

# The Supreme Court of Ohio

---

## CASE ANNOUNCEMENTS

September 21, 2011

[Cite as *09/21/2011 Case Announcements*, 2011-Ohio-4751.]

---

## MERIT DECISIONS WITH OPINIONS

**2010-0668. Akron Bar Assn. v. Wittbrod, Slip Opinion No. 2011-Ohio-4706.**

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 09-009. Harry Wittbrod of Cuyahoga Falls, Ohio, Attorney Registration No. 0066021, is indefinitely suspended from the practice of law in the state of Ohio with credit for time served pursuant to *Akron Bar Assn. v. Wittbrod*, 124 Ohio St.3d 1465, 2010-Ohio-341, 920 N.E.2d 991.

Pfeifer, Lundberg Stratton, O'Donnell, Lanzinger, Cupp, and McGee Brown, JJ., concur.

O'Connor, C.J., concurs with the sanction but would not give credit for time served under the prior suspension.

**2011-0283. Disciplinary Counsel v. Zaccagnini, Slip Opinion No. 2011-Ohio-4703.**

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 10-079. Bruce Alan Zaccagnini of North Royalton, Ohio, Attorney Registration No. 034358, is permanently disbarred from the practice of law in Ohio.

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

**2011-0470. Brock v. Niemeyer, Slip Opinion No. 2011-Ohio-4704.**

Hancock App. No. 5-11-03. Judgment affirmed. Upon consideration of appellant's motions for leave to correct and to direct the appellate court to attach requested documents. Motions denied.

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

2011-0570. **State ex rel. Striker v. Frary, Slip Opinion No. 2011-Ohio-4705**  
Richland App. No. 10 CA 01, 2011-Ohio-1021. Judgment affirmed.

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

## MERIT DECISIONS WITHOUT OPINIONS

**2011-0931. State ex rel. Dayton Tea Party v. Ohio Mun. League.**

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

O'Connor, C.J., and Pfeifer, Lundberg Stratton, O'Donnell, Lanzinger, and  
McGee Brown, JJ., concur.

Cupp, J., dissents and would grant an alternative writ.

**2011-1009. State ex rel. Fox v. Phelps.**

In Mandamus. On joint motion to adopt agreed resolution as order of the court.  
Motion denied. Cause dismissed as moot.

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

Lanzinger, J., concurs but would dismiss the cause on the authority of *Smith  
v. Leis*, 106 Ohio St.3d 309, 2005-Ohio-5125, 835 N.E.2d 5, syllabus; and *State ex  
rel. Jones v. Hendon* (1993), 66 Ohio St.3d 115, 609 N.E.2d 541.

**2011-1109. Anderson v. Morgan.**

In Mandamus and Prohibition. On Motion to dismiss. Motion to dismiss granted.  
Cause dismissed. Motion to sever denied as moot.

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

**2011-1125. Heddleson v. Haas.**

In Procedendo. On answer of respondent and on motion to dismiss. Motion to  
dismiss granted. Cause dismissed.

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

**2011-1149. State ex rel. Akemon v. Luebbers.**

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

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

**2011-1177. State ex rel. ESPN, Inc. v. Ohio State Univ.**

In Mandamus. On answer of respondent. Upon consideration thereof, it is ordered by the court, sua sponte, that 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 10 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. The respondent is ordered to submit under seal the unredacted copies of the requested records it claims are exempt.

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

**2011-1191. O'Neal v. Cottrill.**

In Mandamus. On answer of respondent. On S.Ct.Prac.R. 10.5 determination, cause dismissed.

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

**2011-1199. Townsend v. Calabrese.**

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

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

**2011-1200. Deskins v. Betleski.**

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

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

**2011-1225. Young v. Lawrence.**

In Procedendo. On answer of respondent. On S.Ct.Prac.R. 10.5 determination, cause dismissed.

