

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

November 5, 2014

[Cite as *11/05/2014 Case Announcements*, 2014-Ohio-4845.]

MERIT DECISIONS WITH OPINIONS

2013-0654. Cleveland Clinic Found. v. Cleveland Bd. of Zoning Appeals, Slip Opinion No. 2014-Ohio-4809. Judgment reversed, and cause remanded.

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

Eve Belfance, J., of the Ninth Appellate District, sitting for O'Neill, J.

2013-1290. State v. Nolan, Slip Opinion No. 2014-Ohio-4800. Judgment affirmed.

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

MERIT DECISIONS WITHOUT OPINIONS

2014-0993. State ex rel. McGinty v. Sutula.

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

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

O'Donnell and Lanzinger, JJ., dissent.

2014-1087. Keller v. Kasich.

In Mandamus and Procedendo. On motion to dismiss. Motion to dismiss granted. On request for oral argument. Request denied as moot. Cause dismissed.

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

2014-1119. State ex rel. Niederst v. McMonagle.

In Procedendo and Prohibition. On motions to file under seal and for leave to intervene. It is ordered by the court that the motions are denied as moot. On motion to dismiss. Motion granted. Cause dismissed.

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

2014-1122. State ex rel. Clough v. Franklin Cty. Children's Servs.

In Mandamus. On complaint in mandamus of Stephanie Y. Clough. 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. 12.05:

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; 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.

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

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

2014-1286. State ex rel. Johnson v. Rothgery.

In Mandamus. On motion to dismiss of Judge Christopher Rothgery. Motion granted. Cause dismissed. On motion to strike. Motion denied.

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

2014-1463. State ex rel. Cockroft v. O'Grady.

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

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

2014-1485. Brown v. Williams.

In Mandamus. On respondents' motions to dismiss. Motions granted. Cause dismissed. On relator's motions to expedite, to suppress, and to look. Motions denied.

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

2014-1492. Macon v. Toledo Mun. Court.

In Mandamus. On respondents' motions to dismiss. Motions granted. Cause dismissed.

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

Lanzinger, J., not participating.

MOTION AND PROCEDURAL RULINGS

2014-0328. In re Application of Duke Energy Ohio, Inc., for Increase in its Natural Gas Distrib. Rates.

Public Utilities Commission, Nos. 12-1685-GA-AIR, 12-1686-GA-ATA, 12-1687-GA-ALT, and 12-1688-GA-AAM. On court-ordered briefing on the appropriate amount of bond that appellants must post in order to continue the stay. It is ordered that appellants shall post bond in the amount of \$2,506,295 with the clerk of this court to continue the stay. If appellants fail to post the bond within ten days of the date of this entry, the stay will be lifted.

2014-1602. State v. Miller.

Warren App. No. CA2013-06-057, 2014-Ohio-5093. On motion for delayed appeal. Motion denied.

2014-1612. In re R.E.

Cuyahoga App. No. 100954, 2014-Ohio-3595. On motion to stay judgment. Motion denied.

2014-1619. State v. Brooks.

Summit App. No. 26831, 2014-Ohio-679. On motion for delayed appeal. Motion denied.

O'Neill, J., dissents.

2014-1638. State v. Blackley.

Cuyahoga App. No. 100574, 2014-Ohio-3140. On motion for delayed appeal. Motion denied.

Kennedy and O'Neill, JJ., dissent.

2014-1656. State v. Scott.

Cuyahoga App. Nos. 98809, 100085, and 100570, 2013-Ohio-1559. On motion for delayed appeal. Motion denied.

2014-1664. State v. Diggs.

Franklin App. No. 14AP-18, 2014-Ohio-3340. On motion for delayed appeal. Motion granted.

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

2014-1665. State v. Daniels.

Richland App. No. 12CA121, 2013-Ohio-3565. On motion for delayed appeal. Motion denied.

APPEALS ACCEPTED FOR REVIEW

2014-1173. State v. Marks.

Cuyahoga App. Nos. 101559 and 101561. Discretionary appeal accepted; cause held for the decision in 2014-1174, *State v. Rosario*, 8th Dist. Cuyahoga No. 101558, and briefing schedule stayed.

