

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

February 10, 2016

[Cite as *02/10/2016 Case Announcements, 2016-Ohio-467.*]

MERIT DECISIONS WITH OPINIONS

2014-1295. State v. Baker, Slip Opinion No. 2016-Ohio-451.

Ashtabula App. No. 2013-A-0020, 2014-Ohio-2873. Judgment reversed.
Pfeifer, O'Donnell, Kennedy, and French, JJ., concur.
O'Connor, C.J., and Lanzinger, J. concur separately.
O'Neill, J., dissents.

MERIT DECISIONS WITHOUT OPINIONS

2015-1753. State ex rel. Long v. Cannon.

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.

2015-1772. State ex rel. Austin v. Dept. of Rehab. & Corr.

In Mandamus. On answer of respondents. 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.

2015-1815. Pianowski v. Peeler.

In Mandamus. On motion to dismiss. Motion granted. Cause dismissed.
O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, and French,
JJ., concur.

O'Neill, J., dissents and would deny the motion to dismiss and deny the writ on the merits.

2015-1834. State ex rel. Mootispaw v. Beathard.

In Mandamus. On complaint in mandamus. 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.

2015-1835. Dumas v. Seventh Dist. Appellate Court Judges.

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

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

2015-1853. State ex rel. Andrews v. Cicconetti.

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.

2015-1864. Violation of Civ. Protection Order.

Miscellaneous case. On motions to dismiss. Motions granted. On motion to declare relator a vexatious litigator. Motion denied.

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

O'Connor, C.J., and Pfeifer and Lanzinger, JJ., concur as to the motions to dismiss and dissent as to the motion to declare relator a vexatious litigator.

2015-1883. Snyder v. Iannotta.

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.

2015-1886. Pianowski v. Krumholtz.

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.

2015-1899. Harris v. Ohio Dept. of Commerce Div. of Unclaimed Funds.

In Mandamus. 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.

2015-1913. Dumas v. Gains.

Miscellaneous case. On motions to dismiss. Motions granted. On motion for leave to amend mandamus. Motion denied. Cause dismissed.

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

Lanzinger, J., concurs as to the motions to dismiss and dissents as to the motion for leave to amend.

French, J., dissents.

2015-1926. State ex rel. Baker v. Fifth Dist. Court of Appeals for Holmes Cty.

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

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

2015-1943. Thomas v. Lake Cty. Court of Common Pleas, Juvenile Div.

In Prohibition. On answer of respondents. 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.

MOTION AND PROCEDURAL RULINGS

2010-0576. State v. Mammone.

Stark C.P. No. 2009CR0859. On S.Ct.Prac.R. 11.06 application for reopening. Application denied.

2013-0118. Taylor Jarvis v. First Resolution Invest. Corp.

Summit App. No. 26042, 2012-Ohio-5653. On motion to dismiss counts IV and V of appellee's amended class-action counterclaim. Motion denied.

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

2014-1966. Tribett v. Shepherd.

Belmont App. No. 13 BE 22, 2014-Ohio-4320. It is ordered by the court, sua sponte, that this cause is no longer held for the decision in 2014-0803, *Walker v. Shondrick-Nau*, and the stay of the briefing schedule in this case is lifted.

It is further ordered that the clerk shall issue an order for the transmittal of the record from the Court of Appeals for Belmont County and the parties shall brief this case in accordance with the Rules of Practice of the Supreme Court of Ohio.

2015-1181. In re Grand Jury Proceeding of John Doe.

Cuyahoga App. No. 102977. On motion to file all pleadings and other filings under seal and for an order placing this proceeding under seal until further notice. Motion granted. On motion to file under seal this motion and joint merit brief. Motion granted.

Pfeifer, J., dissents.

2015-1182. In re Grand Jury Proceedings of John Doe.

Cuyahoga App. No. 102977. On motion to file all pleadings and other filings under seal and for an order placing this proceeding under seal until further notice. Motion granted. On motion to file under seal this motion and joint merit brief. Motion granted.

Pfeifer, J., dissents.

2015-1187. In re Grand Jury Proceeding of John Doe.

Cuyahoga App. No. 102978. On motion to file all pleadings and other filings under seal and for an order placing this proceeding under seal until further notice. Motion granted.

Pfeifer, J., dissents.

2015-1189. In re Grand Jury Proceeding of John Doe.

Cuyahoga App. No. 102978. On motion to file all pleadings and other filings under seal and for an order placing this proceeding under seal until further notice. Motion granted.

Pfeifer, J., dissents.

