

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

March 23, 2016

[Cite as *03/23/2016 Case Announcements*, 2016-Ohio-1173.]

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## MERIT DECISIONS WITH OPINIONS

**2014-1055. Griffith v. Aultman Hosp., Slip Opinion No. 2016-Ohio-1138.**

Stark App. No. 2013CA00142, 2014-Ohio-1218. Judgment reversed and cause remanded.

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

O’Connor, J., concurs in judgment only.

O’Donnell, J., dissents with an opinion.

Lanzinger, J., dissents with an opinion.

**2014-1126. Radatz v. Fed. Natl. Mtge. Assn., Slip Opinion No. 2016-Ohio-1137.**

Cuyahoga App. No. 100205, 2014-Ohio-2179. Judgment affirmed and cause remanded.

O’Donnell, Kennedy, and French, JJ., concur.

Pfeifer, J., concurs in judgment only with an opinion in which O’Neill, J., joins.

Lanzinger, J., dissents with an opinion in which O’Connor, C.J., concurs.

**2014-1413. Bigelow v. Am. Family Ins. Co., Slip Opinion No. 2016-Ohio-1135.**

Coshocton App. No. 2013CA24, 2014-Ohio-2945. Judgment vacated and cause remanded.

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

O’Neill, J., dissents.

**2015-0530. State ex rel. Ziegler v. Ohio Dept. of Pub. Safety, Slip Opinion No. 2016-Ohio-1136.**

Lake App. No. 2014-L-064, 2015-Ohio-139. Judgment affirmed.

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

Kennedy, J., concurs in judgment only.

**MERIT DECISIONS WITHOUT OPINIONS**

**2015-1212. Rudolph v. Thomas.**

In Mandamus. On complaint in mandamus of Daniel R. Rudolph. On S.Ct.Prac.R. 12.04 determination, cause dismissed.

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

Kennedy, French, and O'Neill, JJ., dissent, and would deny the petition on the merits.

**2015-1929. Trent v. Cold Crib.**

In Mandamus. On complaint in mandamus of Bradley Trent. On S.Ct.Prac.R. 12.04 determination, cause dismissed.

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

**2015-1959. State ex rel Evans v. Kasich.**

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.

**2015-2002. Johnson v. Ohio Dept. of Rehab. & Corr.**

In Mandamus. On complaint in mandamus of Ronald G. Johnson. On S.Ct.Prac.R. 12.04 determination, cause dismissed.

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

**2015-2015. Tayse v. Summit Cty. Court of Common Pleas.**

In Mandamus. On answer of respondent. On motion for judgment on pleadings. Motion granted. Cause dismissed.

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

**2015-2107. State ex rel. Mattice El v. Cuyahoga Cty. Court of Common Pleas.**  
In Quo Warranto. On motion to dismiss. Motion granted. Cause dismissed.

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

**2016-0014. State ex rel. Evans v. Kasich.**

In Mandamus. On complaint in mandamus of William H. Evans Jr. On S.Ct.Prac.R. 12.04 determination, cause dismissed.

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

## **MOTION AND PROCEDURAL RULINGS**

**2015-1416. State v. Williamson.**

Cuyahoga App. No. 102320, 2015-Ohio-4482. On “motion to amend appeals court opinion and decision to petitioner’s notice of appeal.” Motion denied.

**2015-1671. Huelsman v. Grosz.**

In Quo Warranto. On motion for court order for reformation of company buy-sell agreements. Motion denied.

**2016-0063. State v. Blanton.**

Marion App. No. 9-15-07, 2015-Ohio-4620. On review of an order certifying a conflict. It is determined that no conflict exists within the meaning of S.Ct.Prac.R. 8.02. Cause dismissed.

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

**2016-0100. State v. Schuster.**

Clermont App. Nos. CA2015-05-040 and CA2015-05-041, 2015-Ohio-4818. On motion for leave to file delayed appeal. Motion denied.

O'Neill, J., dissents.

**2016-0146. State v. Dudley.**

Montgomery App. No. 26630, 2015-Ohio-4712. On motion for leave to file delayed appeal. Motion denied.

