

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

July 8, 2015

[Cite as *07/08/2015 Case Announcements*, 2015-Ohio-2747.]

MERIT DECISIONS WITH OPINIONS

2014-0532. *Cunningham v. Testa*, Slip Opinion No. 2015-Ohio-2744.

Board of Tax Appeals, No. 2011-4641. Decision reversed.

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

MERIT DECISIONS WITHOUT OPINIONS

2015-0035. *State ex rel. George v. Buehrer*.

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

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

2015-0637. *State ex rel. Moorer v. Judge(s) of the Court of Appeals Eighth Appellate Judicial Dist.*

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.

2015-0669. *Watson v. Williams*.

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.

2015-0673. *State ex rel. Owusu v. Scott*.

Miscellaneous case. 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

2014-1406. State v. Taylor.

Montgomery App. No. 25764, 2014-Ohio-2550. On motion to correct previously filed document. Motion denied. On revised application to vacate judgment. Application denied.

O'Neill, J., dissents.

2014-1855. State ex rel. Sultaana v. Corrigan.

On motion for relief from judgment pursuant to Civ.R. 60(B)(6). Motion denied.

2015-0384. State v. Gonzales.

Wood App. No. WD-13-086, 2015-Ohio-461. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated at page two of the court of appeals' decision and judgment filed February 6, 2015:

“Must the state, in prosecuting cocaine offenses involving mixed substances under R.C. 2925.11(C)(4)(a) through (f), prove that the weight of the cocaine meets the statutory threshold, excluding the weight of any filler materials used in the mixture?”

The conflict case is *State v. Smith*, 2d Dist. Greene No. 2010-CA-36, 2011-Ohio-2658.

2015-0781. State v. Portis.

Hamilton App. Nos. C-130851 and C-140013. On motion for leave to file delayed appeal. Motion denied.

2015-0793. State v. Taylor.

Cuyahoga App. No. 98107, 2012-Ohio-5421. On motion for leave to file delayed appeal. Motion denied. On amended motion to stay and hold proceedings in abeyance. Motion denied.

2015-0795. State v. Davis.

Richland App. No. 14 CA 34, 2015-Ohio-889. On motion for leave to file delayed appeal. Motion denied.

O'Neill, J., dissents.

2015-0802. State v. Jennings.

Clark App. No. 2013 CA 60, 2014-Ohio-2307. On motion for leave to file delayed appeal. Motion denied.

2015-0812. State v. Hopson.

Stark App. No. 2014CA00163. On motion for stay of court of appeals' judgment. Motion denied.

APPEALS ACCEPTED FOR REVIEW

2015-0108. Carter v. Reese.

Butler App. No. CA2014-04-095, 2014-Ohio-5395.

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

2015-0120. Albanese v. Batman.

Belmont App. No. 14 BE 22, 2014-Ohio-5517. Upon consideration of the jurisdictional memoranda in this case, the court accepts the appeal. Proposition of Law No. I held for decision in 2014-0803, *Walker v. Shondrick-Nau*. Briefing on Proposition of Law No. II shall proceed in accordance with the applicable provisions of S.Ct.Prac.R. 16.01 through 16.08.

O'Connor, C.J., and O'Donnell and French, JJ., would accept Proposition of Law No. I only.

Pfeifer, J., would accept briefs on both propositions.

Lanzinger, J., would hold both propositions for decision in 2014-1767, *Eisenbarth v. Reusser*.

Kennedy and O'Neill, JJ., would hold both propositions for decision in 2014-0803, *Walker v. Shondrick-Nau*.

2015-0121. Lipperman v. Batman.

Belmont App. No. 14 BE 2, 2014-Ohio-5500. Upon consideration of the jurisdictional memoranda in this case, the court accepts the appeal. Proposition of Law No. I held for decision in 2014-0803, *Walker v. Shondrick-Nau*. Briefing on Proposition of Law Nos. II and III shall proceed in accordance with the applicable provisions of S.Ct. Prac.R. 16.01 through 16.08.

O'Connor, C.J., and French, J., would accept Proposition of Law No. I only.

