

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

January 23, 2008

[Cite as *01/23/2008 Case Announcements*, 2008-Ohio-153.]

MERIT DECISIONS WITHOUT OPINIONS

2007-1962. Bunting v. Bobby.

In Prohibition. On answer of respondents and motion for judgment on the pleadings. Motion for judgment on the pleadings granted. Cause dismissed.

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

2007-1968. Treherne v. Timmerman-Cooper.

In Prohibition. On answer of respondents. On S.Ct.Prac.R. X(5) determination, cause dismissed.

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

2007-2127. State ex rel. Harris v. Russo.

In Mandamus. On motion to dismiss. Motion to dismiss granted. Cause dismissed.

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

2007-2146. State ex rel. Bankhead v. Collins.

In Mandamus. On answer of respondent. On S.Ct.Prac.R. X(5) determination, cause dismissed.

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

2007-2147. Von Meyer v. Court of Claims.

In Procedendo. On motion to dismiss. Motion to dismiss granted. Cause dismissed.

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

2007-2170. Hytower v. Beightler.

In Habeas Corpus. On petition for writ of habeas corpus of Eddie Hytower. Sua sponte, cause dismissed. Motion to compel discovery denied as moot.

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

2007-2180. State ex rel. Goldsberry v. Union Cty. Court of Common Pleas.

In Procedendo. On motion to dismiss. Motion to dismiss granted. Cause dismissed.

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

2007-2207. DiStasio v. State.

In Habeas Corpus. On petition for writ of habeas corpus of Phillip James DiStasio. Sua sponte, cause dismissed.

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

2007-2247. Walker v. Thomas.

In Habeas Corpus. On petition for writ of habeas corpus of Thaddeus Walker. Sua sponte, cause dismissed.

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

2007-2291. Gonzales v. Smith.

In Habeas Corpus. On petition for writ of habeas corpus of Erby Gonzales. Sua sponte, cause dismissed.

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

2007-2293. Thompson v. Beightler.

In Habeas Corpus. On petition for writ of habeas corpus of Demitrus L. Thompson Sr. Sua sponte, cause dismissed.

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

MOTIONS AND PROCEDURAL RULINGS

1992-1249. State v. Richard.

Cuyahoga App. No. 54040. On motion to vacate the court's order dated October 28, 1992. Motion denied.

2006-2101. State v. Jordan.

Franklin App. No. 05AP-1330, 2006-Ohio-5208. On motion to vacate assessment of costs. Motion denied.

Pfeifer and O'Donnell, JJ., dissent.

2007-0754. State v. Nucklos.

Clark App. No. 06CA0023, 171 Ohio App.3d 38, 2007-Ohio-1025. On motion to dismiss appeal as improvidently accepted. Motion denied.

2007-1452. Sogg v. Ohio Dept. of Commerce.

Franklin App. No. 06AP-883, 2007-Ohio-3219. On motion for admission pro hac vice of John R. Wylie and Arthur T. Susman by William C. Wilkinson and Craig A. Calcaterra. Motion granted.

2007-2013. State ex rel. Turner v. Eberlin.

Belmont App. No. 07 BE 6, 2007-Ohio-5042. On motion to certify and maintain action as a class action. Motion denied.

2007-2023. Martin v. Design Constr. Servs., Inc.

Summit App. No. 23422, 2007-Ohio-4805. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated at page 3 of the court of appeals' Journal Entry filed October 24, 2007:

"Whether in an action for temporary damages to noncommercial real property, a failure to prove the difference between the fair market value of the whole property just before the damage was done and immediately thereafter is fatal to the claim."

O'Donnell, J., dissents.

The conflict cases are *Adcock v. Rollins Protective Servs. Co.* (1981), 1 Ohio App.3d 160, and *Krofta v. Stallard*, Cuyahoga App. No. 85369, 2005-Ohio-3720.

Sua sponte, cause consolidated with 2007-2024, *Martin v. Design Constr. Servs., Inc.*, Summit App. No. 23422, 2007-Ohio-4805.

2007-2162. Dombroski v. WellPoint, Inc.