French, J., dissents.

**2016-0152. State v. Washington.**

Franklin App. No. 15AP-538, 2015-Ohio-4970. On review of an order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause consolidated with 2016-0003, *State v. Washington*, and held for decision in 2015-1221, *In re J.M.*, and briefing schedule stayed.

**2016-0180. Wilson v. Lawrence.**

Cuyahoga App. No. 102585, 2015-Ohio-4677. On review of an order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated at page 1 of the court of appeals' entry filed January 28, 2016:

“Whether R.C. 2117.06 allows for substantial compliance in the presentment requirements of a claim against an estate. If so, whether a plaintiff with a claim against a decedent's estate can meet his burden under R.C. 2117.06(A)(1)(a) to ‘present’ his claim ‘[t]o the executor or administrator in writing’ when the claimant presents the claim to someone other than the fiduciary, who then submits the claim to the fiduciary within the statutory time-frame under R.C. 2117.06.”

The conflict case is *Jackson v. Stevens*, 4th Dist. Scioto No. CA 1231, 1980 WL 350961 (Jan. 2, 1980).

It is ordered by the court that the clerk shall issue an order for the transmittal of the record from the Court of Appeals for Cuyahoga County.

It is ordered by the court, sua sponte, that this cause is consolidated with 2015-2081, *Wilson v. Lawrence*, and that the briefing in 2015-2081 and 2016-0180 shall be consolidated. The parties shall file two originals of each of the briefs under S.Ct.Prac.R. 16.02 through 16.04 and include both case numbers on the cover of the briefs. The parties shall otherwise comply with the requirements of S.Ct.Prac.R. 16.01 through 16.04.

O'Donnell and French, JJ., dissent.

**2016-0213. State v. Kepler.**

Muskingum App. No. CT2015-0021, 2015-Ohio-3291. On motion for stay of court of appeals' judgment. Motion denied.

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

## **APPEALS ACCEPTED FOR REVIEW**

**2015-1893. State v. Bell.**

Cuyahoga App. No. 102141, 2015-Ohio-4178. Discretionary appeal accepted and held for decision in 2015-1427, *State v. Jones*. Cross-appeal accepted and held for decision in 2015-0473, *State v. Thomas*. Sua sponte, briefing schedule stayed.

O'Connor, C.J., dissents and would not accept the discretionary appeal.

Pfeifer and French, JJ., dissent.

**2015-1975. Ferguson v. State.**

Cuyahoga App. No. 102553, 2015-Ohio-4499.

**2015-1986. State v. Jackson.**

Cuyahoga App. No. 102271, 2015-Ohio-4490. Discretionary appeal accepted and held for decision in 2015-0473, *State v. Thomas*, and briefing schedule stayed.

Pfeifer, J., dissents.

**2015-1987. State v. Burton.**

Cuyahoga App. No. 102378, 2015-Ohio-4494. Discretionary appeal accepted and held for decision in 2015-0473, *State v. Thomas*, and briefing schedule stayed.

Pfeifer, J., dissents.

**2015-1988. State v. Frost.**

Cuyahoga App. No. 102376, 2015-Ohio-4493. Discretionary appeal accepted and held for decision in 2015-0473, *State v. Thomas*, and briefing schedule stayed.

Pfeifer, J., dissents.

**2015-1993. Clendenin v. Girl Scouts of W. Ohio.**

Hamilton App. No. C-140658, 2015-Ohio-4506.

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

**2015-2019. State v. Baird.**

Lake App. No. 2014-L-098, 2015-Ohio-4539. Discretionary appeal accepted and cause held for decision in 2014-1844, *State v. Creech*, and briefing schedule stayed.

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

**2015-2038. Hardesty v. Alcantara.**

Cuyahoga App. No. 102684, 2015-Ohio-4591. Discretionary appeal accepted on Proposition of Law No. I and cause held for decision in 2015-0348, *Argabrite v. Neer*, and briefing schedule stayed.

O'Connor, C.J., and Kennedy and O'Neill, JJ., would also accept the cause on Proposition of Law No. III.