Pfeifer, J., would accept briefs on all propositions.

O'Donnell and Lanzinger, JJ., would hold all propositions for decision in 2014-1767, *Eisenbarth v. Reusser*.

Kennedy and O'Neill, JJ., would hold all propositions for decision in 2014-0803, *Walker v. Shondrick-Nau*.

2015-0385. State v. Gonzales.

Wood App. No. WD-13-086, 2015-Ohio-461.

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

2015-0652. State v. Hand.

Montgomery App. No. 25840. Appeal accepted. Sua sponte, cause held for decision in 2014-1814, *State v. Hand*, and briefing schedule stayed.

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

APPEALS NOT ACCEPTED FOR REVIEW

2014-2065. State v. Godfrey.

Licking App. No. 14 CA 39, 2014-Ohio-4720.

2014-2174. E.J. Zeller, Inc. v. Auto Owners Ins. Co.

Defiance App. No. 4-14-04, 2014-Ohio-4994. Appeal and cross-appeal not accepted.

O'Connor, C.J., and O'Donnell, J., dissent and would accept jurisdiction over the appeal.

Lanzinger, J., dissents and would also accept jurisdiction over the cross-appeal.

2015-0042. In re Application of S.F.M.

Franklin App. No. 14AP-408, 2014-Ohio-5850. It is further ordered that appellant's motion to maintain the file under seal or in confidential manner is denied.

O'Connor, C.J., dissents and would grant jurisdiction and motion to maintain file under seal.

Lanzinger, J., dissents and would grant the motion to maintain file under seal.

2015-0046. Foster v. Cook.

Hamilton App. No. C-140002.

2015-0054. State v. Krystalis.

Hamilton App. No. C-130482.

2015-0057. State v. Tate.

Cuyahoga App. No. 97804, 2014-Ohio-5269.

2015-0066. Marsico v. Skrzypek.

Lorain App. No. 13CA010410, 2014-Ohio-5185.

2015-0083. Brannan v. Scioto Cty.

Scioto App. No. 13CA3555, 2014-Ohio-4453.

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

2015-0084. Wells Fargo Bank, N.A. v. Dumm.

Athens App. No. 13CA5.

O'Neill, J., dissents.

2015-0085. State v. Campbell.

Butler App. Nos. CA2014-02-048 and CA2014-02-051, 2014-Ohio-5315.

O'Neill, J., dissents.

2015-0088. Eichenberger v. Woodlands Assisted Living Residence, L.L.C.

Franklin App. No. 12AP-272, 2014-Ohio-5354.

French, J., dissents.

2015-0099. State v. Moss.

Fairfield App. No. 14-CA-3, 2014-Ohio-5411.

2015-0106. Bernard Philip Dedor Revocable Declaration of Trust v. Res. Energy Exploration Co.

Portage App. No. 2014-P-0001, 2014-Ohio-5383.

Pfeifer, J., dissents.

2015-0114. Westgate Ford Truck Sales, Inc. v. Ford Motor Co.

Cuyahoga App. Nos. 101073 and 101136, 2014-Ohio-5429.

Pfeifer, J., dissents.

2015-0115. State v. Cross.

Jackson App. No. 13CA3, 2014-Ohio-5605.

2015-0117. Burlingame v. Estate of Burlingame.

Stark App. No. 2014CA33, 2014-Ohio-5440.

2015-0118. Seege v. Smith.

Montgomery App. No. 26210, 2014-Ohio-5450.

2015-0119. Tyra v. Tyra.

Hamilton App. No. C-140211, 2014-Ohio-5732.

2015-0122. G&K Mgt. Servs., Inc. v. Owners Ins. Co.

Fairfield App. No. 14-CA-33, 2014-Ohio-5497.

O'Neill, J., dissents and would hold the cause for the decision in 2013-1527, *Granger v. Auto-Owners Ins.*

2015-0127. Murray v. Chagrin Valley Publishing Co.

Cuyahoga App. No. 101394, 2014-Ohio-5442.

O'Donnell and French, JJ., dissent.

