

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

September 16, 2015

[Cite as *09/16/2015 Case Announcements*, 2015-Ohio-3733.]

MERIT DECISIONS WITH OPINIONS

2014-1392. Disciplinary Counsel v. Bunstine, Slip Opinion No. 2015-Ohio-3729.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 2013-028. Edward Royal Bunstine, Attorney Registration No. 0030127, is hereby suspended from the practice of law in Ohio for six months, with no credit for time served under the suspension imposed in *Disciplinary Counsel v. Bunstine*, 136 Ohio St.3d 276, 2013-Ohio-3681, 995 N.E.2d 184.

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

Lanzinger, J., dissents and would indefinitely suspend the respondent from the practice of law in Ohio.

O'Neill, J., dissents and would publically reprimand the respondent.

2014-2159. Disciplinary Counsel v. Quinn, Slip Opinion No. 2015-Ohio-3687.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 2014-038. Charles Richard Quinn, Attorney Registration No. 0009417, is hereby suspended from the practice of law in Ohio for six months.

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

Pfeifer and O'Neill, JJ., dissent, and would stay the entire term of respondent's six-month suspension.

2015-0277. Cleveland Metro. Bar Assn. v. Haynes, Slip Opinion No. 2015-Ohio-3706.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 2014-025. Dawn Trinh Haynes, Attorney Registration No. 0074001, is

hereby suspended from the practice of law in Ohio for two years, with the final six months stayed on condition.

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

Lanzinger and O'Neill, JJ., dissent, and would grant respondent credit for time served under interim suspension.

MERIT DECISIONS WITHOUT OPINIONS

2015-0991. State ex rel. Walker v. Fifth Dist. Court of Appeals.

In Mandamus and Prohibition. On motion to dismiss. Motion granted. On motion to stay discovery and motion for leave to be relieved of duty to provide electronic copy of requests for admissions pursuant to Civil Rule 36. Motions denied as moot.

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

2015-1010. State ex rel. Jackson v. Judges Court of Appeals.

In Mandamus. On motion to dismiss. Motion granted. On motion to amend complaint and respondents' motion to dismiss amended complaint. Motions denied as moot.

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

2015-1037. State ex rel. Bloodworth v. Hendrickson.

In Mandamus. On complaint in mandamus of Ronald Bloodworth. On S.Ct.Prac.R. 10.5 determination, cause dismissed. On motion for default judgment and motion for immediate issuance of peremptory writ. Motions denied as moot.

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

2015-1063. State ex rel. Jordan v. Hendon.

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.

2015-1100. Cook v. Marsh.

In 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.

2015-1172. State ex rel. Knuckles v. Ninth Dist. Court of Appeals.

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.

MOTION AND PROCEDURAL RULINGS

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

Board of Tax Appeals, No. 2009-3688. On motion to stay judgment mandate pending appeal to the United States Supreme Court. Motion granted.

Pfeifer, J., dissents.

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

Board of Tax Appeals, No. 2011-4027. On motion to stay judgment mandate pending appeal to the United States Supreme Court. Motion granted.

Pfeifer, J., dissents.

2014-0358. Lycan v. Cleveland.

Cuyahoga App. No. 99698, 2014-Ohio-203. This cause is pending before the court as an appeal from the Court of Appeals for Cuyahoga County.

It is ordered by the court, sua sponte, that the parties shall file supplemental briefs on or before 20 days from the date of this entry, addressing the following questions:

1. Is there a final appealable order in which the trial court ruled on the res judicata question raised in appellant's proposition of law?
2. If the answer to question 1 is "yes," did appellant timely appeal that trial court order?
3. If the answer to question 1 is "no," are there other grounds allowing this court to address res judicata in the first instance on appeal of a class-certification order?

No requests or stipulations for extension of time to file the supplemental briefs shall be permitted and the clerk of court shall refuse to file any requests or stipulations for extension of time.

2014-1984. State v. Barry.

Scioto App. No. 13CA3569, 2014-Ohio-4452. On joint motion to reverse and vacate pursuant to *State v. Straley*, 139 Ohio St.3d 339, 2014-Ohio-2139, 11 N.E.3d 1175. Motion denied.

O'Donnell, J., dissents.

2014-2064. State v. Barry.

