

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

January 22, 2014

[Cite as *01/22/2014 Case Announcements, 2014-Ohio-176.*]

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## MERIT DECISIONS WITH OPINIONS

**2012-1971. Gallenstein v. Testa, Slip Opinion No. 2014-Ohio-98.**

Board of Tax Appeals, No. 2008-A-1340. Decision reversed.

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

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

French, J., dissents and would affirm the decision and analysis of the BTA.

**2013-1066. State ex rel. Roberts v. Marsh, Slip Opinion No. 2014-Ohio-106.**

Hamilton App. No. C-130264. Judgment affirmed.

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

## MERIT DECISIONS WITHOUT OPINIONS

**2013-0590. State v. Smith.**

Mahoning App. No. 11 MA 120, 2013-Ohio-756. On appellant's motion to vacate briefing stay and appellee's motion to dismiss as improvidently accepted. Motion to vacate briefing stay denied. Motion to dismiss as improvidently accepted granted. Cause dismissed.

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

O'Neill, J., dissents and would schedule the case for oral argument.

**2013-1602. State ex rel. Messer v. Colaluca.**

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

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

**2013-1673. Grenoble v. Duffey.**

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

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

**2013-1700. Rahman v. Wells Fargo Bank, N.A.**

In Procedendo and Prohibition. On motions to dismiss of respondents. Motions granted. On relator's motion for leave to file amended complaint, request for admissions (pleadings), alternatively, motion for granting an order for pleadings, motion for alternative writs, and judicial notice of adjudicative fact; alternatively, motion for court hearing for findings of fact on trespass, fraudulent documentations, and discrimination issues in this case, it is ordered that the motions and request are denied. Cause dismissed.

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

O'Donnell, J., not participating.

**2013-1783. Pettyjohn v. Martin.**

In Mandamus. On complaint in mandamus of Donald Pettyjohn. Upon S.Ct.Prac.R. 12.04 consideration, cause dismissed.

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

**2013-1788. Adams v. Ohio Pub. Emps. Retirement Sys.**

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

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

**2013-1789. State ex rel. Goodwin v. Sheldon.**

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

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

**2013-1810. State ex rel. Berry v. Bessey.**

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

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

**2013-1815. State ex rel. Slager v. Ohio Dept. of Rehab. & Corr.**

In Mandamus. On answer of respondent. 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. 12.05:

The parties shall file any evidence they intend to present within 20 days after the date of this entry; 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.

It is further ordered by the court that relator's motion for notification is denied as moot.

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

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

**2013-1822. State ex rel. Swanson v. Stark Cty. Democratic Cent. Commt.**

In Mandamus. On motion to dismiss. Motion granted. Relator's motion to expedite the writ of mandamus and respondents' motion to strike the motion to expedite the writ of mandamus are denied. Cause dismissed.

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

O'Connor, C.J., and Lanzinger, J., dissent and would deny the writ of mandamus.

**2013-1829. State ex rel. Peoples v. Schneider.**

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

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

## **MOTION AND PROCEDURAL RULINGS**

**2012-1755. State ex rel. Sheppard v. Indus. Comm.**

Franklin App. No. 11AP-553, 2012-Ohio-4301. On motion to strike reply brief. Motion denied.

**2013-0596. State ex rel. Plunderbund Media, L.L.C. v. Charles.**

In Mandamus. On motion for oral argument. Motion granted.

O'Donnell, J., dissents.

Kennedy, J., not participating.

**2013-0890. Cedar Fair, L.P. v. Falfas.**

Erie App. No. E-12-015, 2013-Ohio-1590. On motion to strike appellant's merit brief. Motion denied.

Lanzinger, J., dissents and would grant the motion to strike as to Proposition of Law Nos. II and III.

**2013-1671. Infinite Sec. Solutions, L.L.C. v. Karam Properties I, Ltd.**

Lucas App. No. L-12-1313, 2013-Ohio-4415. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated at page 13 of the court of appeals' entry filed October 4, 2013:

"Whether a dismissal entry that does not either embody the terms of a settlement agreement or expressly reserve jurisdiction to the trial court to enforce the terms of a settlement agreement is an unconditional dismissal."