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

**2011-1227. Johnson v. Gallagher.**

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

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

**2011-1315. State ex rel. Lundeen v. Whitehouse.**

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

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

**2011-1318. State ex rel. Jones v. Brunsman.**

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

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

**2011-1329. Wright v. Clipper.**

In Habeas Corpus. On petition for writ of habeas corpus of Rodney White and Oliver Price. Sua sponte, cause dismissed.

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

## **MOTION AND PROCEDURAL RULINGS**

**2010-0439. State ex rel. Aaron Rents, Inc. v. Ohio Bur. of Workers' Comp.**

Franklin App. No. 09AP-232, 2010-Ohio-218. On motion to clarify. Motion denied.

**2011-1070. State v. Niesen-Pennycuff.**

Warren App. No. CA2010-11-112, 2011-2704. The court determines that a conflict exists. The parties are to brief the following issue set forth in the court of appeals' entry dated June 6, 2011:

"Must a trial court order the sealing of records in the manner provided in R.C. 2953.32, which requires a one-year waiting period for misdemeanors and a three-year waiting period for felonies, or may the trial court employ R.C. 2953.52(A)(1) and determine that a defendant who has successfully completed the intervention in lieu of conviction program is eligible to have their record sealed immediately upon successful completion of the program?"

The conflict case is *State v. Fortado* (1996), 108 Ohio App.3d 706, 671 N.E.2d 622.

**2011-1095. Hollingsworth v. Timmerman-Cooper.**

Certified Question of State Law, United States District Court, Southern District of Ohio, Western Division, Case No. 1:08-CV-00745. On review of preliminary memoranda pursuant to S.Ct.Prac.R. 18.6. The court will answer the following question:

“Do Ohio R.Crim. P. 11(B)(2) and Ohio R.Evid. 410(A)(2), which prohibit the use of a defendant's no contest plea against the defendant ‘in any subsequent civil \* \* \* proceeding’ apply to prohibit the use of such a plea in a subsequent civil proceeding which is a collateral attack on the criminal judgment which results from the no contest plea, such as a petition for post-conviction relief under Ohio Revised Code §2953.21, or a federal habeas corpus action under 28 U.S.C. §2254?”

**2011-1233. State v. Barksdale.**

Montgomery App. No. 23422, 2011-Ohio-630. On motion for delayed appeal. Motion denied.

Pfeifer, Cupp, and McGee Brown, JJ., dissent.

**2011-1254. State v. Coleman.**

Franklin App. No. 10AP-265 and 10AP-266, 2011-Ohio-1889. On motion for delayed appeal. Motion granted.

O'Connor, C.J., and Lundberg Stratton, J., dissent.

**2011-1262. State of Ohio v. Lori A. Loughman.**

Franklin App. No. 10AP-636, 2011-Ohio-1893. On motion for delayed appeal. Motion denied.

Pfeifer, Cupp, and McGee Brown, JJ., dissent.

**2011-1268. State v. Williams.**

Lucas App. No. L-10-1019, 2011-Ohio-2702. On motion for delayed appeal. Motion granted.

O'Connor, C.J., and Lundberg Stratton, J., dissent.

**2011-1277. Mayfield Hts. v. Barry.**

Cuyahoga App. No. 95771, 2011-Ohio-2665. On motion for stay. Motion denied.

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

**2011-1313. State v. Haas.**

Franklin App. No. 10AP-35, 2011-Ohio-2676. On motion for delayed appeal. Motion granted.

O'Connor, C.J., and Lundberg Stratton and O'Donnell, JJ., dissent

**2011-1316. State v. Hogan.**

Franklin App. No. 09AP-1182, 2010-Ohio-3385. On motion for delayed appeal. Motion denied.

Pfeifer, J., dissents.

**2011-1326. State v. Shepherd.**

Scioto App. No. 10CA3374, 2011-Ohio-2192. On motion for delayed appeal. Motion denied.

**2011-1335. State v. Washington.**

Hamilton App. No. C-090561, 2010-Ohio-3175. On motion for delayed appeal. Motion denied.