Kennedy, J., dissents and would accept the cause on Proposition of Law Nos. I and III.

2015-0141. State v. Thompson.

Montgomery App. No. 26280, 2014-Ohio-5583.

2015-0145. State v. Barnette.

Mahoning App. No. 11 MA 196, 2014-Ohio-5673.

O'Neill, J., dissents.

2015-0149. Huth v. Bolivar.

Tuscarawas App. No. 2014 AP 02 0005, 2014-Ohio-4889.

2015-0155. Jones v. Ohio Edison Co.

Ashtabula App. No. 2014-A-0015, 2014-Ohio-5466.

Pfeifer and O'Donnell, JJ., dissent.

2015-0156. State v. Murawski.

Hamilton App. No. C-140298, 2014-Ohio-5438.

2015-0160. State v. Shaw.

Mahoning App. No. 13 MA 137, 2014-Ohio-5633.

2015-0171. Pearson v. Columbus.

Franklin App. No. 14AP-313, 2014-Ohio-5563.

2015-0222. State v. Brady.

Mahoning App. No. 13 MA 88, 2014-Ohio-5721.

2015-0226. State v. Collier.

Cuyahoga App. Nos. 100906, 101235, and 101272, 2014-Ohio-5683.

2015-0228. State v. Carpenter.

Lawrence App. No. 14CA13, 2014-Ohio-5698.

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

2015-0244. State v. Phillips.

Mahoning App. No. 14 MA 34, 2015-Ohio-0069.

2015-0260. State v. Adams.

Mahoning App. No. 13 MA 130, 2014-Ohio-5854.

2015-0268. Midwestern Auto Sales, Inc. v. Lattimore.

Butler App. Nos. CA2014-02-029, CA2014-02-030, CA2014-02-031, CA2014-02-032, CA2014-03-067, CA2014-03-068, CA2014-04-086, and CA2014-04-087, 2015-Ohio-53.

O'Neill, J., dissents.

2015-0392. State v. Sultaana.

Cuyahoga App. No. 101492.

2015-0491. U.S. Bank, N.A. v. Jones.

Hamilton App. No. C-140564.

2015-0492. Vargas-Smith v. Mt. Carmel Health Plan, Inc.

Franklin App. No. 15AP-03. Appellees' motions to dismiss and appellant's motion to strike are denied.

French, J., dissents and would dismiss.

2015-0498. State v. Kinder.

Cuyahoga App. No. 101515, 2015-Ohio-608.

2015-0500. Miller v. Coleman.

Franklin App. No. 15AP-165.

2015-0506. State v. Perkins.

Seneca App. Nos. 13-14-16 and 13-14-17.

2015-0519. State v. Cargill.

Summit App. Nos. 27011 and 27590, 2015-Ohio-661.

2015-0560. State v. Brown.

Butler App. No. CA2014-02-037.

2015-0562. State v. Martin-Williams.

Stark App. No. 2014CA00086, 2015-Ohio-780.

2015-0570. State v. Perry.

Richland App. Nos. 13CA56, 14CA27, and 14CA28, 2015-Ohio-779.

2015-0571. State v. Bandy.

Cuyahoga App. Nos. 101785 and 101786, 2015-Ohio-1033. Appellant's motions for orders to transmit records and to transmit supplemental record are denied.

2015-0577. State v. Lenoir.

Montgomery App. No. 26080, 2015-Ohio-1045.

2015-0578. State v. White.

Seneca App. No. 13-14-29, 2015-Ohio-817.

2015-0590. Barton v. Barton.

Greene App. Nos. 2014-CA-21 and 14-CA-46, 2015-Ohio-31.

2015-0596. Allen v. Lowes Stores, No. 2338.

Hamilton App. No. C-140454.

2015-0599. Ebbing v. Mathis.

Butler App. No. CA2014-10-207.

2015-0603. Traditions at Stygler Rd., Inc. v. Vargas-Smith.

Franklin App. No. 15AP-69.

2015-0608. State v. Butler.
Richland App. No. 15CA12.

2015-0614. State v. Young.
Hamilton App. No. C-140236, 2015-Ohio-774.

