

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

March 26, 2014

[Cite as *03/26/2014 Case Announcements*, 2014-Ohio-1182.]

MERIT DECISIONS WITH OPINIONS

2012-1714. Disciplinary Counsel v. Schuler, Slip Opinion No. 2014-Ohio-1127.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 12-018. Robert Carl Schuler, Attorney Registration No. 0053140, is indefinitely suspended from the practice of law in Ohio, with credit for time served under the interim felony suspension imposed on October 6, 2011.

Pfeifer, O'Donnell, Lanzinger, Klatt, and O'Neill, JJ., concur.

O'Connor, C.J., and French, J., concur with the sanction but would not give credit for time served under the interim suspension.

William A. Klatt, J., of the Tenth Appellate District, sitting for Kennedy, J.

2012-2113. Daniel v. Daniel, Slip Opinion No. 2014-Ohio-1161.

Mercer App. No. 10-11-09, 2012-Ohio-5129. Judgment reversed and cause remanded.

Pfeifer, Kennedy, French, and O'Neill, JJ., concur.

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

2013-0573. Disciplinary Counsel v. Wallace, Slip Opinion No. 2014-Ohio-1128.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 12-062. Paul Lawrence Wallace, Attorney Registration No. 0010369, is suspended from the practice of law in Ohio for two years, with the second year stayed on condition.

Pfeifer, O'Donnell, Kennedy, and French, JJ., concur.

O'Connor, C.J., and Lanzinger and O'Neill, JJ., dissent and would decline to stay any portion of the two-year suspension.

MERIT DECISIONS WITHOUT OPINIONS

2014-0062. Rouse v. Joseph.

In Mandamus. On motion to dismiss. Motion granted.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2014-0083. Washington v. Winkler.

In Mandamus. On motion to dismiss. Motion granted.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2014-0295. State ex rel. Ohio Civ. Rights Comm. v. McMonagle.

In Prohibition. Upon consideration of the motions of GMS Management Co., Inc., for leave to intervene and for judgment on the pleadings, it is ordered by the court that the motion for leave to intervene is granted and the motion for judgment on the pleadings is denied.

Upon consideration of the motion of amici curiae Ohio Employment Lawyers Association and Ohio Disability Rights Law and Policy Center for leave to file a memorandum in support of the memorandum in opposition to the motion to dismiss, it is ordered by the court that the motion is granted.

Upon consideration of respondent's motion to dismiss, it is ordered by the court that the motion to dismiss is granted. Accordingly, this cause is dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, and French, JJ., concur in granting the motion of GMS Management for leave to intervene.

O'Neill, J., dissents and would deny the motion for leave to intervene.

O'Connor, C.J., and Pfeifer, Lanzinger, French, and O'Neill, JJ., concur in denying the motion of GMS Management for judgment on the pleadings.

O'Donnell, J., concurs and would deny the motion for judgment on the pleadings as moot.

Kennedy, J., dissents and would dismiss the motion for judgment on the pleadings.

O'Connor, C.J., and Pfeifer, Lanzinger, and French, JJ., concur in granting the motion of amici curiae Ohio Employment Lawyers Association and Ohio Disability Rights Law and Policy Center for leave to file a memorandum in support of the memorandum in opposition to the motion to dismiss.

O'Donnell and O'Neill, JJ., dissent and would deny the motion for leave to file a memorandum in support of the memorandum in opposition to the motion to dismiss.

Kennedy, J., dissents and would dismiss the motion for leave to file a memorandum in support of the memorandum in opposition to the motion to dismiss.

Pfeifer, O'Donnell, Kennedy, and O'Neill, JJ., concur in granting respondent's motion to dismiss.

O'Connor, C.J., and Lanzinger and French, JJ., dissent and would deny the motion to dismiss and grant the writ of prohibition.

MOTION AND PROCEDURAL RULINGS

2009-1292. State ex rel. Doner v. Zehringer.

In Mandamus. On relators' motion for an order for respondents to show cause why they should not be held in contempt and an order setting a court-supervised mediation. The motion for respondents to show cause is granted and the request for court-supervised mediation is held in abeyance. Respondents shall appear before the court on April 30, 2014, at 9:00 a.m. for a show-cause hearing. Relators may also appear for the hearing.

Lanzinger, Kennedy, and French, JJ., dissent.