Belmont App. No. 06 BE 60, 2007-Ohio-5054. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated at page 4 of the court of appeals' Journal Entry filed November 13, 2007:

“Does the second prong of *Belvedere* [*Belvedere Condominium Unit Owners' Assn. v. R.E. Roark Cos., Inc.* (1993), 67 Ohio St.3d 274], which states that the corporate veil can be pierced when control of the corporation was exercised in such a manner as to commit fraud or an illegal act against the person seeking to disregard the corporate entity, also allow the corporate veil to be pierced in cases where control was exercised to commit unjust or inequitable acts that do not rise to the level of fraud or an illegal act?”

Pfeifer, J., dissents.

The conflict cases are *Collum v. Perlman* (Apr. 30, 1999), Lucas App. No. L-98-1292, and *Widlar v. Young*, Lucas App. No. L-05-1184, 2006-Ohio-868.

2007-2175. State v. Bailey.

Jefferson App. No. 06 JE 22, 2007-Ohio-4995. On motion for leave to file delayed appeal. Motion denied.

Moyer, C.J., and Pfeifer and O'Donnell, JJ., dissent.

2007-2186. State v. Malone.

Marion App. No. 9-06-43, 2007-Ohio-5484. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated at page 1 of the court of appeals' Journal Entry filed November 15, 2007:

“Is a conviction for intimidation of a witness under R.C. 2921.04(B), which requires the witness to be involved in a criminal action or proceeding, sustainable where the intimidation occurred after the criminal act but prior to any police investigation of the criminal act, and thus, also prior to any proceedings flowing from the criminal act in a court of justice?”

O'Donnell, J., dissents.

The conflict cases are *State v. Gooden*, Cuyahoga App. No. 82621, 2004-Ohio-2699, and *State v. Hummell* (June 1, 1998), Morrow App. No. CA-851.

2007-2208. State v. Davis.

Cuyahoga App. No. 87964, 2007-Ohio-408. On motion for leave to file delayed appeal. Motion denied.

2007-2210. State v. Potter.

Butler App. No. CA2006-07-166, 2007-Ohio-4216. On motion for leave to file delayed appeal. Motion granted.

O'Connor, J., dissents.

2007-2236. State v. Hazel.

Franklin App. Nos. 07AP-451 and 07AP-452. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2007-2242. State v. Matthews.

Hamilton App. Nos. C-060669 and C-060692, 2007-Ohio-4881. On motion for leave to file delayed appeal. Motion granted.

O'Connor and Cupp, JJ., dissent.

2007-2249. State v. DeLuca.

Cuyahoga App. No. 88615, 2007-Ohio-3905. On motion for leave to file delayed appeal. Motion denied.

Moyer, C.J., and Pfeifer and Lundberg Stratton, JJ., dissent.

2007-2279. State v. Armstrong.

Montgomery App. No. 21831, 2007-Ohio-5648. On motion for leave to file delayed appeal. Motion granted.

O'Connor, Lanzinger, and Cupp, JJ., dissent.

On motion for stay of execution of sentence. Motion denied.

2007-2286. State v. Bradley.

Stark App. No. 2007CA00237. On motion for leave to file delayed appeal. Motion denied.

Moyer, C.J., and Pfeifer, J., dissent.

On motion for bail after conviction of felony. Motion denied.

2007-2302. Walburn v. Dunlap.

Vinton App. No. 06CA655, 2007-Ohio-5398. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated at page 3 of the court of appeals' Entry filed December 3, 2007:

"In a case involving multiple claims, is a judgment in the declaratory judgment action a final appealable order when the trial court finds that an insured is entitled to coverage, includes a Civ.R. 54(B) certification, but does not address the issue of damages?"

Lanzinger and Cupp, JJ., dissent.

The conflict cases are *Baheshtaein v. Am. State Ins. Co.*, Montgomery App. No. 20839, 2005-Ohio-5907, *Tinker v. Oldaker*, Franklin App. Nos. 03AP-671 and 03AP-1036, 2004-Ohio-3316, and *Walter v. Allstate Ins. Co.*, Summit App. No. 21032, 2002-Ohio-5775.