**2011-1363. Mingo Junction Safety Forces Assoc. Local 1 v. Chappano.**

Jefferson App. No. 10 JE 20, 2011-Ohio-3401. On motion for stay. Motion granted.

Pfeifer, Lanzinger, and McGee Brown, JJ., dissent.

**2011-1383. State v. Raber.**

Wayne App. No. 10CA0020, 2011-Ohio-3888. On motion for stay. Motion denied.

**APPEALS ACCEPTED FOR REVIEW**

**2011-0619. State v. Williams.**

Cuyahoga App. No. 94616, 2011-Ohio-925. Discretionary appeal accepted. Discretionary cross-appeal not accepted.

Pfeifer, O'Donnell, and McGee Brown, JJ., dissent and would not accept the appeal or the cross-appeal.

**2011-0818. State v. Griffin.**

Coshocton App. No. 09-CA-21, 2011-Ohio-1638. Discretionary appeal accepted; cause held for the decision in 2010-1007 and 2010-1372, *State v. Lester*, Auglaize App. No. 2-10-20.

**2011-0827. State v. Billingsley.**

Portage App. Nos. 2010-P-0030 and 2010-P-0031, 2011-Ohio-1586.

Pfeiffer and Cupp, JJ., dissent.

**2011-0859. Stockberger v. Henry.**

Knox App. No. 10CA000018, 2011-Ohio-1710.

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

**2011-0899. Ruther v. Kaiser.**

Warren App. No. CA2010-07-066, 2011-Ohio-1723.

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

**APPEALS NOT ACCEPTED FOR REVIEW**

**2011-0335. State v. Martin.**

Franklin App. No. 10AP-295, 2010-Ohio-5968.

**2011-0336. State v. Clay.**

Miami App. No. 2009-CA-40, 2010-Ohio-5748.

**2011-0471. In re O.J.**

Hamilton App. No. C-100044.

**2011-0491. State v. Brooks.**

Montgomery App. No. 23784, 2010-Ohio-5886.

O'Donnell, J., dissents.

**2011-0504. State v. Mitchell.**

Cuyahoga App. No. 94917, 2011-Ohio-477.

**2011-0505. State v. Nevins.**

Montgomery App. No. 24070, 2011-Ohio-389.

**2011-0518. State v. Potchik.**

Montgomery App. No. 23865, 2011-Ohio-501.

**2011-0574. State v. Martin.**

Cuyahoga App. No. 95281, 2011-Ohio-222.

**2011-0583. State v. Parsons.**

Auglaize App. No. 2-10-27, 2011-Ohio-168.

**2011-0595. State v. Little.**

Lorain App. No. 10CA009758, 2011-Ohio-768.

**2011-0629. State v. Lewis.**

Fayette App. No. CA2010-08-017, 2011-Ohio-415.

**2011-0660. State v. Irwin.**

Mahoning App. No. 09 MA 137, 2011-Ohio-999.

**2011-0692. State v. Rarden.**

Butler App. No. CA2010-04-095.

**2011-0707. State v. DeMastry.**

Fairfield App. No. 10-CA-13, 2011-Ohio-1320. Discretionary appeal and cross-appeal not accepted.

O'Connor, C.J., Cupp, and McGee Brown, JJ., dissent and would accept the appeal on Proposition of Law I.

**2011-0747. State v. Walker.**

Summit App. No. 25362, 2011-Ohio-1898.

**2011-0776. In re C.H.**

Franklin App. No. 10AP-579, 2011-Ohio-1386.

**2011-0780. State v. Pointer.**

Montgomery App. No. 24210, 2011-Ohio-501.

**2011-0783. Untied v. Speedy.**

Guernsey App. No. 10 CA 36.

O'Donnell, J., dissents.

**2011-0790. State v. McCrae.**

Muskingum App. No. CT10-0037, 2011-Ohio-1639.

**2011-0792. State v. Davis.**

Washington App. No. 10CA25, 2011-Ohio-1706.

**2011-0794. Seiler v. Norwalk.**

Huron App. No. H-10-008, 192 Ohio App.3d 331, 2011-Ohio-548.