2014-0067. Chesapeake Exploration, L.L.C. v. Buell.

Certified Question of State Law, United States District Court, Southern District of Ohio, Eastern Division, No. 2:12-CV-916. On review of preliminary memorandum pursuant to S.Ct.Prac.R. 9.01. The court will answer the following questions:

(1) Is the recorded lease of a severed subsurface mineral estate a title transaction under the [Ohio Dormant Mineral Act ("ODMA"), R.C. 5301.56(B)(3)(a)]?

(2) Is the expiration of a recorded lease and the reversion of the rights granted under that lease a title transaction that restarts the twenty-year forfeiture clock under the ODMA at the time of the reversion?

2014-0186. State v. Ratliff.

Union App. No. 14-13-10. On motion for delayed appeal. Motion granted.
O'Connor, C.J., and O'Donnell and French, JJ., dissent.

2014-0190. State v. Garner.

Columbiana App. No. 11 CO 1, 2012-Ohio-6271. On motion for delayed appeal.
Motion denied.

2014-0203. State v. James.

Hamilton App. No. C-130256. On motion for delayed appeal. Motion denied.
Kennedy and O'Neill, JJ., dissent.

2014-0209. Deutsche Bank Natl. Trust Co. v. Finney.

Franklin App. Nos. 13AP-198 and 13AP-373, 2013-Ohio-4884. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause held for the decision in 2013-0304, *Bank of Am., N.A. v. Kuchta*, 9th Dist. Medina No. 12CA0025-M, 2012-Ohio-5562; cause consolidated with 2013-2011, *Deutsche Bank Natl. Trust Co. v. Finney*, 10th Dist. Franklin Nos. 13AP-198 and 13AP-373, 2013-Ohio-4884; and briefing schedule stayed.

Lanzinger, J., determines that a conflict exists but would not hold this cause for the decision in 2013-0304, *Bank of Am., N.A. v. Kuchta*.

2014-0212. State v. Eatmon.

Scioto App. No. 12CA3498, 2013-Ohio-4812. On motion for delayed appeal.
Motion denied.

Pfeifer, J., dissents.

2014-0213. State v. Springer.

Hamilton App. No. C-130147. On motion for delayed appeal. Motion granted.
O'Donnell and French, JJ., dissent.

2014-0250. State v. Ware.

Portage App. No. 2013-P-0011, 2013-Ohio-5833. On motion for stay of court of appeals' judgment. Motion denied.

O'Donnell, J., dissents.

APPEALS ACCEPTED FOR REVIEW

2013-1947. State v. Black.

Cuyahoga App. No. 99421, 2013-Ohio-4908. Discretionary appeal accepted; cause held for the decision in 2013-1255, *State v. Rogers*, 8th Dist. Cuyahoga Nos. 98292, 98584, 98585, 98586, 98587, 98588, 98589, and 98590, 2013-Ohio-3235; and briefing schedule stayed.

Pfeifer, J., dissents.

2013-1963. J&C Marketing, L.L.C. v. McGinty.

Cuyahoga App. No. 99676, 2013-Ohio-4805.

2013-2008. Smith v. Chen.

Franklin App. No. 12AP-1027, 2013-Ohio-4931.

Pfeifer and O'Donnell, JJ., dissent.

2013-2011. Deutsche Bank Natl. Trust Co. v. Finney.

Franklin App. Nos. 13AP-198 and 13AP-373, 2013-Ohio-4884. Discretionary appeal accepted. Sua sponte, cause held for the decision in 2013-0304, *Bank of Am., N.A. v. Kuchta*, 9th Dist. Medina No. 12CA0025-M, 2012-Ohio-5562; cause consolidated with 2014-0209, *Deutsche Bank Natl. Trust Co. v. Finney*, 10th Dist. Franklin Nos. 13AP-198 and 13AP-373, 2013-Ohio-4884; and briefing schedule stayed.

O'Connor, C.J., would accept the appeal on Proposition of Law No. III only and hold the cause for 2013-0304, *Bank of Am., N.A. v. Kuchta*.

Lanzinger, J., accepts the appeal but would not hold this cause for the decision in 2013-0304, *Bank of Am., N.A. v. Kuchta*.

2013-2023. State v. Jones.

Cuyahoga App. No. 99538, 2013-Ohio-4915.

Pfeifer and O'Donnell, JJ., dissent.