Sua sponte, cause consolidated with 2007-2150, *Walburn v. Dunlap*, Vinton App. No. 06CA655, 2007-Ohio-5398.

2007-2314. In re B.F.

Warren App. Nos. CA2006-10-118 and CA2006-11-137. On motion for stay of court of appeals' judgment. Motion denied.

2007-2318. Haught v. Payne.

Clinton App. No. CA2007-08-034. On motion for stay during appeal process. Motion denied.

2007-2345. Chase Manhattan Mtge. Corp. v. Smith.

Hamilton App. No. C-061069, 2007-Ohio-5874. On motion for stay of court-ordered eviction based on void judgment. Motion denied.

2007-2390. Prater v. Dashkovsky.

Franklin App. No. 07AP-389, 2007-Ohio-6785. On motion for stay of court of appeals' judgment. Motion granted.

Pfeifer, O'Connor, and Lanzinger, JJ., dissent.

2007-2445. State v. Constable.

Clermont App. No. CA2006-12-107, 2007-Ohio-6570. On motion for stay and for appellate bond. Motion denied.

APPEALS ACCEPTED FOR REVIEW

2007-1744. State v. Centafanti.

Stark App. No. 2007-CA-00044, 2007-Ohio-4036.

Pfeifer and O'Donnell, JJ., dissent.

2007-1751. In re Burt.

Stark App. No. 2006-CA-00328, 2007-Ohio-4034.

Pfeifer, O'Donnell, and Cupp, JJ., dissent.

2007-1819. Loudon v. A.W. Chesterton Co.

Cuyahoga App. No. 90184.

Pfeifer and Lanzinger, JJ., dissent.

2007-1821. Louden v. A.W. Chesterton Co.

Cuyahoga App. No. 90185.

Pfeifer and Lanzinger, JJ., dissent.

2007-1839. State ex rel. White v. Billings.

Clermont App. No. CA2006-09-072, 2007-Ohio-4356. Discretionary appeal accepted; cause held for the decision in 2006-2187, *Hyle v. Porter*, Hamilton App. No. C-050768, 2006-Ohio-5454; and briefing schedule stayed.

O'Connor and Cupp, JJ., dissent.

2007-1863. Middleburg Hts. v. Quinones.

Cuyahoga App. No. 88242, 2007-Ohio-3643.

Pfeifer, J., dissents.

2007-1870. Cheap Escape Co., Inc. v. Haddox, LLC.

Franklin App. No. 06AP-1107, 2007-Ohio-4410. Discretionary appeal accepted on Proposition of Law No. I.

Lundberg Stratton, O'Donnell, and Lanzinger, JJ., would also accept the appeal on Proposition of Law No. II.

Pfeifer and Cupp, JJ., dissent.

2007-1887. Dambolena v. Ohio Bur. of Workers' Comp.

Cuyahoga App. No. 88881, 2007-Ohio-4435. Discretionary appeal accepted and cause held for the decision in 2006-1914, *Groch v. Gen. Motors Corp.*

Pfeifer, Lundberg Stratton, and O'Donnell, JJ., dissent.

2007-1893. In re J.Y.

Hamilton App. Nos. C-060835 and C-060836, 2007-Ohio-4469. Discretionary appeal accepted; cause held for the decision in 2007-0595 and 2007-0651, *State v. Cabrales*, Hamilton App. No. C-050682, 2007-Ohio-857; and briefing schedule stayed.

Pfeifer, J., dissents.

2007-2024. Martin v. Design Constr. Servs., Inc.

Summit App. No. 23422, 2007-Ohio-4805. Discretionary appeal accepted and cause consolidated with 2007-2023, *Martin v. Design Constr. Servs., Inc.*, Summit App. No. 23422, 2007-Ohio-4805.

O'Donnell, J., dissents.

2007-2150. Walburn v. Dunlap.

Vinton App. No. 06CA655, 2007-Ohio-5398. Discretionary appeal accepted on Proposition of Law Nos. I and II and cause consolidated with 2007-2302, *Walburn v. Dunlap*, Vinton App. No. 06CA655, 2007-Ohio-5398.