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

The conflict cases are *Estate of Berger v. Riddle*, 8th Dist. Cuyahoga Nos. 66195 and 66200, 1994 WL 449397 (Aug. 18, 1994), and *Hines v. Zofko*, 11th Dist. Trumbull No. 93-T-4928, 1994 WL 117110 (Mar. 22, 1994).

Sua sponte, cause consolidated with 2013-1795, *Infinite Sec. Solutions, L.L.C. v. Karam Properties I, Ltd.*, 6th Dist. Lucas No. L-12-1313, 2013-Ohio-4415.

**2013-1725. State ex rel. Shahan-Beck v. Hunter.**

Hamilton App. No. C-130505. On motion to dismiss appeal as moot. Motion granted.

**2013-1726. State ex rel. McWhorter v. Hunter.**

Hamilton App. No. C-130507. On motion to dismiss appeal as moot. Motion granted.

**2013-1727. State ex rel. Stone v. Hunter.**

Hamilton App. No. C-130506. On motion to dismiss appeal as moot. Motion granted.

**2013-1729. State ex rel. D.W. v. Hunter.**

Hamilton App. No. C-130496. On motion to dismiss appeal as moot. Motion granted.

**2013-1733. State ex rel. Eversmann v. Hunter.**

Hamilton App. No. C-130502. On motion to withdraw motion to dismiss appeal as moot. Motion granted.

**2013-1734. State ex rel. Shahan-Beck v. Hunter.**

Hamilton App. No. C-130504. On motion to dismiss appeal as moot. Motion granted.

**2013-1812. State v. Stegall.**

Butler App. No. CA2010-03-070, 2011-Ohio-262. On motion for delayed appeal. Motion denied.

**2013-1823. State v. Preston.**

Montgomery App. No. 25393, 2013-Ohio-4404. On motion for delayed appeal. Motion denied.

Kennedy and O'Neill, JJ., dissent.

**2013-1837. State v. Minor.**

Summit App. No. 26362, 2013-Ohio-558. On motion for delayed appeal. Motion denied.

O'Donnell, French, and O'Neill, JJ., dissent.

**2013-1840. State v. Bates.**

Montgomery App. No. 23707, 2012-Ohio-6039. On motion for delayed appeal. Motion denied.

**2013-1870. State v. Derricoatte.**

Ashtabula App. No. 2012-A-0038, 2013-Ohio-3774. On motion for delayed appeal. Motion granted.

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

**2013-1872. State v. Farraj.**

Cuyahoga App. No. 100250. On motion for delayed appeal. Motion denied.

Pfeifer, J., dissents.

**2013-1876. State v. Arroyo.**

Cuyahoga App. No. 98300, 2013-Ohio-1176. On motion for delayed appeal. Motion denied.

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

**2013-1903. State v. Brown.**

Richland App. No. 12CA63, 2013-Ohio-3109. On motion for delayed appeal. Motion denied.

Pfeifer, J., dissents.

**2013-1905. Jacobs v. FirstMerit Corp.**

Lake App. No. 2013-L-012, 2013-Ohio-4308. On motion for immediate stay of court of appeals' judgment pending appeal. Motion denied.

**2013-1910. State v. Tubbs.**

Miami App. No. 2012-CA-20, 2013-Ohio-4391. On motion for delayed appeal. Motion denied.

O'Neill, J., dissents.

**2013-1915. State v. Puckett.**

Richland App. No. 12CA12, 2012-Ohio-4841. On motion for delayed appeal. Motion denied.

**2013-1941. State v. Arnold.**

Cuyahoga App. No. 100422. On motion for delayed appeal. Motion denied.

**APPEALS ACCEPTED FOR REVIEW**

**2013-1603. Hambuechen v. 221 Mkt. N., Inc.**

Stark App. No. 2013CA00044, 2013-Ohio-3717.

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

**2013-1619. State v. Mole.**

Cuyahoga App. No. 98900, 2013-Ohio-3131.