Scioto App. No. 13CA3569, 2014-Ohio-4452. On joint motion to reverse and vacate pursuant to *State v. Straley*, 139 Ohio St.3d 339, 2014-Ohio-2139, 11 N.E.3d 1175. Motion denied.

O'Donnell, J., dissents.

2015-1029. State v. Thompson.

Cuyahoga App. No. 100797, 2015-Ohio-2261. On second motion to stay. Motion denied.

2015-1121. State v. Eicholtz.

Clark App. No. 2014-CA-45, 2015-Ohio-1937. On motion for leave to file delayed appeal. Motion granted.

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

2015-1122. State v. Wilson.

Montgomery App. No. 26354, 2015-Ohio-1584. On motion for leave to file delayed appeal. Motion denied.

Kennedy, J., dissents.

2015-1145. State v. Taulbee.

Fairfield App. No. CA-14-5, 2015-Ohio-1004. On motion for leave to file delayed appeal. Motion denied.

2015-1146. State v. Butler.

Richland App. No. 14 CA 21, 2014-Ohio-4679. On motion for leave to file delayed appeal. Motion denied. On motion to strike notice of appeal and motion for delayed appeal. Motions denied as moot.

2015-1178. State v. Young.

Franklin App. No. 14AP-721, 2015-Ohio-2006. On motion for leave to file delayed appeal. Motion granted.

Pfeifer, J., dissents.

2015-1196. State v. Rogers.

Cuyahoga App. No. 101063, 2014-Ohio-3924. On motion for leave to file delayed appeal. Motion denied.

2015-1209. State v. Cody.

Cuyahoga App. No. 102213, 2015-Ohio-2764. On motion for stay. Motion denied.

2015-1217. State v. Wooden.

Franklin App. No. 13AP-557, 2014-Ohio-316. On motion for leave to file delayed appeal. Motion denied.

2015-1238. State v. Clyde.

Erie App. No. E-14-006, 2015-Ohio-1859. On motion for leave to file delayed appeal. Motion denied.

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

2015-1285. College Hills Assn. v. TT Group, L.L.C.

Lake App. No. 2014-L-016, 2015-Ohio-1406. On motion for stay of court of appeals' judgment. Motion denied.

O'Neill, J., dissents and would grant the motion and continue bond.

APPEALS ACCEPTED FOR REVIEW

2015-0467. Antoon v. Cleveland Clinic Found.

Cuyahoga App. No. 101373, 2015-Ohio-421.

Pfeifer and O'Neill, JJ., dissent.

2015-0473. State v. Thomas.

Cuyahoga App. No. 101202, 2015-Ohio-415.

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

APPEALS NOT ACCEPTED FOR REVIEW

2013-1651. State v. Conway.

Franklin App. No. 12AP-412, 2013-Ohio-3741.

French, J., not participating.

2015-0227. In re R.T.

Cuyahoga App. No. 101093, 2014-Ohio-5686.
O'Donnell, J., dissents.

2015-0409. State v. O'Neill.

Allen App. No. 1-14-21, 2015-Ohio-815.
O'Neill, J., dissents.

2015-0413. State v. Richardson.

Hamilton App. No. C-1400018.

2015-0415. Smith v. ExpressJet Airlines, Inc.

Cuyahoga App. No. 101336, 2015-Ohio-313.

2015-0425. White v. Cleveland.

Cuyahoga App. No. 101167, 2014-Ohio-3926.

2015-0427. Taylor v. Taylor.

Miami App. No. 2014-CA-16, 2015-Ohio-353.

2015-0430. Dept. of Natural Resources v. Knapke Trust.

Mercer App. No. 10-13-25, 2015-Ohio-470.
O'Neill, J., dissents.

2015-0431. State v. Williams.

Licking App. No. 14-CA-67, 2015-Ohio-371.
O'Connor, C.J., dissents.

2015-0436. Manion v. Interbrand Design Forum, L.L.C.

Montgomery App. No. 26185, 2015-Ohio-348.
Pfeifer, J., dissents.

2015-0453. Swoger v. Hogue.

Tuscarawas App. No. 2013 AP 011 004, 2015-Ohio-506.

2015-0455. Stanton v. Jerusalem Twp.

Lucas App. Nos. L-13-1197 and L-14-1070, 2015-Ohio-463.

2015-0458. Cushing v. Sheffield Lake.

Lorain App. No. 13CA010464, 2014-Ohio-4617.