Lundberg Stratton, O'Connor, and O'Donnell, JJ., would also accept the appeal on Proposition of Law No. III.

Pfeifer, Lanzinger, and Cupp, JJ., dissent.

2007-2317. In re T.M.

Madison App. Nos. CA2007-04-016 and CA2007-05-020, 2007-Ohio-5789.

Cupp, J., dissents.

APPEALS NOT ACCEPTED FOR REVIEW

2007-1190. In re M.A.L.

Miami App. No. 06-CA-36, 2007-Ohio-2426.

Lundberg Stratton and Cupp, JJ., dissent.

2007-1223. State v. Ashipa.

Hamilton App. No. C-060411.

2007-1290. State v. Kincaid.

Cuyahoga App. No. 88362, 2007-Ohio-2228.

2007-1624. State v. Harrison.

Cuyahoga App. No. 88957, 2007-Ohio-3524.

2007-1627. State v. Embry.

Lucas App. No. L-06-1134, 2007-Ohio-3950.

Cupp, J., dissents and would accept the appeal on Proposition of Law No. II and hold the cause for the decision in 2007-0052, *State v. Simpkins*, Cuyahoga App. No. 87692, 2006-Ohio-6028.

2007-1633. State v. Jackson.

Cuyahoga App. No. 88074, 2007-Ohio-2494.

2007-1647. State v. Hardesty.

Pickaway App. No. 07CA2, 2007-Ohio-3889.

2007-1650. Chiaverini, Inc. v. Little.

Lucas App. No. L-06-1344, 2007-Ohio-3683.

2007-1651. State v. Kerby.

Clark App. No. 2006 CA 73, 2007-Ohio-3810.

2007-1652. State v. Morrison.

Muskingum App. No. CT2006-0045, 2007-Ohio-3799.

2007-1658. State v. Salce.

Huron App. No. H-06-032, 2007-Ohio-3687.

2007-1660. Shepard v. Esch.

Cuyahoga App. No. 88653, 2007-Ohio-3537.

O'Donnell, J., dissents and would accept the appeal on Proposition of Law No. I.

2007-1663. State v. Hardley.

Cuyahoga App. Nos. 88456 and 88457, 2007-Ohio-3530.

2007-1664. State v. Starks.

Lucas App. No. L-07-1225.

2007-1673. State v. Bell.

Hamilton App. No. C-060349.

2007-1676. Miles Landing Homeowners Assn. v. Harris.

Cuyahoga App. No. 88471, 2007-Ohio-3411.

O'Donnell, J., dissents and would accept the appeal on Proposition of Law No. II.

2007-1685. Lee v. Burnett.

Franklin App. No. 07AP-40, 2007-Ohio-3742.

2007-1688. Lee v. Margulies.

Hamilton App. No. C-070478.

2007-1692. State v. Kerns.

Scioto App. No. 06CA3124, 2007-Ohio-3881.

2007-1702. State v. Thomas-Kuhns.

Portage App. No. 2006-P-0012, 2007-Ohio-3851.

O'Connor, J., dissents.

2007-1709. MDM Realty Ltd. v. Progress Properties S. Ltd. Partnership.

Cuyahoga App. Nos. 88540 and 86937, 2007-Ohio-3668.

2007-1743. Back v. Madison Local School Dist. Bd. of Edn.

Butler App. No. CA2007-03-066, 2007-Ohio-4218.

2007-1750. Stuber v. Stuber.

Allen App. No. 1-06-101, 2007-Ohio-3981.

O'Donnell, J., dissents.

2007-1754. State v. Rice.

Hamilton App. No. C-070524.

2007-1758. Marshall v. Scalf.

Cuyahoga App. No. 88708, 2007-Ohio-3667.

2007-1764. State v. Loch.

Franklin App. No. 06AP-1172, 2007-Ohio-4449.

2007-1765. State v. Loch.

Franklin App. No. 06AP-1142, 2007-Ohio-4449.

2007-1766. State v. Lortz.

Summit App. No. 23762.