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

**2013-1795. Infinite Sec. Solutions, L.L.C. v. Karam Properties, I, Ltd.**

Lucas App. No. L-12-1313, 2013-Ohio-4415. Discretionary appeal accepted and cause consolidated with 2013-1671, *Infinite Sec. Solutions, L.L.C. v. Karam Properties I, Ltd.*, 6th Dist. Lucas No. L-12-1313, 2013-Ohio-4415.

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

**2013-1932. In re B.C.**

Clark App. No. 2013-CA-72.

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

### **APPEALS NOT ACCEPTED FOR REVIEW**

**2013-1534. Wells Fargo Bank, N.A. v. Horn.**

Lorain App. No. 12CA010230, 2013-Ohio-2374.

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

Kennedy and French, JJ., dissent.

**2013-1538. Artisan & Truckers Cas. Co. v. JMK Transp., L.L.C.**

Clermont App. No. CA2013-01-004, 2013-Ohio-3577.

Pfeifer, J., dissents.

**2013-1543. Sullins v. Raycom Media, Inc.**

Cuyahoga App. No. 99235, 2013-Ohio-3530.

**2013-1545. Southworth v. N. Trust Secs., Inc.**

Cuyahoga App. No. 99250, 2013-Ohio-2917.

**2013-1547. Parks v. Parks.**

Washington App. No. 12CA37, 2013-Ohio-3595.

**2013-1549. Eckmeyer v. Blough.**

Summit App. No. 26669, 2013-Ohio-3603.

O'Connor, C.J., dissents.

**2013-1550. State v. Evans.**

Lorain App. No. 07CA009274.

Pfeifer, J., dissents.

O'Neill, J., dissents and would hold the cause for the decision in 2012-1410, *State v. Long*, 1st Dist. Hamilton No. C-110160, 2012-Ohio-3052.

**2013-1551. Claeshire Court Condominium Unit Owners' Assn. v. Montilla.**

Cuyahoga App. No. 97024, 2013-Ohio-3911.

**2013-1555. State v. Lockhart.**

Delaware App. No. 13 CAA 01 0007, 2013-Ohio-3441.

**2013-1556. Rachel v. Rachel.**

Stark App. No. 2012CA00243, 2013-Ohio-3692.

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

**2013-1560. State v. Edwards.**

Franklin App. No. 12AP-993, 2013-Ohio-3597.

**2013-1562. State v. Maurent.**

Delaware App. No. 12 CAA 05 0055, 2013-Ohio-3799.

**2013-1563. State v. Holland.**

Licking App. No. 13-CA-53, 2013-Ohio-4136.

**2013-1565. Parma v. Fonte.**

Cuyahoga App. No. 99147, 2013-Ohio-3804.

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

O'Donnell, J., dissents.

**2013-1568. Jones v. Wheelersburg Local School Dist.**

Scioto App. No. 12CA3513, 2013-Ohio-3685.

**2013-1569. Bank of Am., N.A. v. Mark.**

Butler App. No. CA2013-01-012, 2013-Ohio-3575.

**2013-1578. Marconi v. Savage.**

Cuyahoga App. No. 99163, 2013-Ohio-3805.

**2013-1580. In re J.P.**

Hamilton App. No. C-120542.

O'Donnell, J., dissents.

**2013-1582. State v. Brown.**

Muskingum App. No. CT2013-0004, 2013-Ohio-3608.

**2013-1584. Cleveland v. Bryce Peters Fin. Corp.**

Cuyahoga App. Nos. 98006, 98007, 98008, 98009, 98010, 98011, 98012, 98013, 98014, 98015, 98016, 98017, 98018, 98019, 98020, 98021, 98022, 98023, 98024, 98078, 98079, 98163, and 98164, 2013-Ohio-3613.

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

French and O’Neill, JJ., dissent.

**2013-1585. State v. Roscoe.**

Cuyahoga App. No. 99113, 2013-Ohio-3617.

O’Donnell and Kennedy, JJ., dissent.

**2013-1587. State v. Lilley.**

Cuyahoga App. No. 98905, 2013-Ohio-3616.

**2013-1588. Fenway Fin., L.L.C. v. Greater Columbus Realty, L.L.C.**

Franklin App. No. 12AP-291, 2013-Ohio-3623.

