

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

April 14, 2010

[Cite as *04/14/2010 Case Announcements, 2010-Ohio-1557.*]

MERIT DECISIONS WITHOUT OPINIONS

Reporter's Note: The late Chief Justice Thomas J. Moyer participated in the deliberations in, and the final resolution of, the merit decisions without opinions reported below prior to his death.

2009-2165. State ex rel. Pollock v. Lillian & Betty Ratner School, Inc.

In Mandamus. Motion for leave to amend complaint and relator's affidavit granted. Motion to dismiss granted. Motion for sanctions for frivolous action denied. Cause dismissed.

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

2010-0017. [State ex rel.] Summerall v. State.

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.

2010-0212. State ex rel. Sevayega v. Gallagher.

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

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

O'Donnell, J., not participating.

2010-0261. State ex rel. Carr v. Croft.

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.

2010-0281. [State ex rel.] Popov v. Bowling.

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.

2010-0309. State ex rel. Williams v. Helmick.

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.

2010-0313. [State ex rel.] JQ Solutions v. State.

In Prohibition. 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.

2010-0322. Woods v. Hamilton Cty. Court of Common Pleas.

In Habeas Corpus. On petition for writ of habeas corpus of Jeffery A. Woods. Sua sponte, cause dismissed.

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

2010-0382. Craig v. Jackson.

In Habeas Corpus. On petition for writ of habeas corpus of Milton William Craig. Sua sponte, cause dismissed.

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

2010-0392. Hazel v. Knab.

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

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

Lanzinger, J., dissents and would order a return on the writ.

2010-0400. Tribue v. Sheldon.

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

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

MOTION AND PROCEDURAL RULINGS

Reporter's Note: The late Chief Justice Thomas J. Moyer participated in the motion and procedural rulings reported below prior to his death.

2009-2127. [State ex rel.] Evans v. Sheward.

In Mandamus. On motion to clarify the court's January 27, 2010 decision. Motion denied.

2009-2136. State ex rel. Brown v. Strickland.

In Mandamus. On answer of respondent. Sua sponte, an alternative writ is granted, and the following briefing schedule is set for presentation of evidence and filing of briefs pursuant to S.Ct.Prac.R. 10.6:

The parties shall file any evidence they intend to present within 20 days of the date of this entry; relator shall file a brief within ten days of the filing of the evidence; respondent shall file a brief within 20 days after the filing of relator's brief; and relator may file a reply brief within seven days after filing of respondent's brief.

Lundberg Stratton, J., dissents and would deny the writ.

Motion for admission pro hac vice of Jay Edelson by Timothy S. Rankin granted.

2010-0118. Tobacco Use Prevention & Control Found. v. Boyce.

Franklin App. Nos. 09AP-768, 09AP-769, 09AP-785, 09AP-786, 09AP-832, and 09AP-833, 2009-Ohio-6993. On emergency motion of state of Ohio and Ohio Attorney General for expedited briefing schedule. Motion granted. Appellants' merit brief shall be filed within 20 days after the filing of this order; appellees' merit brief shall be filed within 20 days of the filing of appellants' merit brief; and appellants may file a reply brief within ten days thereafter.

O'Donnell and Cupp, JJ., dissent and would not expedite the briefing schedule.

Sua sponte, oral argument in this cause shall be expedited.

2010-0310. State v. Zachary.

Franklin App. No. 08AP-451, 2009-Ohio-1180. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

2010-0311. State v. Tooson.

Montgomery App. No. 23290, 2009-Ohio-6269. On motion for leave to file delayed appeal. Motion granted.

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

2010-0312. State v. O'Neil.

Portage App. No. 2008-P-0090, 2009-Ohio-7000. On motion for leave to file delayed appeal. Motion granted.

2010-0317. State v. Gotel.

Lake App. No. 2009-L-051, 2009-Ohio-6516. On motion for leave to file delayed appeal. Motion granted.