Lundberg Stratton and Lanzinger, JJ., dissent and would accept Propositions of Law I – IV. Lanzinger, J., would hold Proposition of Law IV for the decision in 2010-1970 and 2010-2253, *Essman v. Portsmouth*.

McGee Brown, J., dissents and would accept the appeal on Proposition of Law IV only.

**2011-0795. State v. Pitts.**

Lucas App. No. L-10-1236, 2011-Ohio-2081.

**2011-0797. State v. Olcese.**

Portage App. No. 2010-P-0045, 2011-Ohio-2456.

**2011-0802. State v. Sowards.**

Gallia App. No. 09CA8, 2011-Ohio-1660.

**2011-0804. State v. Shoop.**

Hancock App. No. 5-11-09. On motion for discovery and/or exchange exculpatory evidence under Crim.R. 16. Motions denied as moot.

**2011-0809. State v. Hendrex.**

Trumbull App. No. 2010-T-0103, 2011-Ohio-1588. On motions to strike. Motions denied as moot.

**2011-0810. State v. Hodge.**

Montgomery App. No. 23964, 2011-Ohio-633.

O'Donnell, J., dissents.

**2011-0812. Maloof-Wolf v. Wolf.**

Cuyahoga App. No. 94114, 2011-Ohio-701. Discretionary appeal and cross-appeal not accepted.

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

**2011-0814. Reeves v. Healy.**

Franklin App. No. 10AP-418, 192 Ohio App.3d 769, 2011-Ohio-1487.

Lundberg Stratton and Lanzinger, JJ., dissent.

**2011-0816. Smith v. Lucas Cty.**

Lucas App. No. L-10-1200, 2011-Ohio-1548.

Pfeifer and Cupp, JJ., dissent.

Lanzinger, J., not participating.

**2011-0817. Scott Elliott Smith Co., L.P.A. v. Carasalina, L.L.C.**  
Franklin App. No. 10AP-1101, 192 Ohio App.3d 794, 2011-Ohio-1602.  
Lanzinger, J., dissents.

**2011-0819. State v. Johnson.**  
Montgomery App. No. 24029, 2011-Ohio-2069.  
O'Donnell and McGee Brown, JJ., dissent.

**2011-0826. Murray v. Murray.**  
Lucas App. No. L-09-1305, 2011-Ohio-1546.  
O'Donnell, J., dissents.

**2011-0828. State v. McClain.**  
Guernsey App. No. 10-CA-10, 2011-Ohio-1623.

**2011-0830. Young v. FirstMerit Bank, N. A.**  
Cuyahoga App. No. 94913, 2011-Ohio-614.  
O'Connor, C.J., and Lanzinger, JJ., dissent.

**2011-0839. State v. Lenard.**  
Cuyahoga App. No. 95317, 2011-Ohio-1571.

**2011-0842. Arndt v. P & M Ltd.**  
Portage App. No. 2009-P-0088, 2011-Ohio-649.  
Pfeifer, J., dissents.

**2011-0843. State v. Palmer.**  
Jefferson App. No. 11 JE 4.

**2011-0852. State v. Grier.**  
Crawford App. No. 3-10-25.

**2011-0855. Ratliff v. Mikol.**  
Cuyahoga App. No. 94930, 2011-Ohio-2147. On motion to consolidate. Motion denied as moot.  
Pfeifer, J., dissents.

**2011-0856. State v. Davis.**  
Ross App. No. 10CA3188, 2011-Ohio-1747.

**2011-0861. Hilario v. Taft, Stettinius & Hollister, L.L.P.**

Cuyahoga App. No. 95262, 2011-Ohio-1742.

O'Donnell and Cupp, JJ., dissent.

**2011-0872. State v. Henderson.**

Ashland App. No. 10-COA-012, 2011-Ohio-1791.

O'Connor, C.J., dissents and would accept the appeal on Proposition of Law I.

Lundberg Stratton and McGee Brown dissent.