O’Neill, J., dissents.

**2013-1590. Nash v. Cleveland Clinic Found.**

Cuyahoga App. No. 99128, 2013-Ohio-3618.

Pfeifer and Kennedy, JJ., dissent.

O’Neill, J., not participating.

**2013-1592. Wiles v. Miller.**

Franklin App. No. 12AP-989, 2013-Ohio-3625.

Pfeifer and O’Neill, JJ., dissent.

**2013-1593. Price v. Kelly.**

Lorain App. No. 13CA010401.

**2013-1595. Clinical Technology, Inc. v. Neurotherm, Inc.**

Cuyahoga App. No. 99745, 2013-Ohio-3739.

O’Connor, C.J., and O’Donnell and French, JJ., dissent.

**2013-1599. State v. Rodriguez.**

Wood App. No. WD-08-013.

**2013-1600. State v. Temple.**

Clark App. No. 2012-CA-65, 2013-Ohio-3843.

**2013-1604. State v. Carter.**  
Pickaway App. No. 13CA18.

**2013-1606. Bank of New York Mellon Trust Co., N.A. v. Hentley.**  
Cuyahoga App. No. 99252, 2013-Ohio-3150.  
Kennedy, J., dissents.

**2013-1609. Wells Fargo Bank, Natl. Assn. v. Elliott.**  
Delaware App. No. 13 CAE 03 0012, 2013-Ohio-3690.

Lanzinger, J., dissents and would accept the appeal on Proposition of Law No. III and hold the cause for the decision in 2013-0304, *Bank of Am., N.A. v. Kuchta*, 9th Dist. Medina No. 12CA0025-M, 2012-Ohio-5562.

**2013-1612. Beard v. New York Life Ins. & Annuity Corp.**  
Franklin App. No. 12AP-977, 2013-Ohio-3700.

**2013-1613. State v. Creech.**  
Scioto App. No. 12CA3500, 2013-Ohio-3791.

**2013-1614. State v. Rybarczyk.**  
Wood App. No. WD-12-009, 2013-Ohio-2943.

**2013-1629. State v. Baker.**  
Hamilton App. No. C-130037.

**2013-1630. State v. Jones.**  
Logan App. No. 8-12-16, 2013-Ohio-3784.

**2013-1638. Byers Dipaola Castle, L.L.C. v. Ravenna City Planning Comm.**  
Portage App. No. 2012-P-0151, 2013-Ohio-3977.  
Pfeifer, J., dissents.

**2013-1640. State v. Smith.**  
Hamilton App. No. C-120181.

**2013-1641. Shangrila Ohio, L.L.C. v. Westridge Realty Co.**  
Cuyahoga App. No. 99784, 2013-Ohio-3817.

**2013-1642. State v. Fite.**  
Adams App. No. 13CA967.

**2013-1643. Schmahl v. Powers.**

Cuyahoga App. No. 99115, 2013-Ohio-3241.

**2013-1646. State v. Brofford.**

Union App. No. 14-12-07, 2013-Ohio-3782.

**2013-1647. State v. Brofford.**

Union App. No. 14-12-08, 2013-Ohio-3781.

**2013-1648. State v. Helmstetter.**

Auglaize App. Nos. 2-13-07 and 2-13-08, 2013-Ohio-3982.

O'Donnell, J., dissents.

**2013-1649. Gallogly v. Watson.**

Union App. No. 14-12-12, 2013-Ohio-3778.

Lanzinger, J., dissents.

**2013-1652. State v. Rogers.**

Cuyahoga App. Nos. 98292, 98584, 98585, 98586, 98587, 98588, 98589, and 98590.

Lanzinger, J., dissents and would hold the cause 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.

French and O'Neill, JJ., dissent.

**2013-1653. Rivers v. Otis Elevator.**

Cuyahoga App. No. 99365, 2013-Ohio-3917.

**2013-1654. State v. Labriola.**

Medina App. No. 12CA0030-M, 2013-Ohio-2604.

**2013-1658. Pitts v. DiLabbio.**

Lucas App. No. L-12-1343, 2013-Ohio-3854.

**2013-1660. State v. Tolliver.**

Athens App. No. 12CA36, 2013-Ohio-3861.