Lundberg Stratton, O'Connor, and Lanzinger, JJ., dissent.

2010-0318. State v. Hitchcock.

Cuyahoga App. No. 92263, 2009-Ohio-6455. On motion for leave to file delayed appeal. Motion granted.

O'Connor and Lanzinger, JJ., dissent.

2010-0325. State v. Hawk.

Knox App. No. 2009CA000028. On motion for leave to file delayed appeal. Motion granted.

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

2010-0326. State v. Houston.

Montgomery App. No. 22847, 2009-Ohio-1950. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2010-0334. State v. Taylor.

Huron App. No. H-08-026, 2009-Ohio-6496. On motion for leave to file delayed appeal. Motion granted.

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

2010-0337. State v. Sanders.

Allen App. No. 1-09-01, 2009-Ohio-5437. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lanzinger, JJ., dissent.

2010-0350. State v. Cardamone.

Cuyahoga App. No. 92235, 2009-Ohio-5361. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2010-0352. State v. Washington.

Franklin App. No. 06AP-2, 2007-Ohio-3212. On motion for leave to file delayed appeal. Motion denied.

2010-0377. State v. Sayles.

Hamilton App. No. C-090596. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2010-0401. State v. Brown.

Hamilton App. No. C-081198. On motion for leave to file delayed appeal. Motion denied.

2010-0462. State v. Siller.

Cuyahoga App. No. 94417. On motion for stay of court of appeals' judgment pending appeal. Motion granted.

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

APPEALS ACCEPTED FOR REVIEW

Reporter's Note: The late Chief Justice Thomas J. Moyer participated in the decisions to accept for review the appeals reported below prior to his death.

2009-1974. State v. Dehler.

Trumbull App. No. 2008-T-0061, 2009-Ohio-5059. Discretionary appeal accepted on Proposition of Law Nos. IV and V; cause held for the decisions in 2008-2502, *State v. Bodyke*, Huron App. Nos. H-07-040, H-07-041, and H-07-042, 2008-Ohio-6387; and 2008-0991 and 2008-0992, *Chojnacki v. Cordray*, Warren App. No. CA2008-03-040; and briefing schedule stayed.

Moyer, C.J., would also accept the appeal on Proposition of Law No. II.

Pfeifer and Lundberg Stratton, JJ., would accept the appeal on all Propositions of Law.

O'Connor, J., would accept the appeal on Proposition of Law Nos. III and IV only.

O'Donnell, J., dissents and would remand the cause to the court of appeals for a ruling on the certified conflict.

Lanzinger, J., not participating.

2010-0135. State v. Smith.

Licking App. No. 09-CA-31, 2009-Ohio-6449. Discretionary appeal accepted on Proposition of Law No. II; cause held for the decision in 2009-1997, *State v. Hodge*, Hamilton App. No. C-080968; and briefing schedule stayed.

Pfeifer, J., would accept the appeal on all Propositions of Law.

Lanzinger, J., would accept the appeal on Proposition of Law No. I only.

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

2010-0148. State v. Downing.

Franklin App. No. 09AP-420, 2009-Ohio-6482. Discretionary appeal accepted; cause held for the decision in 2009-1086, *Gildersleeve v. State*, Cuyahoga App. Nos. 91515, 91516, 91517, 91518, 91519, 91521, 91522, 91523, 91524, 91525, 91526, 91527, 91528, 91529, 91530, 91531, and 91532, 2009-Ohio-2031; and briefing schedule stayed.

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

2010-0256. In re McClurg.

Hamilton App. No. C-081233. Discretionary appeal accepted; cause held for the decisions in 2008-1624, *In re Smith*, Allen App. No. 1-07-58, 2008-Ohio-3234, and 2008-2502, *State v. Bodyke*, Huron App. Nos. H-07-040, H-07-041, and H-07-042, 2008-Ohio-6387; and briefing schedule stayed.

Moyer, C.J., and O'Connor, J., would accept the appeal on Proposition of Law Nos. I and II only.