**2011-0873. Estate of Mikulski v. Centerior Energy Corp.**

Cuyahoga App. No. 94536, 2011-Ohio-696.

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

**2011-0875. State v. Santiago.**

Cuyahoga App. No. 95333, 2011-Ohio-1691.

**2011-0876. State v. Hakes.**

Highland App. No. 10CA20.

**2011-0877. State v. Bevins.**

Hamilton App. No. C-110185.

O'Donnell, J., dissents.

**2011-0878. Hignite v. Glick, Layman & Assoc., Inc.**

Cuyahoga App. No. 95782, 2011-Ohio-1698.

**2011-0883. State v. Robinson.**

Franklin App. Nos. 10AP-601 and 10AP-659, 2011-Ohio-1892.

**2011-0884. Brown v. Balnius.**

Richland App. No. 10CA108.

**2011-0885. Hicks v. Lynch.**

Hamilton App. No. C-100161.

**2011-0886. State v. Levingston.**

Hamilton App. No. C-090235, 2011-Ohio-1665.

**2011-0889. State v. Adams.**

Butler App. No. CA2010-12-321, 2011-Ohio-1721.

**2011-0891. State v. Cooper.**

Montgomery App. No. 23930, 2011-Ohio-1822.

**2011-0893. Lima Pub. Library Bd. of Trustees v. State Emp. Relations Bd.**

Allen App. No. 1-10-51, 2011-Ohio-1730.

Pfeifer, Lanzinger, and McGee Brown, JJ., dissent.

**2011-0894. State v. Hazlett.**

Franklin App. No. 09AP-1069, 191 Ohio App.3d 105, 2010-Ohio-6119.

O'Donnell, and Cupp, JJ., dissent and would accept the appeal and hold the cause for the decision in 2010-1660, *State v. Palmer*, Franklin App. No. 09AP-956 and 09AP-957, 2010-Ohio-2421.

**2011-0895. State v. Spain.**

Franklin App. No. 10AP-319, 2011-Ohio-322.

**2011-0913. State v. Edwards.**

Hamilton App. No. C-100200, 2011-Ohio-1752.

**2011-0929. State v. Szorady.**

Cuyahoga App. No. 95045, 2011-Ohio-1800.

**2011-0935. State v. Broadnax.**

Montgomery App. No. 24121, 2011-Ohio-2182.

**2011-0940. State v. Butler.**

Cuyahoga App. No. 94743, 192 Ohio App.3d 623, 2011-Ohio-1233.

**2011-0942. Ohio Natl. Life Assurance Corp. v. Satterfield.**

Summit App. No. 25282, 2011-Ohio-2116.

**2011-0946. State v. Gosha.**

Cuyahoga App. No. 95290, 2011-Ohio-2278.

**2011-0947. State v. Bell.**

Cuyahoga App. No. 95719, 2011-Ohio-1965.

**2011-0952. State v. Biddwell.**

Sandusky App. No. S-10-024, 2011-Ohio-1972.

**2011-0956. State v. Jones.**

Butler App. No. CA2010-09-242, 2011-Ohio-2213.

**2011-0969. State v. Childs.**

Summit App. No. 25448, 2011-Ohio-913.

O'Connor, J., not participating.

**2011-0971. Freeman Indus. Prods., L.L.C. v. Armor Metal Group Acquisitions, Inc.**

Clermont App. Nos. CA2010-09-071 and CA2010-09-080, 193 Ohio App.3d 438, 2011-Ohio-1995.

**2011-0983. State v. Littlejohn.**

Cuyahoga App. No. 95380, 2011-Ohio-2035.

**2011-0988. State v. Grigsby.**

Montgomery App. No. 24081, 2011-Ohio-2062.

Pfeifer and O'Donnell, JJ., dissent.

**2011-0993. State v. Heard.**

Cuyahoga App. No. 95002, 2011-Ohio-2031.

**2011-0995. State v. Bruce.**

Cuyahoga App. No. 95064, 2011-Ohio-1240.