**2013-1663. MD Acquisition, L.L.C. v. Myers.**

Franklin App. No. 11AP-390, 2013-Ohio-3825.

O'Donnell and French, JJ., dissent.

**2013-1664. Spy v. Cuyahoga Cty. Job & Family Servs.**

Cuyahoga App. No. 100355. Discretionary appeal not accepted. Motion for sanctions denied as moot.

**2013-1669. Timekeeping Sys., Inc. v. Safety Protection Universal Ltd.**

Cuyahoga App. No. 99714, 2013-Ohio-3919.

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

Ashtabula App. No. 2012-A-0052, 2013-Ohio-3863.

**2013-1682. Alternatives Unlimited-Special, Inc. v. Ohio Dept. of Edn.**

Franklin App. No. 12AP-647, 2013-Ohio-3890.

French, J., not participating.

**2013-1691. State v. Weese.**

Crawford App. No. 3-10-13.

**2013-1692. State v. Acedo-Gonzales.**

Greene App. No. 2013 CA 11, 2013-Ohio-3932.

**2013-1695. State v. Michael.**

Franklin App. No. 12AP-508, 2013-Ohio-3889.

O'Neill, J., dissents.

**2013-1696. State v. Shingleton.**

Montgomery App. No. 25679, 2013-Ohio-3943.

**2013-1698. State v. Williams.**

Hamilton App. No. C-130520.

**2013-1703. State v. Barnette.**

Mahoning App. No. 06 MA 135.

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

**2013-1704. State v. Mays.**

Cuyahoga App. No. 99150, 2013-Ohio-4031.

**2013-1706. State v. Woodard.**

Hamilton App. Nos. C-120823 and C-120847.

**2013-1707. State v. Schwirzinski.**

Wood App. No. WD-09-056, 2010-Ohio-5512.

**2013-1708. State v. Tackett.**

Ashtabula App. No. 2012-A-0015, 2013-Ohio-4286.

**2013-1712. State v. Jackson.**

Franklin App. No. 13AP-289, 2013-Ohio-4064.

**2013-1713. State v. Ragle.**

Summit App. No. 25707.

**2013-1717. State v. Quarterman.**

Cuyahoga App. No. 99317, 2013-Ohio-4037.

**2013-1718. Davis v. Ohio Dept. of Rehab. & Corr.**

Franklin App. No. 12AP-669, 2013-Ohio-4011.

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

O'Neill, J., dissents.

**2013-1744. State v. Zeune.**

Franklin App. No. 13AP-147, 2013-Ohio-4156.

French, J., not participating.

**2013-1759. State v. Kennedy.**

Montgomery App. No. 25283, 2013-Ohio-4243.

**2013-1765. State v. Withers.**

Franklin App. Nos. 12AP-865 and 12AP-868, 2013-Ohio-4201.

French, J., not participating.

**2013-1767. State v. Onunwor.**

Cuyahoga App. No. 93937, 2013-Ohio-4184.

**2013-1769. Brown v. Ohio Dept. of Rehab. & Corr.**

Franklin App. No. 12AP-891, 2013-Ohio-4207.

**2013-1774. State v. Ulery.**

Clark App. No. 2012- CA-81, 2013-Ohio-4249.

**2013-1781. State v. Gay.**

Summit App. No. 26487, 2013-Ohio-4169.

**2013-1797. State v. Johnston.**

Montgomery App. No. 25652, 2013-Ohio-4401.

O'Connor, C.J., and O'Neill, J., dissent and would remand the cause for application of *State v. Holdcroft*, 137 Ohio St.3d 526, 2013-Ohio-5014, \_\_\_ N.E.2d \_\_\_.

**2013-1820. In re A.C.**

Cuyahoga App. Nos. 99764, 99765, 99766, 99767, 99768, and 99769, 2013-Ohio-4377.

**2013-1897. State v. Caldwell.**

Summit App. No. 26306, 2013-Ohio-1417.