2010-0262. James v. State.

Hamilton App. No. C-090129. Discretionary appeal accepted on Proposition of Law Nos. I-IV and VI-VII; cause held for the decision in 2008-2502, *State v. Bodyke*, Huron App. Nos. H-07-040, H-07-041, and H-07-042, 2008-Ohio-6387; and briefing schedule stayed.

Moyer, C.J., would not accept the appeal on Proposition of Law Nos. VI and VII.

Motion for stay of jurisdictional question denied as moot.

2010-0263. Tillman v. State.

Hamilton App. No. C-081276. Discretionary appeal accepted on Proposition of Law Nos. I-IV and VI-VII; cause held for the decision in 2008-2502, *State v. Bodyke*, Huron App. Nos. H-07-040, H-07-041, and H-07-042, 2008-Ohio-6387; and briefing schedule stayed.

Moyer, C.J., would not accept the appeal on Proposition of Law Nos. VI and VII.

Motion for stay of jurisdictional question denied as moot.

2010-0264. Faulkner v. State.

Hamilton App. No. C-090130. Discretionary appeal accepted on Proposition of Law Nos. I-IV and VI-VII; cause held for the decision in 2008-2502, *State v. Bodyke*, Huron App. Nos. H-07-040, H-07-041, and H-07-042, 2008-Ohio-6387; and briefing schedule stayed.

Moyer, C.J., would not accept the appeal on Proposition of Law Nos. VI and VII.

Motion for stay of jurisdictional question denied as moot.

2010-0265. Turner v. State.

Hamilton App. No. C-090105. Discretionary appeal accepted on Proposition of Law Nos. I-IV and VI-VII; cause held for the decision in 2008-2502, *State v. Bodyke*, Huron App. Nos. H-07-040, H-07-041, and H-07-042, 2008-Ohio-6387; and briefing schedule stayed.

Moyer, C.J., would not accept the appeal on Proposition of Law Nos. VI and VII.

Motion for stay of jurisdictional question denied as moot.

2010-0274. State v. Rice.

Lake App. No. 2008-L-105, 2009-Ohio-6999. Discretionary appeal accepted on Proposition of Law Nos. II-VI; cause held for the decision in 2008-2502, *State v. Bodyke*, Huron App. Nos. H-07-040, H-07-041, and H-07-042, 2008-Ohio-6387; and briefing schedule stayed.

Moyer, C.J., would also accept the appeal on Proposition of Law No. VII.
Lanzinger, J., not participating.

2010-0285. Adamson v. State.

Lake App. No. 2008-L-045, 2009-Ohio-6996. Discretionary appeal accepted; cause held for the decision in 2008-2502, *State v. Bodyke*, Huron App. Nos. H-07-040, H-07-041, and H-07-042, 2008-Ohio-6387; and briefing schedule stayed.

Lanzinger, J., not participating.

2010-0291. Hungerford v. State.

Lake App. No. 2008-L-073, 2009-Ohio-6997. Discretionary appeal accepted on Proposition of Law Nos. I-IV, VII, IX, and X; cause held for the decision in 2008-2502, *State v. Bodyke*, Huron App. Nos. H-07-040, H-07-041, and H-07-042, 2008-Ohio-6387; and briefing schedule stayed.

Moyer, C.J., would not accept the appeal on Proposition of Law No. X.

Pfeifer, Lundberg Stratton, and O'Donnell, JJ., would also accept the appeal on Proposition of Law Nos. V, VI, and VIII.

O'Connor and Cupp, JJ., would not accept the appeal on Proposition of Law No. VII.

Lanzinger, J., not participating.

APPEALS NOT ACCEPTED FOR REVIEW

Reporter's Note: The late Chief Justice Thomas J. Moyer participated in the decisions to not accept for review the appeals reported below prior to his death.

2009-1985. State v. Thornton.

Clermont App. No. CA2008-10-092, 2009-Ohio-3685.