2014-1174. State v. Rosario.

Cuyahoga App. No. 101558.

Pfeifer, J., dissents.

2014-1175. State v. Jenkins.

Cuyahoga App. No. 101560. Discretionary appeal accepted; cause held for the decision in 2014-1174, *State v. Rosario*, 8th Dist. Cuyahoga No. 101558, and briefing schedule stayed.

Pfeifer, J., dissents.

2014-1176. State v. Harris.

Cuyahoga App. Nos. 101562 and 101560. Discretionary appeal accepted; cause held for the decision in 2014-1174, *State v. Rosario*, 8th Dist. Cuyahoga No. 101558, and briefing schedule stayed.

Pfeifer, J., dissents.

2014-1177. State v. Scott.

Cuyahoga App. Nos. 101565 and 101560. Discretionary appeal accepted; cause held for the decision in 2014-1174, *State v. Rosario*, 8th Dist. Cuyahoga No. 101558, and briefing schedule stayed.

Pfeifer, J., dissents.

2014-1273. State v. Leak.

Richland App. No. 13CA72, 2014-Ohio-2492.

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

2014-1363. State v. Washington.

Cuyahoga App. No. 101406. Discretionary appeal accepted; cause held for the decision in 2014-1174, *State v. Rosario*, 8th Dist. Cuyahoga No. 101558, and briefing schedule stayed.

2014-1368. State v. Washington.

Cuyahoga App. No. 101407. Discretionary appeal accepted; cause held for the decision in 2014-1174, *State v. Rosario*, 8th Dist. Cuyahoga No. 101558, and briefing schedule stayed.

APPEALS NOT ACCEPTED FOR REVIEW

2014-0715. James v. Sky Bank.

Trumbull App. No. 2013-T-0087, 2014-Ohio-1159.

2014-1151. ABL Wholesale Distribs., Inc. v. Clark Gas.

Cuyahoga App. No. 100256, 2014-Ohio-2268.

2014-1154. State v. Banks.

Seneca App. No. 13-14-12, 2013-Ohio-649.

2014-1158. In re G.H.

Cuyahoga App. No. 100274, 2014-Ohio-2269.

O'Neill, J., dissents.

2014-1164. State v. Riley.

Miami App. No. 2013 CA 37, 2014-Ohio-2313.

O'Donnell, J., dissents.

2014-1165. State ex rel. Karr Revocable Trust v. Zehringer.

Mercer App. No. 10-13-18, 2014-Ohio-2241.

O'Donnell and French, JJ., dissent.

2014-1169. State v. Esmail.

Columbiana App. No. 13 CO 35, 2014-Ohio-2297.

2014-1170. State v. Griffin.

Hamilton App. No. C-130745.

2014-1172. Am. Sav. Bank, FSB v. Pertuset.

Scioto App. No. 13CA3564, 2014-Ohio-1290.

2014-1178. Farm Credit Servs. of Mid-Am. P.C.A. v. Pertuset.

Scioto App. No. 13CA3563, 2014-Ohio-1289.

O'Neill, J. dissents.

2014-1179. R&M Materials Handling, Inc. v. Cincinnati Ins. Co.

Champaign App. No. 2013-CA-40, 2014-Ohio-949.

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

2014-1180. Greenlee v. Greenlee.

Montgomery App. No. 26059, 2014-Ohio-2306.

O'Donnell, J., dissents.

2014-1186. State v. Dodson.

Cuyahoga App. No. 100347, 2014-Ohio-2272.

2014-1190. State v. Ratleff.

Union App. No. 14-14-01.

2014-1191. State v. McGlosson.

Butler App. No. CA2013-05-082, 2014-Ohio-1321.

2014-1192. State v. Pritchard.

Cuyahoga App. No. 101424.

2014-1193. State v. Dover.

Clark App. No. 2013-CA-58, 2014-Ohio-2303.

2014-1202. Niederst v. Niederst.

Cuyahoga App. No. 100616, 2014-Ohio-2406.

O'Donnell, J., dissents.