**RECONSIDERATION OF PRIOR DECISIONS**

**2013-0816. State ex rel. Andrews v. Chardon Police Dept.**

Geauga App. No. 2012-G-3074, 2013-Ohio-338. Reported at 137 Ohio St.3d 468, 2013-Ohio-4772, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied. Motion to supplement the record denied as moot.

**2013-1054. State v. Johnson.**

Franklin App. No. 12AP-898, 2013-Ohio-2008. Reported at 136 Ohio St.3d 1557, 2013-Ohio-4861, 996 N.E.2d 985. On motion for reconsideration. Motion denied.

**2013-1130. Strickler v. First Ohio Banc & Lending, Inc.**

Lorain App. No. 12CA010178, 2013-Ohio-1221. Reported at 137 Ohio St.3d 1410, 2013-Ohio-5096, 998 N.E.2d 510. On motions for reconsideration. Motions denied.

O'Donnell and Kennedy, JJ., dissent.

French, J., dissents and would grant the motions for reconsideration, accept the appeal, and remand the cause for application of *Stammco, L.L.C. v. United Tel. Co. of Ohio*, 136 Ohio St.3d 231, 2013-Ohio-3019, 994 N.E.2d 408.

**2013-1165. Bank of New York v. Rains.**

Butler App. No. CA2012-04-092, 2013-Ohio-2389. Reported at 137 Ohio St.3d 1411, 2013-Ohio-5096, 998 N.E.2d 510. On motion for reconsideration. Motion denied.

**2013-1168. State v. Thornton.**

Clermont App. No. CA2012-09-063, 2013-Ohio-2394. Reported at 136 Ohio St.3d 1559, 2013-Ohio-4861, 996 N.E.2d 986. On motion for reconsideration. Motion denied.

O'Neill, J., dissents.

**2013-1197. In re Raheem L.**

Hamilton App. No. C-100608, 2013-Ohio-2423. Reported at 136 Ohio St.3d 1560, 2013-Ohio-4861, 996 N.E.2d 987. On motion for reconsideration. Motion denied.

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

**2013-1208. Robinette v. Bryant.**

Lawrence App. No. 12CA20, 2013-Ohio-2889. Reported at 137 Ohio St.3d 1411, 2013-Ohio-5096, 998 N.E.2d 511. On motion for reconsideration. Motion denied.

O'Neill, J., dissents.

**2013-1214. DeGarmo v. Worthington City Schools Bd. of Edn.**

Franklin App. No. 12AP-961, 2013-Ohio-2518. Reported at 137 Ohio St.3d 1412, 2013-Ohio-5096, 998 N.E.2d 511. On motion for reconsideration. Motion denied.

**2013-1236. State v. Evans.**

Richland App. No. 12CA76, 2013-Ohio-2730. Reported at 137 Ohio St.3d 1412, 2013-Ohio-5096, 998 N.E.2d 511. On motion for reconsideration. Motion denied.

Lanzinger and O'Neill, JJ., dissent.

**2013-1295. In re M.C.**

Erie App. No. E-12-031, 2013-Ohio-2808. Reported at 137 Ohio St.3d 1413, 2013-Ohio-5096, 998 N.E.2d 512. On motion for reconsideration. Motion denied.

O'Connor, C.J., dissents and would grant the motion for reconsideration as to Proposition of Law No. I.

Lanzinger and O'Neill, JJ., dissent.

**2013-1339. State ex rel. McGee v. Judges of the Cuyahoga Cty. Court of Common Pleas.**

In Mandamus. Reported at 136 Ohio St.3d 1555, 2013-Ohio-4861, 996 N.E.2d 984. On motion for reconsideration. Motion denied.

**2013-1391. Cleveland v. Schmidt.**

Cuyahoga App. No. 98603, 2013-Ohio-1547. Reported at 137 Ohio St.3d 1424, 2013-Ohio-5285, 998 N.E.2d 1178. On motion for reconsideration. Motion denied.

**2013-1392. Smith v. Ray Esser & Sons, Inc.**

Lorain App. No. 12CA010150, 2013-Ohio-1095. Reported at 137 Ohio St.3d 1424, 2013-Ohio-5285, 998 N.E.2d 1178. On motion for reconsideration. Motion denied.

Kennedy and French, JJ., dissent.