Pfeifer, J., dissents.

2009-1989. In re Guardianship of B.I.C.

Wayne App. No. 09CA0002, 2009-Ohio-4800.

Pfeifer and Lundberg Stratton, JJ., dissent.

2009-2095. State v. Sheffield.

Cuyahoga App. No. 93833.

2010-0035. State v. Gipson.

Hancock App. No. 5-09-19, 2009-Ohio-6234.

2010-0041. Parma v. Gravely.

Cuyahoga App. No. 91921.

2010-0042. State v. Ballew.

Pike App. No. 09CA797.

2010-0045. State v. Jackson.

Lake App. No. 2008-L-147, 2009-Ohio-6226.

2010-0046. Bank One Trust Co., N.A. v. Scherer.

Franklin App. No. 08AP-494, 08AP-517, and 08AP-526, 2009-Ohio-6192.
Pfeifer, J., dissents.

2010-0050. Conway v. Conway.

Lake App. No. 2009-L-013, 2009-Ohio-6231.

2010-0055. State v. Turner.

Knox App. No. 09 CA 16, 2009-Ohio-6278.
O'Donnell, J., dissents.

2010-0056. CACH, L.L.C. v. Franklin.

Cuyahoga App. No. 94243.

2010-0060. State v. Alexander.

Muskingum App. No. CT2009-0048.

2010-0061. State v. McQueen.

Franklin App. No. 09AP-195, 2009-Ohio-6272.

2010-0063. Tuckosh v. Cummings.

Harrison App. No. 09 HA 4, 2009-Ohio-6401.

2010-0068. State v. Talkington.

Trumbull App. No. 2008-T-0111, 2009-Ohio-6229.

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

Lanzinger, J., not participating.

2010-0069. State v. Stoutamire.

Trumbull App. No. 2008-T-0108, 2009-Ohio-6228.
Lanzinger, J., not participating.

2010-0070. Dietl v. Sipka.

Trumbull App. No. 2009-T-0025, 2009-Ohio-6225.
O'Connor, J., dissents.
Lanzinger, J., not participating.

2010-0072. State v. Mack.

Cuyahoga App. No. 92606, 2009-Ohio-6460.
Moyer, C.J., dissents and would accept the appeal on Proposition of Law
Nos. II and III.
Lundberg Stratton and Lanzinger, JJ., dissent.

2010-0073. State v. Petriashvili.

Cuyahoga App. No. 92851, 2009-Ohio-6466.

2010-0079. State v. Himes.

Mahoning App. No. 08 MA 146, 2009-Ohio-6406.
Lundberg Stratton and O'Connor, JJ., dissent.

2010-0080. Deem v. Fairview Park.

Cuyahoga App. No. 93135, 2009-Ohio-6314.
O'Donnell, J., dissents.

2010-0081. Furlong v. Davis.

Summit App. No. 24703, 2009-Ohio-6431.
O'Donnell, J., dissents.

2010-0084. State v. Austin.

Cuyahoga App. No. 93028, 2009-Ohio-6108. Discretionary appeal not accepted.
Motion for leave to withdraw Proposition of Law No. I denied as moot.

2010-0089. Wells Fargo Bank, N.A. v. Smith.

Franklin App. No. 09AP-559, 2009-Ohio-6576.

2010-0091. State v. Henson.

Greene App. No. 2008 CA 50.

2010-0092. Green v. Ohio Lottery Comm.

Mahoning App. No. 09 MA 48, 2009-Ohio-6403.
Lanzinger, J., dissents.

2010-0099. State v. Hoelzer.

Lucas App. No. L-08-1037, 2009-Ohio-6337.

O'Connor and Cupp, JJ., dissent and would accept the appeal and hold the cause for the decision in 2009-1997, *State v. Hodge*, Hamilton App. No. C-080968.

2010-0112. Kessler v. Totus Tuus, L.L.C.

Ashtabula App. No. 2007-A-0093, 2009-Ohio-6376.