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

**2015-2043. State v. Jenkins.**

Cuyahoga App. No. 102462, 2015-Ohio-4583. Discretionary appeal accepted and held for decision in 2015-0473, *State v. Thomas*, and briefing schedule stayed.

Pfeifer, J., dissents.

**2015-2081. Wilson v. Lawrence.**

Cuyahoga App. No. 102585, 2015-Ohio-4677. Sua sponte, cause consolidated with 2016-0180, *Wilson v. Lawrence*.

**2016-0003. State v. Washington.**

Franklin App. No. 15AP-538, 2015-Ohio-4970. Sua sponte, cause consolidated with 2016-0152, *State v. Washington*, and held for decision in 2015-1221, *In re J.M.*, and briefing schedule stayed.

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

**APPEALS NOT ACCEPTED FOR REVIEW**

**2014-1720. State v. Elmore.**

Licking App. No. 13-CA-84, 2014-Ohio-3674.

Lanzinger, J., dissents.

**2015-1766. State v. Taylor.**

Montgomery App. No. 26500, 2015-Ohio-3510.

**2015-1897. State v. Morefield.**

Clark App. No. 2015-CA-4, 2015-Ohio-4713.

Lanzinger and O'Neill, JJ., dissent and would accept the appeal and hold the cause for decision in 2014-1825, *State v. Marcum*.

Kennedy, J., dissents.

**2015-1961. State v. Perkins.**

Seneca App. Nos. 13-15-20 and 13-15-21.

**2015-1963. State v. Coomer.**

Clinton App. No. CA2015-06-011, 2015-Ohio-4654.

**2015-1965. Ginn v. Stonecreek Dental Care.**

Fayette App. Nos. CA2015-01-001 and CA2015-01-002, 2015-Ohio-4452.

**2015-1970. RPM Midwest, L.L.C. v. Kacan.**

Franklin App. No. 15AP-391.  
O'Donnell, J., dissents.

**2015-1972. State v. Simmonds.**

Franklin App. No. 14AP-1065, 2015-Ohio-4460.

O'Connor, C.J., dissents and would accept the appeal on Proposition of Law No. IV and hold the cause for decision in 2015-0677, *State v. Aalim*.

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

O'Neill, J., dissents and would accept the appeal on Proposition of Law Nos. III and IV and hold the cause for decision in 2015-0677, *State v. Aalim*.

**2015-1973. In re D.B.**

Cuyahoga App. No. 102163, 2015-Ohio-4488.

Kennedy, J., dissents.

**2015-1976. In re A.H.**

Franklin App. No. 15AP-1, 2015-Ohio-4461.

**2015-1978. Fed. Natl. Mtge. Assn. v. Schmidt.**

Franklin App. No. 14AP-844, 2015-Ohio-2659. Motion for leave to file denied as moot.

**2015-1981. Arnold v. Burger King.**

Cuyahoga App. No. 101465, 2015-Ohio-4485.

Kennedy, J., dissents.

**2015-1990. State v. Jones.**

Montgomery App. No. 26529, 2015-Ohio-4512.

Kennedy and French, JJ., dissent.

**2015-1991. In re J.W.**

Cuyahoga App. No. 102737, 2015-Ohio-4503.

O'Donnell and Kennedy, JJ., dissent.

**2015-1992. State v. Tate.**

Cuyahoga App. No. 102474, 2015-Ohio-4496.

O'Donnell, J., dissents.

**2015-1995. State v. Robinson.**

Clermont App. No. CA2015-01-013, 2015-Ohio-4533.

**2015-1998. State v. Cooper.**

Cuyahoga App. No. 103066, 2015-Ohio-4505.  
O'Donnell and Kennedy, JJ., dissent.

**2015-2005. DiSanto v. Thomas.**

Lake App. No. 2015-L-100, 2015-Ohio-4835. Motion for default judgment and/or demand for final order denied as moot.

**2015-2011. Gershuny v. Gershuny.**

Hamilton App. No. C-140482, 2015-Ohio-4454.

**2015-2016. State v. Harless.**

Ashland App. No. 14-COA-034, 2015-Ohio-4753.