2015-0466. Duncan v. Maag.
Guernsey App. No. 14 CA 13, 2015-Ohio-505.

2015-0469. Schneider v. Razek.
Cuyahoga App. Nos. CA-100939 and CA-101011, 2015-Ohio-410.

2015-0470. State v. Dibble.
Franklin App. No. 13AP-798, 2014-Ohio-5754.
French, J., not participating.

2015-0475. State v. Bozhukov.
Cuyahoga App. No. 101250, 2015-Ohio-418.

2015-0485. Brown v. Martin.
Fairfield App. No. 14-CA-31, 2015-Ohio-503.

2015-0486. Bern Custom Homes, Inc. v. Johnson.
Cuyahoga App. Nos. 100837 and 101014, 2014-Ohio-3918.

2015-0488. MidFirst Bank v. Nichols.
Wayne App. No. 14AP0038.
O'Neill, J., dissents.

2015-0493. Roy v. Durrani.
Hamilton App. No. C-140181, 2015-Ohio-11.

2015-0496. State v. Summers.
Mercer App. No. 10-13-22, 2014-Ohio-4538.

2015-0497. State v. O'Neal.
Fairfield App. No. 13-CA-90, 2015-Ohio-537.
O'Neill, J., dissents.

2015-0504. Hogg v. Heath.
Cuyahoga App. No. 100188, 2015-Ohio-515.

2015-0508. Turner v. Cathedral Ministries.
Sandusky App. No. S-14-020, 2015-Ohio-633.
O'Donnell and Kennedy, JJ., dissent.

2015-0523. State v. Harper.

Lawrence App. No. 14CA19, 2015-Ohio-671.

2015-0533. Fritzgerald v. Cleveland Civ. Serv. Comm.

Cuyahoga App. No. 101586, 2015-Ohio-609.

O'Donnell, J., dissents.

2015-0547. State v. Richards.

Athens App. No. 14CA1, 2015-Ohio-669.

O'Donnell, J., dissents.

2015-0564. State v. Shafei.

Butler App. Nos. CA2013-11-196, CA2014-03-072, and CA2014-05-102, 2015-Ohio-645.

French, J., dissents.

2015-0568. State v. Bonner.

Hamilton App. No. C-140152.

2015-0573. Bank of Am., N.A. v. Adams.

Cuyahoga App. No. 101056, 2015-Ohio-675.

2015-0580. State v. Price.

Cuyahoga App. No. 100981, 2015-Ohio-411.

2015-0611. State v. Robinson.

Hamilton App. No. C-140043, 2015-Ohio-773.

2015-0624. State v. Armstrong.

Hamilton App. No. C-140325.

2015-0627. State v. Youssef.

Cuyahoga App. No. 101362, 2015-Ohio-766.

O'Donnell, J., dissents and would accept the cause on Proposition of Law No. IV.

2015-0901. State v. Jones.

Marion App. No. 9-14-48.

2015-0939. Pinkney v. Ohio Dept. of Rehab.

Cuyahoga App. No. 102904.

2015-0940. State v. Sandridge.

Cuyahoga App. No. 101653, 2015-Ohio-1541.

2015-0952. State v. Pointer.

Hamilton App. No. C-140422.

2015-0953. Coles v. I-Force & Mancor Industries.

Montgomery App. No. 26385, 2015-Ohio-1040.

2015-0954. State v. Morrison.

Muskingum App. No. CT2014-0042, 2015-Ohio-2018.

O'Donnell, J., dissents.

2015-0959. State v. Dellick.

Trumbull App. No. 2014-T-0080, 2015-Ohio-1608.

2015-0963. Green v. Clair.

Summit App. No. 27467, 2015-Ohio-662.

O'Donnell, J., dissents.

2015-0966. State v. Bachman.

Stark App. No. 2014CA00198, 2015-Ohio-2054.

2015-0967. State v. Hertel.

Delaware App. No. 14 CAA 04 0019, 2015-Ohio-1168.

2015-0973. State v. Devore.

Richland App. No. 15CA22, 2015-Ohio-3599. On appellee's motion to dismiss.
Motion denied as moot.

2015-0974. Ogle v. Ohio Power Co.

Hocking App. No. 14CA15, 2015-Ohio-1724.

2015-0979. Miller v. Crawford.

Franklin App. No. 15AP-452.