**2011-1000. State v. Steward.**

Franklin App. No. 10AP-838, 2011-Ohio-2272.

**2011-1001. State v. Pruitt.**

Cuyahoga App. Nos. 95456 and 95457, 2011-Ohio-1375.

**2011-1105. State v. Mobley.**

Richland App. No. 2010-CA-0018.

**2011-1186. State v. Askew.**

Stark App. No. 2010CA00069, 2011-Ohio-687.

Cupp, J., dissents and would accept the appeal and hold the cause for the decision in 2010-1007 and 2010-1372, *State v. Lester*, Auglaize App. No. 2-10-20.

**2011-1203. State v. Lawson.**

Hamilton App. No. C-080877.

**RECONSIDERATION OF PRIOR DECISIONS**

**2009-0088. State v. Williams.**

Warren App. No. CA2008-02-029, 2008-Ohio-6195. Reported at \_\_Ohio St.3d\_\_, 2011-Ohio-3374, \_\_ N.E.2d \_\_. On motion for reconsideration. Motion denied.

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

**2010-0963. Rhodes v. New Philadelphia.**

Tuscarawas App. No. 2009AP020013, 2010-Ohio-1730. Reported at \_\_Ohio St.3d\_\_, 2011-Ohio-3279, \_\_ N.E.2d \_\_. On motion for reconsideration. Motion denied.

**2011-0561. Calhoun, Kademenos, & Childress Co., L.P.A. v. Shepherd.**

Richland App. No. 10CA0084. Reported at \_\_Ohio St.3d\_\_, 2011-Ohio-3244, \_\_ N.E.2d \_\_. On motion for reconsideration. Motion denied.

**2011-0585. State v. Evans.**

Wayne App. No. 10CA0027, 2011-Ohio-1449. Reported at \_\_Ohio St.3d\_\_, 2011-Ohio-3244, \_\_ N.E.2d \_\_. On motion for reconsideration. Motion denied.

**2011-0597. State v. Ramey.**

Clark App. No. 2010 CA 19, 2011-Ohio-1288. Reported at \_\_Ohio St.3d\_\_, 2011-Ohio-3244, \_\_ N.E.2d \_\_. On motion for reconsideration. Motion granted and the appeal is accepted. The Clerk shall issue an order for the transmittal of the record from the Court of Appeals for Clark County, and the parties shall brief this case in accordance with the Rules of Practice of the Supreme Court of Ohio.

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

**2011-0613. Nagel v. Roth.**

Williams App. No. WM-11-002. Reported at \_\_Ohio St.3d\_\_, 2011-Ohio-3244, \_\_ N.E.2d \_\_. On motion for reconsideration. Motion denied. On motion to direct the appellate court to attach requested documents. Motion denied as moot.

**2011-0687. Peffer v. Cleveland Clinic Found.**

Cuyahoga App. No. 94356, 2011-Ohio-450. Reported at \_\_Ohio St.3d\_\_, 2011-Ohio-3244, \_\_ N.E.2d \_\_. On motion for reconsideration. Motion denied.  
Pfeifer, J., dissents.

**2011-0695. State v. Martin.**

Summit App. No. 25534, 2011-Ohio-1781. Reported at \_\_Ohio St.3d\_\_, 2011-Ohio-3244, \_\_ N.E.2d \_\_. On motion for reconsideration. Motion denied.  
O'Connor, C.J., not participating.

**2011-0860. State v. Kinder.**

Cuyahoga App. No. 94722. Reported at \_\_Ohio St.3d\_\_, 2011-Ohio-3244, \_\_ N.E.2d \_\_. On motion for reconsideration. Motion denied.  
Pfeifer, Cupp, and McGee Brown, JJ., dissent.

**MISCELLANEOUS DISMISSALS**

**2011-0218. U.S. Bank Natl. Assn. v. Duvall.**

Cuyahoga App. No. 94174, 2010-Ohio-6478. Upon consideration of appellees' notice of suggestion of mootness, it is ordered by the court that this case is dismissed as moot.