**2015-2020. State v. Williams.**

Delaware App. No. 15 CAA 03 0023, 2015-Ohio-4576.

**2015-2023. State v. Richardson.**

Scioto App. No. 14CA3671, 2015-Ohio-4708.

**2015-2026. State v. Ford.**

Cuyahoga App. No. 102617, 2015-Ohio-4588.

**2015-2027. United Bank, Div. of Park Natl. Bank v. Expressway Auto Parts, Ltd.**

Richland App. No. 15CA51, 2015-Ohio-4554.  
Pfeifer, J., dissents.

**2015-2030. Wells Fargo Bank, N.A. v. Fields.**

Cuyahoga App. Nos. 101814 and 101985, 2015-Ohio-4580.  
French, J., dissents.

**2015-2034. Terrace Park v. Anderson Twp. Bd. of Zoning Appeals.**

Hamilton App. Nos. C-140741 and C-140745, 2015-Ohio-4602.  
O'Donnell, J., dissents.

**2015-2035. State v. Jones.**

Ashland App. No. 15 COA 029.



**2015-2036. Henry v. Cleveland Clinic Found.**

Cuyahoga App. No. 101652, 2015-Ohio-1826.

O'Donnell and Kennedy, JJ., dissent.

**2015-2037. Pingue v. Preferred Real Estate Invest. II, L.L.C.**

Delaware App. No. 15 CAE 01 008, 2015-Ohio-4751.

**2015-2039. State v. Smith.**

Williams App. No. WM-15-010.

**2015-2040. Lottridge v. Gahanna-Creekside Invests., L.L.C.**

Franklin App. No. 14AP-600, 2015-Ohio-4562.

**2015-2044. State v. McGee.**

Cuyahoga App. No. 102740, 2015-Ohio-4908.

**2015-2045. State v. Thompson.**

Delaware App. No. 15 CAA 09 0067, 2015-Ohio-5102.

**2015-2048. McMasters v. Kilbarger Constr., Inc.**

Muskingum App. No. CT2015-00010, 2015-Ohio-4663.

Kennedy, J., dissents and would accept the discretionary appeal and consolidate the cause for decision with 2015-2049, *Perry v. Kilbarger Constr., Inc.*, and 2015-2050, *Petry v. Kilbarger Constr., Inc.*

**2015-2049. Perry v. Kilbarger Constr., Inc.**

Muskingum App. No. CT2015-0012, 2015-Ohio-4661.

Kennedy, J., dissents and would accept the discretionary appeal and consolidate the cause for decision with 2015-2048, *McMasters v. Kilbarger Constr., Inc.*, and 2015-2050, *Petry v. Kilbarger Constr., Inc.*

**2015-2050. Petry v. Kilbarger Constr., Inc.**

Muskingum App. No. CT2015-0011, 2015-Ohio-4662.

Kennedy, J., dissents and would accept the discretionary appeal and consolidate the cause for decision with 2015-2048, *McMasters v. Kilbarger Constr., Inc.*, and 2015-2049, *Perry v. Kilbarger Constr., Inc.*

**2015-2052. Green Tree Servicing, L.L.C. v. Brandt.**

Lake App. No. 2014-L-137, 2015-Ohio-4636.

**2015-2054. State v. Price.**

Cuyahoga App. No. 102987, 2015-Ohio-4592.

**2015-2056. State v. Haynes.**

Cuyahoga App. Nos. 102457, 102458, and 102459, 2015-Ohio-4582.  
Pfeifer and O'Donnell, JJ., dissent.

**2015-2057. State v. Barker.**

Lucas App. No. L-14-1032, 2015-Ohio-3615.  
O'Donnell, J., dissents.

**2015-2062. Elyria v. Scott.**

Lorain App. No. 13CA010459, 2015-Ohio-4619.  
Kennedy, J., dissents.

**2015-2064. H&C Ag Servs., L.L.C. v. Ohio Fresh Eggs, L.L.C.**

Hardin App. No. 6-15-02, 2015-Ohio-3714.  
Pfeifer, J., dissents.

**2015-2066. State v. Peacock.**

Cuyahoga App. No. 102567, 2015-Ohio-4697.