2015-0618. Barrett v. Soltesz.
Erie App. No. E-14-089, 2015-Ohio-794.

2015-0620. State v. Grable.
Clark App. No. 2014-CA-52, 2015-Ohio-788.

2015-0625. State v. Taylor.
Cuyahoga App. No. 102020, 2015-Ohio-1314. Appellant's amended motion to stay is denied.

2015-0635. Hornsby v. Gosser.
Warren App. No. CA2013-12-134, 2015-Ohio-162.

2015-0638. State v. Fox.
Franklin App. No. 14AP-574.

2015-0639. Grenoble v. Rion, Rion & Rion, L.P.A., Inc.
Preble App. No. CA2014-07-006, 2015-Ohio-971.

2015-0641. State v. McIntire.
Huron App. No. H-13-018, 2015-Ohio-1057.

2015-0645. State v. Lundy.
Allen App. No. 1-13-52.

2015-0650. State v. Boles.
Brown App. No. CA2012-06-012.

2015-0656. Sabo v. Ohio State Adult Parole Auth.
Franklin App. No. 15AP-127.

2015-0662. State v. Adams.
Franklin App. No. 14AP-623, 2015-Ohio-868.

2015-0664. State v. Bertuzzi.

Marion App. No. 9-13-12.

2015-0672. State v. Braddy.

Cuyahoga App. No. 101774, 2015-Ohio-1154.

2015-0676. State v. Thompson.

Cuyahoga App. No. 101382, 2015-Ohio-872.

2015-0692. State v. Castile.

Franklin App. No. 13AP-10.

2015-0699. State v. Brown.

Stark App. No. 2014CA00102, 2015-Ohio-1006.

2015-0702. State v. Aguirre.

Lorain App. No. 13CA010418, 2015-Ohio-922.

2015-0736. State v. Conner.

Lucas App. No. L-13-1275, 2015-Ohio-1274.

2015-0737. State v. Bowman.

Montgomery App. No. 26162, 2015-Ohio-1162.

2015-0743. State v. Ferrell.

Cuyahoga App. No. 100659, 2015-Ohio-1446.

2015-0853. In re Adoption of L.C.F.

Cuyahoga App. Nos. 101798 and 101799, 2015-Ohio-1545.

French and O'Neill, JJ., dissent.

RECONSIDERATION OF PRIOR DECISIONS

2014-0235. Hillenmeyer v. Cleveland Bd. of Rev.

Board of Tax Appeals, No. 2009-3688. Reported at __ Ohio St.3d __, 2015-Ohio-1623, __ N.E.3d __. On motion for reconsideration. Motion denied.

2014-0292. Saturday v. Cleveland Bd. of Rev.

Board of Tax Appeals, No. 2011-4027. Reported at __ Ohio St.3d __, 2015-Ohio-1625, __ N.E.3d __. On motion for reconsideration. Motion denied.

2014-1682. State v. Taylor.

Cuyahoga App. No. 100315, 2014-Ohio-3134. Reported at 142 Ohio St.3d 1447, 2015-Ohio-1591, 29 N.E.3d 1003. On motion for reconsideration. Motion denied.

2014-1723. Tadijanac v. Jefferson Twp. Bellville Fire Dept.

Richland App. Nos. 14CA20 and 14CA24, 2014-Ohio-4332. Reported at 142 Ohio St.3d 1447, 2015-Ohio-1591, 29 N.E.3d 1003. On motion for reconsideration. Motion denied.

Pfeifer and O'Neill, JJ., dissent.

2014-1954. State v. Sowards.

Gallia App. No. 06CA13. Reported at 142 Ohio St.3d 1449, 2015-Ohio-1591, 29 N.E.3d 1004. On motion for reconsideration. Motion denied.

French and O'Neill, JJ., dissent.

2014-2222. State v. Steele.

Cuyahoga App. Nos. 101139 and 101140, 2014-Ohio-5431. Reported at 142 Ohio St.3d 1452, 2015-Ohio-1591, 29 N.E.3d 1005. On motion for reconsideration. Motion denied.

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