2010-0113. Konarzewski v. Ganley, Inc.

Cuyahoga App. No. 92623, 2009-Ohio-5827.

Lundberg Stratton, J., dissents.

2010-0114. Nationwide Mut. Ins. Co. v. Briggs.

Stark App. No. 2009 CA 00108, 2009-Ohio-6452.

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

2010-0121. Hendricks v. Kilbarger Constr., Inc.

Hocking App. No. 09CA13, 2009-Ohio-6488.

O'Donnell, J., dissents.

2010-0125. State v. Jones.

Lucas App. No. L-09-1181, 2009-Ohio-6498.

2010-0126. State v. Jones.

Lucas App. No. L-08-1001, 2009-Ohio-6501.

2010-0130. Piqua v. Fraternal Order of Police, Ohio Labor Council, Inc.

Miami App. No. 09-CA-19, 2009-Ohio-6591.

Lundberg Stratton and Lanzinger, JJ., dissent.

2010-0131. State v. Adams.

Scioto App. Nos. 04CA2959 and 05CA2986, 2009-Ohio-6491.

2010-0132. Mtge. Electronic Registration Sys., Inc. v. McNerney.

Cuyahoga App. No. 94066.

2010-0133. State v. Powell.

Clermont App. No. CA2009-05-028, 2009-Ohio-6552.

2010-0134. Chalker v. Steiner.

Mahoning App. No. 08 MA 137, 2009-Ohio-6533.
Pfeifer, J., dissents.

2010-0140. State v. Gradisher.

Summit App. No. 24716, 2009-Ohio-6433.
Pfeifer and O'Donnell, JJ., dissent.

2010-0141. State v. Hanni.

Cuyahoga App. No. 91014, 2009-Ohio-6631.

2010-0144. Millersport Hardware, Ltd. v. Weaver Hardware Co.

Fairfield App. No. 08-CA-86, 2009-Ohio-6556.

2010-0147. State v. Haschenburger.

Mahoning App. No. 08-MA-223, 2009-Ohio-6527.

Moyer, C.J., dissents and would accept the cause on Proposition of Law Nos. I and II.

Lundberg Stratton, J., dissents and would accept the appeal on Proposition of Law No. I and hold the cause for the decision in 2009-0897, *State v. Fischer*, Summit App. No. 24406, 2009-Ohio-1491.

2010-0156. State v. Meador.

Warren App. No. CA2008-03-042, 2009-Ohio-6548.

2010-0157. Watkins v. Stevey.

Trumbull App. No. 2009-T-0022, 2009-Ohio-6854.

O'Donnell, J., dissents.

Lanzinger, J., not participating.

2010-0159. Seese v. Ohio Bur. of Workers' Comp.

Trumbull App. No. 2009-T-0018, 2009-Ohio-6521.

Lanzinger, J., not participating.

2010-0160. State v. Thomas.

Hamilton App. No. C-090229.

2010-0165. State v. Simpson.

Cuyahoga App. No. 92069, 2009-Ohio-6301.

2010-0167. State v. Gaines.

Hamilton App. No. C-081150.

2010-0169. State v. Yates.

Licking App. No. 2009 CA 0059, 2009-Ohio-6622.

2010-0174. Sidenstricker v. Miller Pavement Maintenance, Inc.

Franklin App. No. 09AP-523, 2009-Ohio-6574.

Pfeifer, J., dissents.

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

2010-0184. Capital City Community Urban Redevelopment Corp. v. Columbus.

Franklin App. No. 08AP-769, 2009-Ohio-6835.

2010-0189. State v. Vultee.

Montgomery App. No. 22602, 2009-Ohio-7053.

2010-0210. Spradlin-Cheeks v. Schwartz.

Hamilton App. No. C-090113.

Pfeifer, J., dissents.

2010-0228. All Erection & Crane Rental Corp. v. Newbury Twp.

Geauga App. No. 2008-G-2862, 2009-Ohio-6705.