Lanzinger, J., dissents.

2007-1767. State v. Hairston.

Scioto App. No. 06CA3087, 2007-Ohio-4159.

2007-1768. State v. Martinez.

Henry App. No. 7-07-04, 2007-Ohio-4491.

2007-1769. State v. Goerndt.

Cuyahoga App. No. 88892, 2007-Ohio-4067.

2007-1771. State v. Bunting.

Stark App. No. 2007 CA 00028, 2007-Ohio-4254.

2007-1772. Shane v. Tracy.

Cuyahoga App. No. 88479, 2007-Ohio-3412.

2007-1773. Mangie v. VanSuch.

Mahoning App. No. 07 MA 99.

2007-1775. State v. Samuels.

Cuyahoga App. No. 88610, 2007-Ohio-3904.

2007-1777. State v. Lisboa.

Cuyahoga App. No. 90177.

2007-1778. Smith v. ProMedica Health Sys., Inc.

Lucas App. No. L-06-1333, 2007-Ohio-4189.

O'Donnell and Cupp, JJ., dissent.

2007-1780. State v. Reese.

Hamilton App. Nos. C-060576 and C-060577, 2007-Ohio-4319.

Moyer, C.J., and O'Connor and Cupp, JJ., dissent.

2007-1786. State v. Williams.

Hamilton App. No. C-060915.

2007-1789. State v. Gilbert.

Cuyahoga App. No. 88846, 2007-Ohio-4065.

2007-1790. Gibson v. Park Poultry, Inc.

Stark App. No. 2006 CA 00296, 2007-Ohio-4248.

Lundberg Stratton and Lanzinger, JJ., dissent and would accept the appeal and hold the cause for the decision in 2007-0305, *Sexton v. Mason*, Warren App. No. CA2006-02-026, 2007-Ohio-38.

2007-1791. In re D.S.

Cuyahoga App. No. 88709, 2007-Ohio-3911.

Lundberg Stratton and O'Donnell, JJ., dissent.

2007-1792. Roberts v. Cedar Fair, L.P.

Erie App. No. E-06-070, 2007-Ohio-4187.

2007-1797. Hernandez v. Newark Builders Supply, Inc.

Licking App. No. 06CA132.

Moyer, C.J., and O'Connor, J., dissent.

2007-1800. State v. Smith.

Cuyahoga App. No. 88743, 2007-Ohio-4054.

2007-1804. State v. Chapman.

Cuyahoga App. No. 90239.

2007-1805. Jones v. Sebaly, Shillito & Dyer, L.P.A.

Hamilton App. No. C-060803.

2007-1806. State v. McKittrick.

Hancock App. No. 5-06-46, 2007-Ohio-4233.

O'Donnell, J., dissents and would accept the appeal and hold the cause for the decision in 2007-0595 and 2007-0651, *State v. Cabrales*, Hamilton App. No. C-050682, 2007-Ohio-857.

2007-1816. Ayad v. Radio One, Inc.

Cuyahoga App. No. 88031, 2007-Ohio-2493. Discretionary appeal not accepted. Motions to dismiss appeal and to strike motion to dismiss appeal denied as moot.

2007-1817. Westgate Ford Truck Sales, Inc. v. Ford Motor Co.

Cuyahoga App. No. 86596, 2007-Ohio-4013. Discretionary appeal not accepted.

Lundberg Stratton, J., dissents.

Motions for admission pro hac vice of Billy M. Donley, James C. Winton, and David R. Jarrett by John D. Parker and for admission pro hac vice of John A. Corr, Stephen A. Corr, and James A. Pikl by James A. Lowe granted.

2007-1820. State v. Farmer.

Cuyahoga App. No. 88675, 2007-Ohio-4046.

2007-1823. Crime Victims Reparations Fund v. Pryor.

Franklin App. No. 07AP-90, 2007-Ohio-4275. Discretionary appeal not accepted. Motion to strike future filings by appellee denied as moot.

2007-1824. State v. Barnes.

Cuyahoga App. No. 88341, 2007-Ohio-4019.

2007-1825. State v. Chojnacki.