**2015-2069. In re S. Children.**

Stark App. No. 2015CA00111, 2015-Ohio-4934.

**2015-2071. State v. Jones.**

Cuyahoga App. No. 102318, 2015-Ohio-4694.

**2015-2082. State v. Dukes.**

Montgomery App. No. 26531, 2015-Ohio-4714.

**2015-2084. Harsh v. Ohio Dept. of Rehab. & Corr.**

Franklin App. No. 15AP-696.

**2015-2103. State v. Braddy.**

Cuyahoga App. No. 103700.

**2015-2108. State v. Ramsey.**

Richland App. No. 14CA90, 2015-Ohio-4812.

**2016-0004. State v. Fisher.**

Franklin App. No. 15AP-449, 2015-Ohio-4969.

**2016-0007. Niepsuj v. Stoner.**

Summit App. No. 27734, 2015-Ohio-4564.

**2016-0012. State v. Johnson.**

Delaware App. No. 14CAA070039.

**2016-0015. State v. Kennell.**

Clermont App. No. CA2015-01-002, 2015-Ohio-4817.

**2016-0021. State v. Mavrakis.**

Summit App. No. 27457, 2015-Ohio-4902.

**2016-0024. State v. Gonzales.**

Franklin App. No. 15AP-947.

**2016-0027. State v. Davenport.**

Franklin App. No. 15AP-96, 2015-Ohio-5120.

**2016-0029. State v. Smith.**

Trumbull App. No. 2013-T-0071.

**2016-0031. State v. Stowers.**

Hamilton App. No. C-150095, 2015-Ohio-4846.

Lanzinger, J., dissents.

**2016-0037. Cook v. Bradley.**

Lorain App. No. 15CA010726, 2015-Ohio-5039.

O'Donnell and Kennedy, JJ., dissent.

**2016-0039. State v. Saltz.**

Hancock App. No. 5-14-33.

**2016-0042. State v. Delaffuente.**

Butler App. Nos. CA2015-03-040 and CA2015-03-042, 2015-Ohio-4917.

**2016-0051. State v. Gray.**

Lucas App. No. L-15-1072, 2015-Ohio-5021.

**2016-0073. Johnson v. Walmart Stores, Inc.**

Cuyahoga App. No. 103883.

**2016-0083. State v. Brown.**

Montgomery App. No. 26320, 2015-Ohio-3912.

**2016-0091. State v. Shinholster.**

Summit App. No. 27687, 2015-Ohio-5098.

**2016-0162. State v. Canada.**

Franklin App. No. 14AP-523.

**2016-0171. State v. Taylor.**

Summit App. No. 27273.

**RECONSIDERATION OF PRIOR DECISIONS**

**2014-0516. Warrensville Hts. City School Dist. Bd. of Edn. v. Cuyahoga Cty. Bd. of Revision.**

Board of Tax Appeals, Nos. 2012-1715, 2012-1748, and 2012-1749. Reported at \_\_ Ohio St.3d \_\_, 2016-Ohio-78, \_\_ N.E.3d \_\_. On motion for reconsideration. Motion denied.

**2014-0656. State ex rel. Huntington Natl. Bank v. Kontos.**

Trumbull App. No. 2013-T-0089, 2014-Ohio-1374. Reported at \_\_ Ohio St.3d \_\_, 2015-Ohio-5190, \_\_ N.E.3d \_\_. On motion for reconsideration. Motion denied. Kennedy, J., dissents.

**2014-1409. State v. Mercier.**

Franklin App. No. 13AP-906, 2014-Ohio-2910. Reported at \_\_ Ohio St.3d \_\_, 2016-Ohio-128, \_\_ N.E.3d \_\_. On motion for reconsideration. Motion denied. O'Donnell, J., dissents.

**2015-0975. State ex rel. Keith v. Ohio Dept. of Rehab. & Corr.**

In Mandamus and Habeas Corpus. Reported at 144 Ohio St.3d 1405, 2015-Ohio-4947, 41 N.E.3d 444. On motion for reconsideration and request for written opinion reflecting statement of facts, points of law, and rationale reflecting basis

for merit decision. Motions denied. On request for judicial notice and correction in entry dated December 2, 2015. Request granted.