2013-2050. Hope Academy Broadway Campus v. White Hat Mgt., L.L.C.

Franklin App. No. 12AP-496, 2013-Ohio-5036.

O'Donnell and French, JJ., dissent.

2014-0064. Wallace v. Golden Comb, Inc.

Cuyahoga App. No. 99910, 2013-Ohio-5320. Discretionary appeal accepted. Sua sponte, cause held for the decision in 2013-0586, *Sivit v. Village Green of*

Beachwood, L.P., 8th Dist. Cuyahoga No. 98401, 2013-Ohio-103; and briefing schedule stayed.

Pfeifer, Lanzinger, and O’Neill, JJ., dissent.

APPEALS NOT ACCEPTED FOR REVIEW

2013-1830. State v. Breedlove.

Ashtabula App. No. 2013-A-0016, 2013-Ohio-4425.

2013-1841. State v. Rabe.

Clermont App. No. CA2013-04-027, 2013-Ohio-4867. Discretionary appeal and cross-appeal not accepted. Motion for stay denied.

O’Neill, J., dissents.

2013-1916. Nye v. Eastman & Smith, Ltd.

Lucas App. No. L-13-1034, 2013-Ohio-4742.

Pfeifer, J., dissents.

2013-1918. Dayton v. CSX Transp., Inc.

Lucas App. No. L-12-1038, 2013-Ohio-3845.

2013-1919. State v. Bellomy.

Medina App. No. 12CA0075-M, 2013-Ohio-3187.

O’Neill, J., dissents.

2013-1921. State v. Brown.

Montgomery App. No. 21540.

2013-1923. State ex rel. Wilson v. Beljon.

Portage App. No. 2012-P-0055, 2013-Ohio-4753.

2013-1924. Cleveland v. Taylor.

Cuyahoga App. No. 99594, 2013-Ohio-4708.

O’Donnell, J., dissents.

2013-1927. R.K. v. Little Miami Golf Ctr.

Hamilton App. No. C-130087, 2013-Ohio-4939.

Lanzinger, Kennedy, and French, JJ., dissent.

2013-1928. State v. J.D.

Cuyahoga App. No. 99521, 2013-Ohio-4706.

O'Neill, J., dissents.

2013-1933. State v. Kellogg.

Cuyahoga App. No. 99455, 2013-Ohio-4702.

2013-1936. State v. Pope.

Montgomery App. No. 25306, 2013-Ohio-4821.

2013-1940. Evans v. Thrasher.

Hamilton App. No. C-120783, 2013-Ohio-4776.

2013-1945. Doward v. Rumpke of Ohio, Inc.

Butler App. No. CA2012-11-218, 2013-Ohio-4760.

French, J., dissents and would accept the discretionary appeal on Proposition of Law No. I.

Kennedy, J., not participating.

2013-1949. Vossman v. AirNet Sys., Inc.

Franklin App. No. 12AP-971, 2013-Ohio-4675.

2013-1950. Citibank (S. Dakota), N.A. v. Ebbing.

Butler App. No. CA2012-12-252, 2013-Ohio-4761.

2013-1953. Datillo v. Euclid.

Cuyahoga App. No. 99849, 2013-Ohio-4807.

O'Donnell, J., dissents.

2013-1956. Enyart v. Taylor.

Lawrence App. No. 13CA2, 2013-Ohio-4893.

O'Donnell, J., dissents.

2013-1962. Kell v. Verderber.

Hamilton App. No. C-120665, 2013-Ohio-4223.

2013-1965. State v. Schneider.

Hamilton App. No. C-120786, 2013-Ohio-4789.

O'Connor, C.J., and O'Donnell and O'Neill, JJ., dissent.

2013-1967. State v. Carver.

Montgomery App. No. 25280, 2013-Ohio-4815.

2013-1968. State v. Thompson.

Montgomery App. No. 25658, 2013-Ohio-4825.

2013-1969. Nee v. State Industries, Inc.

Cuyahoga App. No. 99505, 2013-Ohio-4794.

2013-1971. Cincinnati v. Queensgate Terminals, L.L.C.

Hamilton App. Nos. C-110653 and C-110671, 2013-Ohio-4219.

Pfeifer and French, JJ., dissent.

2013-1972. State v. Beck.

Hamilton App. No. C-130739.

2013-1974. State v. McCain.

Montgomery App. No. 25947.