Cuyahoga App. No. 88213, 2007-Ohio-4016.

2007-1829. Cesarespada v. Bandlow.

Cuyahoga App. No. 88835, 2007-Ohio-4062.

2007-1832. Roe v. Planned Parenthood Southwest Ohio Region.

Hamilton App. No. C-060557, 2007-Ohio-4318.

Moyer, C.J., dissents and would accept the appeal on Proposition of Law Nos. II, IV, V, and VI.

O'Donnell and Cupp, JJ., dissent.

2007-1841. Wanamaker v. Davis.

Greene App. No. 2005-CA-151, 2007-Ohio-4340.

Lundberg Stratton, J., dissents and would accept the appeal on Proposition of Law No. II.

2007-1844. Richard Goettle, Inc. v. Lamp.

Hamilton App. No. C-060724, 2007-Ohio-4466.

2007-1845. State v. Nicol.

Ashtabula App. No. 2006-A-0078, 2007-Ohio-4962.

2007-1846. State v. Gangloff.

Hamilton App. Nos. C-060481 and C-060536, 2007-Ohio-4463.

2007-1848. State v. Cochran.

Clark App. No. 2006 CA 87, 2007-Ohio-4545.

2007-1849. Morning View Care Center – Fulton v. Ohio Dept. of Job & Family Servs.

Franklin App. No. 05AP-1235.

2007-1851. State v. Blue.

Summit App. No. 23346, 2007-Ohio-4280.

2007-1855. State v. Middleton.

Cuyahoga App. No. 90224.

2007-1856. State v. Moncrief.

Franklin App. No. 07AP-533.

2007-1857. Howick v. Lakewood Village Ltd. Partnership.

Mercer App. No. 10-06-25, 2007-Ohio-4370. Discretionary appeal and cross-appeal not accepted.

2007-1858. State v. Vance.

Franklin App. No. 06AP-1016, 2007-Ohio-4407.

O'Donnell, J., dissents.

2007-1859. State v. Massie.

Ashland App. No. 06COA035, 2007-Ohio-4424.

2007-1860. State v. Boyce.

Portage App. No. 2005-P-0021, 2007-Ohio-4379. Discretionary appeal not accepted. Motion for appointment of Michael A. Partlow as counsel for appellant denied as moot.

O'Connor, J., not participating.

2007-1861. In re Marriage of Henson.

Trumbull App. No. 2006-T-0065, 2007-Ohio-4376.

O'Connor, J., not participating.

2007-1864. State v. Kienzle.

Lorain App. No. 07CA009078, 2007-Ohio-4346.

2007-1866. State v. McDevitt.

Lorain App. Nos. 06CA009016 and 06CA009017, 2007-Ohio-4349.

2007-1869. State v. Gamble.

Hamilton App. No. C-060713.

2007-1871. State v. Craig.

Hamilton App. No. C-070050.

2007-1873. Oberly v. Oberly.

Greene App. No. 06-CA-90, 2007-Ohio-4571.

O'Donnell, J., dissents.

2007-1877. State v. Johnson.

Columbiana App. No. 06 CO 64, 2007-Ohio-4620.

2007-1880. State v. Clements.

Hamilton App. No. C-060837, 2007-Ohio-4461.

2007-1882. Boice v. Ottawa Hills.

Lucas App. No. L-06-1208, 2007-Ohio-4471.

2007-1883. State v. Hedgecoth.

Hamilton App. No. C-060190, 2007-Ohio-4462.

Moyer, C.J., dissents.

2007-1884. Cincinnati v. Kieser.

Hamilton App. No. C-060773, 2007-Ohio-4467.

2007-1885. Kleinholz v. Goettke.

Hamilton App. Nos. C-061011 and C-060414, 173 Ohio App.3d 80, 2007-Ohio-4880.

2007-1886. McGee v. Lynch.

Erie App. No. E-06-063, 2007-Ohio-3954. Discretionary appeal not accepted. Motion of Richard Lynch to dismiss appeal denied as moot.

2007-1889. State v. Starks.

Lucas App. Nos. L-05-1417 and L-05-1419, 2007-Ohio-4897.