2015-0982. State v. Ramallo.

Lucas App. No. L-14-1026, 2015-Ohio-1792.

2015-0988. State v. Ragle.

Summit App. No. 27538, 2015-Ohio-1523.

2015-0993. Bank of Am. v. Valentine.

Delaware App. No. 14 CAE 07 0042, 2015-Ohio-1107.

2015-1006. State v. Horna.

Butler App. No. CA2013-11-210, 2015-Ohio-1697.

2015-1007. State v. Melhado.

Franklin App. No. 15AP-396.

2015-1009. State v. Calhoun.

Geauga App. No. 2014-G-3240, 2015-Ohio-810.

2015-1011. Bostic v. Davis.

Franklin App. No. 14AP-635, 2015-Ohio-1968.

2015-1013. State v. Hertel.

Delaware App. No. 14 CAA 04 0019, 2015-Ohio-1168.

2015-1021. State v. Bland.

Mahoning App. No. 14 MA 9, 2015-Ohio-1797.

2015-1022. State v. Matthews.

Miami App. No. 2014-CA-23, 2015-Ohio-1750.

2015-1035. State v. Coleman.

Allen App. No. 1-13-53, 2014-Ohio-5320.

2015-1036. Pinkney v. Ohio Dept. of Rehab.

Cuyahoga App. No. 102821.

2015-1040. Lavery v. Akron Hous. Appeals Bd., Dept. of Pub. Serv.

Summit App. No. 27383, 2015-Ohio-1277.

2015-1058. State v. Johnson.

Cuyahoga App. No. 46837.

2015-1067. State v. Humberto.

Franklin App. No. 10AP-527.

2015-1070. State v. Keeler.

Cuyahoga App. No. 101748, 2015-Ohio-1831.

O'Donnell, J., dissents.

2015-1080. State v. Thomas.

Cuyahoga App. No. 96146, 2015-Ohio-1944.

2015-1094. State v. Robinson.

Cuyahoga App. No. 102906.

2015-1105. State v. Flower.

Mahoning App. No. 14 MA 148, 2015-Ohio-2335.

2015-1110. State v. Canada.

Franklin App. No. 14AP-523, 2015-Ohio-2167.

2015-1112. State v. Kirby.

Summit App. No. 27060, 2014-Ohio-5643.

2015-1124. State v. Wolf.

Lake App. Nos. 93-L-151 and 94-L-047.

2015-1130. State v. Jones.

Butler App. No. CA2014-12-260.

2015-1161. State v. Williams.

Stark App. No. 2015 CA 00028, 2015-Ohio-2118.

RECONSIDERATION OF PRIOR DECISIONS

2014-0601. Kuhn v. Kuhn.

Guernsey App. No. 13-CA-24, 2014-Ohio-126. Reported at __ Ohio St.3d __, 2015-Ohio-2806, __ N.E.3d __. On motion for reconsideration. Motion denied. On revised motion to strike appellant's motion for reconsideration. Motion denied as moot.

Kennedy and French, JJ., dissent and would grant the motion for reconsideration.

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

In Mandamus. Reported at 143 Ohio St.3d 1402, 2015-Ohio-2747, 34 N.E.3d 131. On motion for reconsideration. Motion denied.

2015-0083. Brannan v. Scioto Cty.

Scioto App. No. 13CA3555, 2014-Ohio-4453. Reported at 143 Ohio St.3d 1404, 2015-Ohio-2747, 34 N.E.3d 132. On motion for reconsideration. Motion denied.

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

2015-0095. State v. Jones.

Ashtabula App. No. 2014-A-0017, 2014-Ohio-5705. Reported at 143 Ohio St.3d 1416, 2015-Ohio-2911, 34 N.E.3d 930. On motion for reconsideration. Motion denied.

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

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

Portage App. No. 2014-P-0001, 2014-Ohio-5383. Reported at 143 Ohio St.3d 1404, 2015-Ohio-2747, 34 N.E.3d 132. On motion for reconsideration. Motion denied.

Pfeifer, J., dissents.

2015-0114. Westgate Ford Trucksales, Inc. v. Ford Motor Co.

Cuyahoga App. Nos. 101073 and 101136, 2014-Ohio-5429. Reported at 143 Ohio St.3d 1404, 2015-Ohio-2747, 34 N.E.3d 132. On motion for reconsideration. Motion denied.