2013-1977. State v. LeFlore.

Richland App. No. 13CA90.

2013-1989. State v. Burgin.

Lorain App. No. 12CA010277, 2013-Ohio-4261.

2013-1996. State v. Shepherd.

Cuyahoga App. No. 99503, 2013-Ohio-4912.

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

2013-1997. State v. Robinson.

Cuyahoga App. No. 99290, 2013-Ohio-4375.

2013-1998. Caley v. Glenmoor Country Club, Inc.

Stark App. Nos. 2013 CA 00012 and 2013 CA 00018, 2013-Ohio-4877.

2013-1999. Caraballo v. Cleveland Metro. School Dist.

Cuyahoga App. No. 99616, 2013-Ohio-4919.

Kennedy, J., dissents and would accept the discretionary appeal on Proposition of Law No. I.

2013-2000. Brown v. Ohio Dept. of Rehab. & Corr.

Franklin App. No. 12AP-815, 2013-Ohio-4012.

2013-2003. HSBC Bank USA, Natl. Assn. v. Sherman.

Hamilton App. No. C-120302, 2013-Ohio-4220.

2013-2004. Home City Fed. Savs. Bank v. Becraft & Sons Gen. Contrs., Ltd.

Clark App. No. 2013-CA-30, 2013-Ohio-4945. Discretionary appeal not accepted.
Motion for limited remand denied as moot.

2013-2006. Mkt. Ready Real Estate Servs., Inc. v. Weber.

Franklin App. Nos. 12AP-183 and 12AP-803, 2013-Ohio-4879.

2013-2007. Brown v. Solon Pointe at Emerald Ridge.

Cuyahoga App. No. 99363, 2013-Ohio-4903.

2013-2012. In re R.T.

Franklin App. No. 13AP-291, 2013-Ohio-4886.

2013-2015. In re J.K.

Hamilton App. No. C-120857, 2013-Ohio-4938.

2013-2018. State v. Stadelmann.

Hamilton App. No. C-130138, 2013-Ohio-5035.
O'Donnell, J., dissents.

2013-2021. State v. Gillepsie.

Cuyahoga App. No. 99553, 2013-Ohio-4917.

2013-2022. Pomeroy v. Schwartz.

Cuyahoga App. No. 99638, 2013-Ohio-4920.

2013-2029. State v. Carusone.

Hamilton App. No. C-130003, 2013-Ohio-5034.
O'Donnell and O'Neill, JJ., dissent.

2013-2030. State v. Patrick.

Cuyahoga App. No. 99418, 2013-Ohio-5020.

2013-2032. State v. Moon.

Montgomery App. No. 25527, 2013-Ohio-5054.

2013-2033. State v. Torres.

Cuyahoga App. No. 99596, 2013-Ohio-5030.

2013-2035. State v. Smith.

Highland App. No. 09CA29.

2013-2037. State v. Goodloe.

Franklin App. No. 13AP-141, 2013-Ohio-4934.

O'Donnell and Kennedy, JJ., dissent.

2013-2039. Schafer v. Soderberd & Brenner, L.L.C.

Ottawa App. No. OT-12-039, 2013-Ohio-3957.

2013-2041. Jacobson-Kirsch v. Kaforey.

Summit App. No. 26708, 2013-Ohio-5114.

2013-2043. Privett v. QSL-Milford, L.L.C.

Clermont App. No. CA2013-04-025, 2013-Ohio-4129.

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

2013-2044. State v. Smith.

Highland App. No. 10 CA 12.

2013-2046. State v. Williams.

Trumbull App. No. 2012-T-0053, 2013-Ohio-5076.

O'Neill, J., dissents.

2013-2047. State v. Kraft.

Delaware App. No. 13 CAA 03 0013, 2013-Ohio-4658.

Pfeifer and Kennedy, JJ., dissent.

2013-2049. State ex rel. Verhovec v. Northwood.

Wood App. No. WD-13-002, 2013-Ohio-5074.

Pfeifer and O'Neill, JJ., dissent.

O'Donnell, J., not participating.

2013-2051. State v. Jordan.

Crawford App. No. 3-13-07.

2013-2052. State v. Bigsby.

Mahoning App. No. 12 MA 74, 2013-Ohio-5641.

2013-2054. State v. Cook.

Allen App. No. 1-11-66, 2013-Ohio-5081.