2007-1890. State v. Smathers.

Ashland App. No. 06 COA 043, 2007-Ohio-4445.

2007-1891. State v. Jones.

Franklin App. No. 07AP-218, 2007-Ohio-4458.

2007-1892. State v. Husband.

Hamilton App. No. C-060376.

2007-1896. State v. Balwanz.

Belmont App. No. 07 BE 20, 2007-Ohio-5041.

2007-1902. State v. Smith.

Washington App. No. 06CA65, 2007-Ohio-4730.

2007-1905. State v. Prunty.

Cuyahoga App. No. 88778, 2007-Ohio-4290.

2007-1916. Cuyahoga Metro. Hous. Auth. v. SEIU Local 47.

Cuyahoga App. No. 88893, 2007-Ohio-4292.

2007-1920. State v. Beck.

Washington App. No. 07CA5, 2007-Ohio-4658.

2007-1926. State v. Simpson.

Cuyahoga App. No. 88301, 2007-Ohio-4301.

2007-1930. Newell v. Jackson.

Jackson App. No. 06CA19, 2007-Ohio-4729.

2007-1931. Lawrence v. Lawrence.

Coshocton App. No. 06-CA-14, 2007-Ohio-4634.

Pfeifer, J., dissents.

Lanzinger, J., dissents and would accept the appeal and hold the cause for the decision in 2007-0954 and 2007-1176, *Burnett v. Motorists Mut. Ins. Co.*, Trumbull App. No. 2006-T-0085, 2007-Ohio-1639.

2007-1932. State v. Graves.

Lucas App. No. L-07-1041, 2007-Ohio-4713.

Lanzinger, J., not participating.

2007-1936. State v. Herbert.

Wyandot App. No. 16-06-12, 2007-Ohio-4496. Discretionary appeal not accepted. Motion to hold propositions of law in abeyance denied as moot.

2007-1941. Volz Excavating, Inc. v. Lynch.

Butler App. No. CA2006-07-170, 2007-Ohio-4645.

O'Donnell, J., dissents.

2007-1942. Wertz v. Wertz.

Huron App. No. H-06-036, 2007-Ohio-4605.

Pfeifer, J., dissents.

Lanzinger, J., dissents and would accept the appeal and hold the cause for the decision in 2007-0954 and 2007-1176, *Burnett v. Motorists Mut. Ins. Co.*, Trumbull App. No. 2006-T-0085, 2007-Ohio-1639.

2007-1943. State v. Shahan.

Franklin App. No. 07AP-573.

2007-1946. State v. Fulton.

Erie App. No. E-07-012, 2007-Ohio-4608.

2007-1959. State v. Cummings.

Butler App. No. CA2006-09-224, 2007-Ohio-4970. Discretionary appeal not accepted. Motion for stay of consideration of jurisdiction denied.

O'Donnell, J., dissents.

2007-1963. State v. Wilson.

Franklin App. No. 07AP-224, 2007-Ohio-4801.

2007-1964. Lakemore v. SN Servicing Corp.

Summit App. No. 23575, 2007-Ohio-4650.

2007-1972. State v. Nelms.

Franklin App. Nos. 06AP-1193 and 06AP-1194, 2007-Ohio-4664.

2007-1985. State v. Riggins.

Scioto App. No. 07CA3145, 2007-Ohio-4814.

2007-1987. Smolak v. Columbus.

Franklin App. No. 07AP-373, 2007-Ohio-4671.

2007-1989. State v. McGlothlin.

Hamilton App. No. C-060145, 2007-Ohio-4707.

Moyer, C.J., and Lanzinger, J., dissent and would accept the appeal on Proposition of Law No. I.

Lundberg Stratton, J., dissents.

2007-2014. State v. Jordan.

Franklin App. No. 07AP-52, 2007-Ohio-5097.

2007-2019. Rock Creek v. Shinkle.

Ashtabula App. No. 2006-A-0053, 2007-Ohio-4769.

2007-2025. State v. Dean.

Lake App. No. 2006-L-221, 2007-Ohio-4949.