2014-1216. Hawk v. Stocklin.

Allen App. No. 1-13-56, 2014-Ohio-2335.

O'Donnell, J., dissents.

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

2014-1220. Baruk v. Heritage Club Homeowners' Assn.

Warren App. No. CA2013-09-086, 2014-Ohio-1585.

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

2014-1228. In re Helfrich.

Licking App. No. 13CA20, 2014-Ohio-1933.

2014-1269. State v. Baker.

Wood App. No. WD-13-074, 2014-Ohio-2564.

Kennedy, J., dissents.

2014-1303. State v. Arszman.

Hamilton App. No. C-130133, 2014-Ohio-2727.

O'Donnell and Kennedy, JJ., dissent.

2014-1339. State v. May.

Montgomery App. No. 25359, 2014-Ohio-1542.

2014-1358. State v. Whitson.

Cuyahoga App. No. 101504.

2014-1372. State v. Cooper.

Cuyahoga App. No. 100537, 2014-Ohio-2404.

2014-1429. State v. Cole.

Wood App. No. WD-99-007.

2014-1508. State v. Murphy.

Franklin App. No. 12AP-952, 2013-Ohio-5599.

2014-1538. State v. Brown.

Fairfield App. No. 13-CA-24, 2013-Ohio-3896.

2014-1545. In re D.M.

Hamilton App. No. C-140261.

2014-1627. In re K.C.

Warren App. Nos. CA2013-12-119 and CA2013-12-120, 2014-Ohio-3429.

2014-1628. In re K.C.

Warren App. Nos. CA2013-12-119 and CA2013-12-120, 2014-Ohio-3429.

RECONSIDERATION OF PRIOR DECISIONS

2012-1517. Worthington City Schools Bd. of Edn. v. Franklin Cty. Bd. of Revision.

Board of Tax Appeals, No. 2008-V-670. Reported at 140 Ohio St.3d 248, 2014-Ohio-3620, 17 N.E.3d 537. On motion for reconsideration of the Board of Education of the Worthington City School District. Motion denied.

French, J., dissents.

2013-0535. State ex rel. Wasserman v. Fremont.

Sandusky App. No. S-10-031, 2013-Ohio-762. Reported at 140 Ohio St.3d 471, 2014-Ohio-2962, 20 N.E.3d 664. On motion for reconsideration. Motion granted for the limited purpose of correcting paragraph 13 of the opinion.

2013-1984. Cincinnati Bar Assn. v. Damon.

Board of Commissioners on Grievances and Discipline No. 11-046. Reported at 140 Ohio St.3d 383, 2014-Ohio-3765, 18 N.E.3d 1183. On motion for reconsideration. Motion denied.

2014-0750. State v. Wilson.

Lucas App. No. L-13-1210, 2014-Ohio-1307. Reported at 140 Ohio St.3d 1415, 2014-Ohio-3785, 15 N.E.3d 884. On motion for reconsideration. Motion denied.

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

2014-0814. Musial Offices, Ltd. v. Cuyahoga.

Cuyahoga App. No. 99781, 2014-Ohio-602. Reported at 140 Ohio St.3d 1416, 2014-Ohio-3785, 15 N.E.3d 884. On motion for reconsideration. Motion denied. On motion for sanctions. Motion denied.

2014-0981. State ex rel. Pishok v. Judges of the Court of Appeals of the Third Appellate Judicial Dist. of Ohio. In Prohibition. Reported at 140 Ohio St.3d 1411, 2014-Ohio-3785, 15 N.E.3d 880.

On motion for reconsideration. Motion denied.

2014-1011. State v. Woodley.

Allen App. No. 1-12-13. Reported at 140 Ohio St.3d 1412, 2014-Ohio-3785, 15 N.E.3d 880. On motion for reconsideration. Motion denied.

2014-1058. State v. Vinson.

Franklin App. No. 08AP-381, 2008-Ohio-6430. Reported at 140 Ohio St.3d 1418, 2014-Ohio-3785, 15 N.E.3d 885. On motion for reconsideration. Motion denied.

French, J., not participating.