O'Neill, J., dissents.

O'Donnell, J., not participating.

**2015-1149. State ex rel. Preston v. Moore.**

In Habeas Corpus. Reported at 144 Ohio St.3d 1405, 2015-Ohio-4947, 41 N.E.3d 445. On motion for reconsideration. Motion denied.

**2015-1295. TriState Capital Bank v. Levis Land, L.L.C.**

Wood App. No. WD-13-023. Reported at 144 Ohio St.3d 1458, 2016-Ohio-172, 44 N.E.3d 287. On motion for reconsideration. Motion denied.

O'Neill, J., dissents.

**2015-1412. Daniels v. Northcoast Anesthesia Providers, Inc.**

Cuyahoga App. No. 102955. Reported at 144 Ohio St.3d 1458, 2016-Ohio-172, 44 N.E.3d 288. On motion for reconsideration. Motion denied.

O'Donnell, J., dissents and would grant the motion.

Kennedy, J., dissents and would grant the motion and hold the cause for decision in 2015-1127, *Burnham v. Cleveland Clinic*.

**2015-1473. Price v. Carter Lumber Co.**

Summit App. No. 27289, 2015-Ohio-1522. Reported at 144 Ohio St.3d 1459, 2016-Ohio-172, 44 N.E.3d 288. On motion for reconsideration. Motion denied.

O'Donnell and Kennedy, JJ., dissent.

**2015-1474. Howell v. Park E. Care & Rehab.**

Cuyahoga App. No. 102111, 2015-Ohio-2403. Reported at 144 Ohio St.3d 1459, 2016-Ohio-172, 44 N.E.3d 288. On motion for reconsideration. Motion denied.

O'Donnell and Kennedy, JJ., dissent and would grant the motion and hold the cause for decision in 2015-1127, *Burnham v. Cleveland Clinic*.

**2015-1485. Cox v. MetroHealth Med. Ctr. Bd. of Trustees.**

Cuyahoga App. No. 101673, 2015-Ohio-2950. Reported at 144 Ohio St.3d 1459, 2016-Ohio-172, 44 N.E.3d 288. On motion for reconsideration. Motion denied.

Pfeifer, J., dissents.

**2015-1664. Wallace v. Nally.**

Columbiana App. No. 14 CO 32, 2015-Ohio-4146. Reported at 144 Ohio St.3d 1460, 2016-Ohio-172, 44 N.E.3d 289. On motion for reconsideration. Motion denied.

**2015-1695. Hupp v. Hupp.**

Franklin App. No. 14AP-755, 2015-Ohio-3594. Reported at 144 Ohio St.3d 1460, 2016-Ohio-172, 44 N.E.3d 289. On motion for reconsideration. Motion denied.

**2015-1752. State v. Shalash.**

Warren App. CA2015-06-057, 2015-Ohio-4237. On motion for reconsideration and request for this cause to be held for the decision in 2015-1782, *State v. Shalash*. Motion and request denied.

O'Connor, C.J., and Lanzinger and O'Neill, JJ., dissent and would grant the motion, accept the appeal, and hold the cause for decision in 2015-1782, *State v. Shalash*.

**2015-1768. Rayess v. McNamee.**

Montgomery App. No. 26543, 2015-Ohio-3163. Reported at 144 Ohio St.3d 1461, 2016-Ohio-172, 44 N.E.3d 289. On motion for reconsideration. Motion denied.

O'Donnell, J., dissents.

**2015-1774. Cleveland Hts. v. Johnson.**

Cuyahoga App. No. 103314. Reported at 144 Ohio St.3d 1461, 2016-Ohio-172, 44 N.E.3d 289. On motion for reconsideration. Motion denied.

**2015-1877. State v. Patterson.**

Stark App. No. 2015CA00125, 2015-Ohio-4325. Reported at 144 Ohio St.3d 1462, 2016-Ohio-172, 44 N.E.3d 289. On motion for reconsideration. Motion denied.