2015-1239. In re Grand Jury Proceeding of John Doe.

Cuyahoga App. No. 102979. On motion to file all pleadings and other filings under seal and for an order placing this proceeding under seal until further notice. Motion granted.

Pfeifer, J., dissents.

2015-1240. In re Grand Jury Proceeding of John Doe.

Cuyahoga App. No. 102979. On motion to file all pleadings, motions, and other filings under seal and for an order placing this proceeding under seal until further notice. Motion granted.

Pfeifer, J., dissents.

2015-1953. Antioch Co. Litigation Trust v. Morgan.

Certified Question of State Law, United States Court of Appeals for the Sixth Circuit, No. 14-3790. On review of preliminary memoranda pursuant to S.Ct.Prac.R. 9.05. The court determines that it will not answer the certified question. The cause is therefore dismissed.

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

Pfeifer and O'Neill, JJ., dissent.

2015-1983. State v. Moss.

Fairfield App. No. 15-CA-27, 2015-Ohio-4333. On motion for leave to file delayed appeal. Motion denied.

Kennedy and O'Neill, JJ., dissent.

2015-1999. State v. Montgomery.

Cuyahoga App. No. 102043, 2015-Ohio-2158. On motion for leave to file delayed appeal. Motion denied.

2015-2031. State v. Blount.

Brown App. No. CA2015-07-017. On motion for leave to file delayed appeal. Motion denied.

2015-2033. State v. Hill.

Cuyahoga App. No. 101755, 2015-Ohio-1456. On motion for leave to file delayed appeal. Motion denied.

2015-2041. State v. Tran.

Cuyahoga App. No. 100057, 2014-1829. On motion for leave to file delayed appeal. Motion denied.

2015-2042. State v. Howard.

Montgomery App. No. 26360, 2015-Ohio-3917. On motion for leave to file delayed appeal. Motion denied.

O'Neill, J., dissents.

2015-2046. State v. Artripe.

Knox App. No. 15CA7, 2015-Ohio-4155. On motion for leave to file delayed appeal. Motion denied.

Kennedy and O’Neill, JJ., dissent.

2015-2067. State v. Bell.

Putnam App. No. 12-15-01, 2015-Ohio-3817. On motion for leave to file delayed appeal. Motion denied.

O’Neill, J., dissents.

2015-2074. State v. Meadows.

Summit App. No. 26549, 2013-Ohio-4271. On motion for leave to file delayed appeal. Motion denied.

2015-2077. U.S. Bank, N.A. v. Wilkens.

Cuyahoga App. No. 103168. On motion for immediate stay. Motion denied.

Pfeifer and O’Neill, JJ., dissent.

APPEALS ACCEPTED FOR REVIEW

2015-1549. Dayton v. State.

Montgomery App. No. 26643, 2015-Ohio-3160.

O’Connor, C.J., and Pfeifer, J., dissent.

O’Donnell, J., not participating.

2015-1581. Ohio Patrolmen’s Benevolent Assn. v. Findlay.

Cuyahoga App. No. 102282, 2015-Ohio-3234. Appeal accepted on Proposition of Law No. I only.

Pfeifer and O’Neill, JJ., would accept the appeal on all propositions of law.

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

2015-1592. State v. Stearns.

Cuyahoga App. Nos. 102463, 2015-Ohio-3239. Appeal accepted and cause held for the decision in 2015-0473, *State v. Thomas*, and briefing schedule stayed.

O’Connor, C.J., and Pfeifer and O’Neill, JJ., dissent.

2015-1610. In re R.A.H.

Cuyahoga App. No. 101936, 2015-Ohio-3342. Appeal accepted, Proposition of Law No. I held for the decision in 2014-2190, *In re A.G.*, and Proposition of Law No. II held for the decision in 2014-0607, *In re D.S.*, and briefing schedule stayed.

Lanzinger and French, JJ., would not accept Proposition of Law No. II.
Kennedy, J., dissents.

2015-1634. State v. Clark.

Cuyahoga App. No. 102758, 2015-Ohio-4089. Appeal accepted and cause held for the decision in 2015-1288, *State v. Heinz*, and briefing schedule stayed.

2015-1637. State v. Sheppard.

Cuyahoga App. No. 102563, 2015-Ohio-4084. Appeal accepted and cause held for the decision in 2015-1288, *State v. Heinz*, and briefing schedule stayed.

Pfeifer, J., dissents.

APPEALS NOT ACCEPTED FOR REVIEW

2015-1445. State v. Reidenbach.