2013-2055. Romans v. Texas Instruments, Inc.

Madison App. No. CA2013-04-012, 2013-Ohio-5089.

Pfeifer and O'Neill, JJ., dissent.

2014-0001. State v. Triplett.

Ashtabula App. No. 2013-A-0018, 2013-Ohio-5190.

2014-0005. State v. Bailey.

Hamilton App. No. C-130246, 2013-Ohio-5512.

2014-0018. State v. Reed.

Franklin App. No. 13AP-450, 2013-Ohio-5145.

2014-0021. State v. Langlois.

Lucas App. No. L-11-1313, 2013-Ohio-5177.

O'Neill, J., dissents.

2014-0042. State v. Meadows.

Summit App. No. 26549, 2013-Ohio-4271.

2014-0058. State v. Davis.

Summit App. No. 26660, 2013-Ohio-5226.

O'Neill, J., dissents.

2014-0059. State v. Boware.

Summit App. No. 26952, 2013-Ohio-5225.

2014-0071. State v. Edwards.

Hamilton App. No. C-130801.

2014-0084. State v. French.
Franklin App. No. 13AP-857.

2014-0085. State v. Sebestyen.
Medina App. No. 12CA0055-M, 2013-Ohio-2606. Discretionary appeal not accepted. Request for oral argument denied as moot.

2014-0098. State v. Callahan.
Mahoning App. No. 12 MA 173, 2013-Ohio-5864.

2014-0123. State v. Brown.
Wayne App. No. 11CA0054, 2013-Ohio-2945.

RECONSIDERATION OF PRIOR DECISIONS

2013-1534. Wells Fargo Bank, N.A. v. Horn.
Lorain App. No. 12CA010230, 2013-Ohio-2374. Reported in 137 Ohio St.3d 1473, 2014-Ohio-176, 2 N.E.3d 268. On motion for reconsideration. Motion granted as to Proposition of Law No. I. The discretionary appeal is accepted on Proposition of Law No. I.

French, J., would grant the motion as to both Propositions of Law.
Pfeifer, Lanzinger, and O’Neill, JJ., dissent.

2013-1543. Sullins v. Raycom Media, Inc.
Cuyahoga App. No. 99235, 2013-Ohio-3530. Reported in 137 Ohio St.3d 1473, 2014-Ohio-176, 2 N.E.3d 268. On motion for reconsideration of WOIO, L.L.C., and WUAB. Motion denied.

2013-1550. State v. Evans.
Lorain App. No. 07CA009274. Reported in 137 Ohio St.3d 1473, 2014-Ohio-176, 2 N.E.3d 268. On motion for reconsideration. Motion denied.
Pfeifer, Lanzinger, and O’Neill, JJ., dissent.

2013-1562. State v. Maurent.
Delaware App. No. 12 CAA 05 0055, 2013-Ohio-3799. Reported in 137 Ohio St.3d 1473, 2014-Ohio-176, 2 N.E.3d 269. On motion for reconsideration. Motion denied.

2013-1638. Byers Dipaola Castle, L.L.C. v. Ravenna City Planning Comm.

Portage App. No. 2012-P-0151, 2013-Ohio-3977. Reported in 137 Ohio St.3d 1475, 2014-Ohio-176, 2 N.E.3d 269. On motion for reconsideration. Motion denied.

Pfeifer, J., dissents.

2013-1670. Geauga Savs. Bank v. Rickard.

Ashtabula App. No. 2012-A-0052, 2013-Ohio-3863. Reported in 137 Ohio St.3d 1476, 2014-Ohio-176, 2 N.E.3d 270. On motion for reconsideration. Motion denied.

2013-1703. State v. Barnette.

Mahoning App. No. 06 MA 135. Reported in 137 Ohio St.3d 1476, 2014-Ohio-176, 2 N.E.3d 270. On motion for reconsideration. Motion denied.

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

2013-1713. State v. Ragle.

Summit App. No. 25707. Reported in 137 Ohio St.3d 1476, 2014-Ohio-176, 2 N.E.3d 270. On motion for reconsideration. Motion denied.

2013-1872. State v. Farraj.

Cuyahoga App. No. 100250. Reported in 137 Ohio St.3d 1472, 2014-Ohio-176, 2 N.E.3d 268. On motion for reconsideration. Motion denied.

Pfeifer and O'Neill, JJ., dissent.