Pfeifer, J., dissents.

2010-0270. State v. Reed.

Franklin App. No. 09AP-84, 2009-Ohio-6900.

2010-0271. State v. Smith.

Hamilton App. No. C-080712, 2009-Ohio-6932.

RECONSIDERATION OF PRIOR DECISIONS

Reporter's Note: The late Chief Justice Thomas J. Moyer participated in the rulings on the motions for reconsideration reported below prior to his death.

2008-2047. State v. Palmer.

Hamilton App. No. C-010583, 178 Ohio App.3d 192, 2008-Ohio-4604. Reported at 124 Ohio St.3d 282, 2010-Ohio-224, 921 N.E.2d 649. On motion for reconsideration. Motion denied.

Pfeifer, Lundberg Stratton, and O'Donnell, JJ., dissent and would grant the motion and hold the cause for the decision in 2009-0897, *State v. Fischer*, Summit App. No. 24406, 2009-Ohio-1491.

2009-0064. Meadows Dev., L.L.C. v. Champaign Cty. Bd. of Revision.

Board of Tax Appeals, No. 2007-B-595. Reported at 124 Ohio St.3d 349, 2010-Ohio-249, 922 N.E.2d 209. On motion for reconsideration. Motion denied.

2009-0290. State v. Antenori.

Cuyahoga App. No. 90580, 2008-Ohio-5987. Reported at 124 Ohio St.3d 1219, 2010-Ohio-576, 922 N.E.2d 965. On motion for reconsideration. Motion denied.

2009-1100. Disciplinary Counsel v. Bennett.

Board of Commissioners on Grievances & Discipline, No. 08-037. Reported at 124 Ohio St.3d 314, 2010-Ohio-313, 921 N.E.2d 1064. On motion for reconsideration. Motion denied.

Pfeifer, Lundberg Stratton, and Lanzinger, JJ., dissent.

2009-2042. State v. Cubic.

Medina App. No. 09CA0005-M, 2009-Ohio-5051. Reported at 124 Ohio St.3d 1475, 2010-Ohio-354, 921 N.E.2d 246. On motion for reconsideration. Motion denied.

2009-2121. State v. Hughley.

Cuyahoga App. Nos. 92588 and 93070, 2009-Ohio-5824. Reported at 124 Ohio St.3d 1477, 2010-Ohio-354, 921 N.E.2d 247. On motion for reconsideration. Motion denied.

2009-2143. State v. Lee.

Stark App. No. 2009CA00097, 2009-Ohio-5488. Reported at 124 Ohio St.3d 1477, 2010-Ohio-354, 921 N.E.2d 247. On motion for reconsideration. Motion denied.

2009-2144. George v. Ohio Bur. of Workers' Comp.

Stark App. No. 2009CA00146, 2009-Ohio-5787. Reported at 124 Ohio St.3d 1477, 2010-Ohio-354, 921 N.E.2d 248. On motion for reconsideration. Motion denied.

2009-2148. Battaglia v. Conrail.

Lucas App. No. L-08-1332, 2009-Ohio-5505. Reported at 124 Ohio St.3d 1477, 2010-Ohio-354, 921 N.E.2d 248. On motion for reconsideration. Motion denied.

Moyer, C.J., and Lundberg Stratton, J., dissent and would grant the motion and accept the appeal on Proposition of Law Nos. I and II.

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

2009-2234. Musleve v. Musleve.

Stark App. No. 2009CA00014, 2009-Ohio-5789. Reported at 124 Ohio St.3d 1478, 2010-Ohio-354, 921 N.E.2d 248. On motion for reconsideration. Motion denied.

Lundberg Stratton, J., dissents.

2009-2332. In re A.C.

Warren App. No. CA2009-07-098, 2009-Ohio-6242. Reported at 124 Ohio St.3d 1494, 2010-Ohio-670, 922 N.E.2d 228. On motion for reconsideration. Motion denied.