Coshocton App. No. 2014CA0019, 2015-Ohio-2915.

Lanzinger and O'Neill, JJ., dissent.

French, J., dissents and would accept the cause on Proposition of Law No. IV only.

2015-1534. State v. Calvin.

Cuyahoga App. No. 100296, 2015-Ohio-2759.

2015-1538. State v. Redd.

Trumbull App. No. 2015-T-0027, 2015-Ohio-3090.

2015-1539. Pratt v. Easton Technical Prods., Inc.

Stark App. No. 2014CA00144, 2015-Ohio-3180. Appeal and cross-appeal not accepted. Motion to dismiss denied as moot.

O'Donnell and Kennedy, JJ., dissent and would accept the appeal.

2015-1540. Barcus v. Buehrer.

Franklin App. No. 14AP-942, 2015-Ohio-3122.

Pfeifer, J., dissents.

2015-1550. State v. Frazier.

Hamilton App. No. C-140369, 2015-Ohio-3116.

2015-1553. State v. Ashbaugh.

Fairfield App. No. 14-CA-62, 2015-Ohio-3201.

O'Neill, J., dissents.

2015-1554. Luetke v. Autoneum N. Am., Inc.

Lucas App. No. L-14-1236, 2015-Ohio-3210.

2015-1555. Mangelluzzi v. Morley.

Cuyahoga App. No. 102272, 2015-Ohio-3143.

2015-1556. Metcalf v. Kilzer.

Athens App. No. 15CA30.

2015-1557. State v. Dixon.

Cuyahoga App. No. 102335, 2015-Ohio-3144.

O'Connor, C.J., dissents and would accept Proposition of Law No. I and hold the cause for decision in 2015-1427, *State v. Jones*.

O'Donnell, J., dissents and would hold the cause for decision in 2015-1427, *State v. Jones*.

2015-1566. Miller v. Akron Gen. Med. Ctr.

Summit App. No. 27493, 2015-Ohio-2626.

2015-1567. State v. Ibrahim.

Cuyahoga App. No. 102114, 2015-Ohio-3345.

2015-1574. Sheldon v. Kettering Health Network.

Montgomery App. No. 26432, 2015-Ohio-3268.

O'Neill, J., dissents.

2015-1575. Murray v. Auto-Owners Ins. Co.

Erie App. No. E-14-107, 2015-Ohio-3295.

2015-1576. Zang v. Cones.

Hamilton App. No. C-140274, 2015-Ohio-2530. Appeal and second appeal not accepted.

French, J., dissents and would accept the second appeal.

O'Neill, J., dissents.

2015-1579. Farm Credit Servs. of Am. v. Pertuset.
Scioto App. No. 14CA3659, 2015-Ohio-3558.

2015-1585. Federman v. Christ Hosp.
Hamilton App. No. C-140495.
O'Donnell, Kennedy, and O'Neill, JJ., dissent.

2015-1588. State v. McCollum.
Clermont App. No. CA2014-11-077, 2015-Ohio-3286.
French, J., dissents.

2015-1589. Armstrong v. Chesapeake Exploration, L.L.C.
Tuscarawas App. No. 2014 AP 12 0056, 2015-Ohio-3310.
Pfeifer and Kennedy, JJ., dissent.

2015-1590. State v. Taylor.
Franklin App. No. 14AP-857, 2015-Ohio-3252.

2015-1591. In re Grand Jury Proceedings State v. Doe.
Mahoning App. No. 14 MA 73. Motions to file under seal granted.
Pfeifer, J., dissents and would accept the appeal and deny the motions to file under seal.
Kennedy and O'Neill, JJ., dissent and would accept the appeal and grant the motions to file under seal.

2015-1593. Engelman v. Budish.
Cuyahoga App. No. 101746, 2015-Ohio-1153.

2015-1594. State v. Chaney.
Lucas App. No. L-14-1161, 2015-Ohio-3293.

2015-1595. State v. D.H.
Montgomery App. No. 26383, 2015-Ohio-3259.
O'Donnell and Kennedy, JJ., dissent.

2015-1600. Waites v. Waites.
Fairfield App. No. 15-CA-1, 2015-Ohio-2916.
Kennedy, J., dissents and would accept the cause on Proposition of Law No. II.

2015-1605. RAE Assocs., Inc. v. Nexus Communications, Inc.

Franklin App. No. 14AP-482, 2015-Ohio-2166.

Kennedy, J., dissents.

2015-1606. In re H.C.

Portage App. No. 2014-P-0059, 2015-Ohio-3545.