2007-2032. State v. Fink.

Ashtabula App. No. 2006-A-0035, 2007-Ohio-5220.

2007-2064. State v. Welch.

Wyandot App. No. 16-07-02, 2007-Ohio-4944.

2007-2065. State v. Jordan.

Harrison App. No. 06 HA 586, 2007-Ohio-3333.

2007-2078. Pinkston v. DaimlerChrysler Corp.

Summit App. No. 23757, 2007-Ohio-5115.

2007-2086. State v. McKinney.

Franklin App. No. 06AP-510, 2007-Ohio-1842.

2007-2122. State v. Harrison.

Franklin App. No. 07AP-98, 2007-Ohio-5099.

2007-2124. In re L.J.

Clermont App. No. CA2007-07-080, 2007-Ohio-5498.

2007-2144. State v. Donnal.

Allen App. No. 1-06-31, 2007-Ohio-1632.

2007-2149. State v. King.

Franklin App. No. 07AP-230.

2007-2157. State v. Harris.

Hamilton App. Nos. C-060399, C060400, and C-060401, 2007-Ohio-3308.

Moyer, C.J., and Lanzinger, J., dissent and would accept the appeal and hold the cause for the decision in 2007-0325, *State v. Davis*, Hamilton App. No. C-040665, 2006-Ohio-3171.

2007-2177. In re J.P.-M.

Summit App. No. 23714, 2007-Ohio-5412.

2007-2178. State v. Bullock.

Clermont App. No. CA2005-04-031, 2006-Ohio-598.

2007-2191. State v. Hairston.

Scioto App. No. 06CA3089, 2007-Ohio-3707.

RECONSIDERATION OF PRIOR DECISIONS

2006-1247. Harris v. Mt. Sinai Med. Ctr.

Cuyahoga App. Nos. 85286, 85574, and 85605, 166 Ohio App.3d 647, 2006-Ohio-2206. Reported at 116 Ohio St.3d 139, 2007-Ohio-5587, 876 N.E.2d 1201. On motion for reconsideration and motion for stay of issuance of mandate pending petition for certiorari to the United States Supreme Court. Motions denied.

Pfeifer, J., dissents.

2006-1259. State ex rel. Coles v. Granville.

In Mandamus. Reported at 116 Ohio St.3d 231, 2007-Ohio-6057, 877 N.E.2d 968. On motion for reconsideration. Motion denied.

O'Donnell, J., not participating.

2006-1606 and 2006-1851. State v. Jones.

Mahoning App. No. 05-MA-69, 2006-Ohio-3636. Reported at 116 Ohio St.3d 211, 2007-Ohio-6093, 877 N.E.2d 677. On motion for reconsideration. Motion denied.

Moyer, C.J., dissents.

2007-1375. In re Gulley.

Hamilton App. No. C-060375. Reported at 116 Ohio St.3d 1411, 2007-Ohio-6140, 876 N.E.2d 969. On motion for reconsideration. Motion denied.

2007-1435. Harvey v. Austinburg Dev. Corp.

Ashtabula App. No. 2006-A-0044, 2007-Ohio-3025. Reported at 116 Ohio St.3d 1412, 2007-Ohio-6140, 876 N.E.2d 969. On motion for reconsideration. Motion denied.

2007-1436. Niepsuj v. Niepsuj.

Summit App. No. 23625. Reported at 116 Ohio St.3d 1412, 2007-Ohio-6140, 876 N.E.2d 969. On motion for reconsideration. Motion denied.

DISCIPLINARY CASES

2007-1115. Disciplinary Counsel v. Bubna.

This cause is before the court upon respondent's filing of an affidavit of compliance on January 11, 2008. Upon consideration thereof,

It is ordered that respondent file, within 20 days of the date of this order, an affidavit that meets the requirements of the court's suspension order of December 12, 2007. The affidavit shall include, inter alia, details of how respondent has complied with the notification requirements of the order and proof that such notices have been sent by certified mail.

It is further ordered that if respondent fails to comply with this order within 20 days of the date of this order, he shall be held in contempt and will not be reinstated until he fully complies.