497. State ex rel. Lusane v. Oswick.**

In Procedendo. On respondent's motion to dismiss. Motion granted. Cause dismissed.

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

**2019-1529. Sudberry v. Warden.**

In Mandamus. On respondent's motion to dismiss. Motion granted. Cause dismissed.

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

**2019-1551. Hillman v. Page.**

In Mandamus and Prohibition. On respondent's motion to dismiss. Motion granted. Relator's motion to consolidate case Nos. 2019-1551 and 2019-1584 denied as moot. Cause dismissed.

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

**2019-1584. State ex rel. Hillman v. Cain.**

In Mandamus and Prohibition. On respondent's motion to dismiss. Motion granted. Relator's motion to consolidate case Nos. 2019-1551 and 2019-1584 denied as moot. Cause dismissed.

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

## **MOTION AND PROCEDURAL RULINGS**

### **2015-1238. State v. Clyde.**

Erie App. No. E-14-006, 2015-Ohio-1859. On appellant's application for reopening. Application denied.

### **2018-0506. State ex rel. Cincinnati Enquirer v. Oda.**

Warren App. No. CA2017-08-130, 2018-Ohio-704. On appellant's response to October 16, 2019 order to show cause. Cause dismissed as moot.

Kennedy, French, and Fischer, JJ., dissent.

### **2019-0573. In re Comm. Rev. of Ohio Adm.Code Chapter 4901:1-10.**

Public Utilities Commission, No. 12-2050-EL-ORD. On appellee's motion to dismiss. Motion granted. Cause dismissed.

Kennedy, J., dissents.

### **2019-1243. In re Complaint of Moore v. Cleveland Elec. Illum. Co.**

Public Utilities Commission, No. 17-1563-EL-CSS. On appellee's motion to dismiss. Motion granted. Appellee's motion for leave to substitute corrected notice of appeal denied. Cause dismissed.

Kennedy, J., would deny the motion for leave to substitute corrected notice of appeal as moot.

### **2019-1260. Hillman v. Tenth Dist. Court of Appeals.**

In Mandamus and Prohibition. On relator's request pursuant to Civ.R. 52 for this court to provide findings of fact and conclusion of law. Request denied.

French, J., not participating.

### **2019-1381. State v. Garrett.**

Franklin C.P. No. 18CR168. On appellee/cross-appellant's notice of cross-appeal. Notice rejected as a matter of right. Appellee/cross-appellant's motion for leave to cross-appeal granted and cross-appeal accepted. The case shall be briefed pursuant to S.Ct.Prac.R. 16.05 but with the following timeframes set for the filing of briefs: The first brief shall be filed within 180 days of the filing of the record, the second brief shall be filed within 120 days of the filing of the first brief, the third brief shall be filed within 120 days of the filing of the second brief, and the fourth brief shall be filed within 45 days of the filing of the third brief.

Kennedy, J., would deny the motion for leave to cross-appeal.

Fischer and Stewart, JJ., would accept the notice of cross-appeal.

**2019-1674. State v. Turner.**

Clermont App. No. CA2018-11-082, 2019-Ohio-3950. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue as stated on pages 2 through 3 of the court of appeals' November 22, 2019 entry: "Does an officer have reasonable and articulable suspicion to conduct a traffic stop of a motor vehicle for a marked lanes violation under R.C. 4511.33(A)(1) when the officer observes the tires of a vehicle driving on, but not across a marked lane line?" The conflict cases are *State v. Williams*, 1st Dist. Hamilton No. C-960958, 1997 Ohio App. LEXIS 3467, \*4-5 (Aug. 1, 1997); *State v. Smith*, 3d Dist. Marion No. 9-17-05, 2017-Ohio-5845; *State v. Marcum*, 2013-Ohio-2652, 993 N.E.2d 1289 (5th Dist.); *State v. Franklin*, 5th Dist. Licking No. 11-CA-128, 2012-Ohio-3089; *State v. Richardson*, 5th Dist. Delaware No. 00-CA-A-01-003, 2000 Ohio App. LEXIS 3419 (July 14, 2000); *State v. Konneh*, 6th Dist. Wood No. WD-17-007, 2018-Ohio-1239; *State v. Parker*, 6th Dist. Ottawa No. OT-12-034, 2013-Ohio-3470; *State v. Baker*, 6th Dist. Wood No. WD-13-074, 2014-Ohio-2564; *State v. Grigoryan*, 8th Dist. Cuyahoga No. 93030, 2010-Ohio-2883; and *State v. Kneier*, 11th Dist. Portage No. 2015-P-0006, 2015-Ohio-3419.

French, J., would not include *Franklin* or *Konneh* among the conflict cases.