Kennedy, J., dissents.

2015-1611. State v. Johnson.

Franklin App. Nos. 13AP-997 and 13AP-999, 2015-Ohio-3248.

2015-1613. Flex Technologies v. Am. Elec. Power Co., Inc.

Tuscarawas App. No. 2015 AP 01 0004, 2015-Ohio-3456.

Pfeifer, J., dissents.

2015-1616. Jascar Ent., L.L.C., v. Body By Jake Ent., L.L.C.

Wayne App. No. 14-CA-0006, 2015-Ohio-3281. Appeal and cross-appeal not accepted.

2015-1624. Foy v. Vaughn.

Columbiana App. No. 14 CO 30, 2015-Ohio-3575.

2015-1625. Jacobs v. Cuyahoga Metro. Hous. Auth.

Cuyahoga App. No. 102248, 2015-Ohio-2278.

O'Donnell, J., dissents.

2015-1626. State v. Ruff.

Hamilton App. Nos. C-120533 and C-120534, 2015-Ohio-3367.

O'Donnell and Kennedy, JJ., dissent.

2015-1627. Toman v. State Farm Mut. Auto. Ins. Co.

Cuyahoga App. No. 102483, 2015-Ohio-3351.

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

2015-1643. State v. Mosley.

Hamilton App. No. C-140633, 2015-Ohio-3597.

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

2015-1644. Napier v. Ickes.

Licking App. No. 14-CA-96, 2015-Ohio-3500.
O'Donnell, Kennedy, and O'Neill, JJ., dissent.

2015-1650. Lakota v. Ashtabula.

Ashtabula App. No. 2015-A-0010, 2015-Ohio-3413.
O'Donnell and French, JJ., dissent and would hold the cause for decision in
2014-2079, *Baker v. Wayne Cty.*
Kennedy, J., dissents.

2015-1663. State v. Ellis.

Franklin App. No. 14AP-912, 2015-Ohio-3438.
O'Neill, J., dissents.

2015-1693. State v. Griffin.

Hamilton App. No. C-140591, 2015-Ohio-3566.

2015-1749. State v. Ferrara.

Mahoning App. No. 14 MA 4, 2015-Ohio-3822.
O'Neill, J., dissents.

2015-1783. Kanna v. Hosseinipour.

Delaware App. No. 14 CAE 10 0071, 2015-Ohio-2938.

2015-1800. State v. Howell.

Stark App. No. 2015CA00004, 2015-Ohio-4049.

2015-1802. State v. Stegall.

Butler App. No. CA2015-01-012, 2015-Ohio-3934.

2015-1817. McQueen v. White.

Franklin App. No. 15AP-18, 2015-Ohio-3982.

2015-1819. Reuschling v. Cart.

Ashtabula App. No. 2014-A-0074, 2015-Ohio-4015.

2015-1824. State v. McDougald.

Scioto App. Nos. 14CA3649 and 15CA3679, 2015-Ohio-5590.

2015-1826. State v. Singh.

Logan App. No. 8-15-04, 2015-Ohio-4130.

2015-1828. Hamilton v. Ohio Dept. of Health.

Franklin App. No. 14AP-1035, 2015-Ohio-4041.

2015-1833. State v. Meyers.

Geauga App. Nos. 2015-G-0005, 2015-G-0006, and 2015-G-0007, 2015-Ohio-4238.

2015-1838. State v. Dabney.

Hamilton App. No. C-140575, 2015-Ohio-4142.

2015-1840. State v. Castle.

Butler App. No. CA2015-05-094, 2015-Ohio-4449.

2015-1843. State v. Morrar.

Madison App. No. CA2015-05-018, 2015-Ohio-4234.

2015-1855. State v. Harrington.

Licking App. No. 15-CA-10, 2015-Ohio-4440.

2015-1857. State v. Rahab.

Hamilton App. No. C-150186.

French, J., dissents.

2015-1867. State v. Smith.

Wayne App. No. 15AP0030.

2015-1868. State v. Daniels.

Richland App. No. 14 CA 49.

O'Neill, J., dissents.

2015-1873. Spy v. Cuyahoga Cty. Prosecutor.

Cuyahoga App. No. 102790. Request to declare appellant vexatious denied.

Pfeifer, J., dissents and would grant the motion to declare appellant vexatious.

2015-1874. State v. Jones.

Ottawa App. No. OT-14-042, 2015-Ohio-4209.

Lanzinger, J., dissents and would accept the cause on Proposition of Law No. III and hold the cause for decision in 2014-1825, *State v. Marcum*.