Pfeifer, J., dissents.

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

Cuyahoga App. No. 101394, 2014-Ohio-5442. Reported at 143 Ohio St.3d 1405, 2015-Ohio-2747, 34 N.E.3d 133. On motion for reconsideration. Motion denied.

O'Donnell and French, JJ., dissent.

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

2015-0157. State v. Diebert.

Wood App. No. WD-13-069, 2014-Ohio-5588. Reported at 143 Ohio St.3d 1417, 2015-Ohio-2911, 34 N.E.3d 930. On motion for reconsideration. Motion denied.

O'Connor, C.J., dissents.

O'Donnell, J., dissents and would grant the motion for reconsideration, and would accept and hold the cause for decision in 2014-0941, *State v. Shabazz*.

2015-0161. State v. Scaggs.

Wood App. No. WD-13-068, 2014-Ohio-5592. Reported at 143 Ohio St.3d 1417, 2015-Ohio-2911, 34 N.E.3d 930. On motion for reconsideration. Motion denied.

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

O'Donnell, J., dissents and would grant the motion for reconsideration, and would accept and hold the cause for decision in 2014-0941, *State v. Shabazz*.

2015-0178. Gullie v. Cuyahoga Cty.

Cuyahoga App. No. 100927, 2014-Ohio-4383. Reported at 143 Ohio St.3d 1417, 2015-Ohio-2911, 34 N.E.3d 930. On motion for reconsideration. Motion denied.

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

2015-0244. State v. Phillips.

Mahoning App. No. 14 MA 34, 2015-Ohio-69. Reported at 143 Ohio St.3d 1405, 2015-Ohio-2747, 34 N.E.3d 133. On motion for reconsideration. Motion denied.

2015-0380. State ex rel. Harrison v. Lazaroff.

Richland App. No. 14CA66, 2015-Ohio-508. Reported at 142 Ohio St.3d 1473, 2015-Ohio-2015, 31 N.E.3d 652. On motion for reconsideration. Motion denied.

O'Neill, J., dissents.

2015-0392. State v. Sultaana.

Cuyahoga App. No. 101492. Reported at 143 Ohio St.3d 1405, 2015-Ohio-2747, 34 N.E.3d 133. On motion for reconsideration. Motion denied.

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

Hamilton App. No. C-140564. Reported at 143 Ohio St.3d 1405, 2015-Ohio-2747, 34 N.E.3d 133. On motion for reconsideration. Motion denied.

2015-0562. State v. Martin-Williams.

Stark App. No. 2014CA00086, 2015-Ohio-780. Reported at 143 Ohio St.3d 1406, 2015-Ohio-2747, 34 N.E.3d 133. On motion for reconsideration. Motion denied.

2015-0616. State ex rel. Adams v. Winkler.

Hamilton App. No. C-150087. Reported at 142 Ohio St.3d 1522, 2015-Ohio-2508, 33 N.E.3d 68. On motion for reconsideration. Motion denied.

French, J., dissents.

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

Reported at 143 Ohio St.3d 1402, 2015-Ohio-2747, 34 N.E.3d 131. On motion for reconsideration. Motion denied.

2015-0655. State v. Kronenberg.

Cuyahoga App. No. 101403, 2015-Ohio-1020. Reported at 143 Ohio St.3d 1419, 2015-Ohio-2911, 34 N.E.3d 931. On motion for reconsideration. Motion denied.

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

Reported at 143 Ohio St.3d 1402, 2015-Ohio-2747, 34 N.E.3d 131. On motion for reconsideration. Motion denied.

2015-0718. State v. Bridges.

Cuyahoga App. No. 100805, 2015-Ohio-1447. Reported at 143 Ohio St.3d 1420, 2015-Ohio-2911, 34 N.E.3d 932. On motion for reconsideration. Motion denied. On motion for immediate stay. Motion denied as moot.

2015-0747. State ex rel. Hillard v. Reece.

Reported at 143 Ohio St.3d 1414, 2015-Ohio-2911, 34 N.E.3d 928. On motion for reconsideration. Motion denied.

2015-0818. State v. Vinson.

Franklin App. No. 08AP-381. Reported at 143 Ohio St.3d 1420, 2015-Ohio-2911, 34 N.E.3d 932. On motion for reconsideration. Motion denied.

French, J., not participating.