2015-1876. State v. Bower.

Shelby App. No. 17-15-07, 2015-Ohio-4420.

2015-1881. State v. Hertel.

Delaware App. No. 14CAA090060.

2015-1882. State v. Nelson.

Greene App. No. 2014-CA-7.

2015-1888. State v. Taulbee.

Fairfield App. No. 14-CA-5, 2015-Ohio-1004.

2015-1895. State v. Shutway.

Champaign App. No. 2013-CA-7.

2015-1911. State v. Hertel.

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

2015-1916. State v. Jordan.

Summit App. No. 27690, 2015-Ohio-4354.

2015-1925. State v. Patterson.

Trumbull App. No. 2013-T-0062, 2015-Ohio-4423.

2015-1927. State v. Nero.

Stark App. No. 2015CA00031, 2015-Ohio-4326.

2015-1952. State v. Holloway.

Cuyahoga App. No. 101289, 2015-Ohio-4578.

Lanzinger, J., dissents and would accept the cause on Proposition of Law No. V.

2015-1971. State v. Coleman.

Cuyahoga App. No. 102291, 2015-Ohio-4491.

RECONSIDERATION OF PRIOR DECISIONS

2011-1978. State v. Adams.

Mahoning App. No. 08 MA 246, 2012-Ohio-2719. Reported at __ Ohio St.3d __, 2015-Ohio-3954, __ N.E.3d __. On amended motion for reconsideration. Motion denied.

O'Donnell and Kennedy, JJ., dissent.

2014-0721. Columbus City Schools Bd. of Edn. v. Franklin Cty. Bd. of Revision.

Board of Tax Appeals, Nos. 2013-4176, 2013-4177, and 2013-4178. Reported at __ Ohio St.3d __, 2015-Ohio-4837, __ N.E.3d __. On motion for reconsideration. Motion denied.

2015-0805. Dillon v. OhioHealth Corp.

Franklin App. Nos. 13AP-467 and 14AP-259, 2015-Ohio-1389. Reported at 144 Ohio St.3d 1407, 2015-Ohio-4947, 41 N.E.3d 446. On motion for reconsideration. Motion denied.

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

2015-0903. State v. Yapp.

Cuyahoga App. Nos. 101247 and 101248, 2015-Ohio-1654. Reported at 144 Ohio St.3d 1407, 2015-Ohio-4947, 41 N.E.3d 446. On motion for reconsideration. Motion denied.

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

2015-0924. State v. Morgan.

Franklin App. No. 13AP-620, 2014-Ohio-5661. Reported at 144 Ohio St.3d 1408, 2015-Ohio-4947, 41 N.E.3d 446. On motion for reconsideration. Motion granted. The court accepts the appeal on Propositions of Law Nos. I and II only. The clerk shall issue an order for the transmittal of the record from the Court of Appeals for Franklin County, and the parties shall brief this case in accordance with the Rules of Practice of the Supreme Court of Ohio.

O'Neill, J., would grant the motion as to all propositions of law.

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

2015-0949. Montgomery Cty. v. Deters.

Hamilton App. No. C-140266, 2015-Ohio-1507. Reported at 144 Ohio St.3d 1408, 2015-Ohio-4947, 41 N.E.3d 447. On motion for reconsideration. Motion denied.

2015-1069. Archacki v. Dir., Ohio Dept. of Job & Family Servs.

Cuyahoga App. No. 102258, 2015-Ohio-1849. Reported at 144 Ohio St.3d 1409, 2015-Ohio-4947, 41 N.E.3d 447. On motion for reconsideration. Motion denied.

2015-1126. State v. Howard.

Stark App. No. 2014CA00136, 2015-Ohio-2053. Reported at 144 Ohio St.3d 1427, 2015-Ohio-5225, 42 N.E.3d 763. On motion for reconsideration. Motion denied.

2015-1180. State v. Long.

Hamilton App. No. C-140398, 2015-Ohio-2114. Reported at 144 Ohio St.3d 1428, 2015-Ohio-5225, 42 N.E.3d 763. On motion for reconsideration. Motion denied.

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

2015-1425. Leal v. Toledo Police Operations.

Lucas App. No. L-15-1079. Reported at 144 Ohio St.3d 1409, 2015-Ohio-4947, 41 N.E.3d 447. On motion for reconsideration. Motion denied.

2015-1514. State v. Henry.

Crawford App. No. 3-15-01. Reported at 144 Ohio St.3d 1410, 2015-Ohio-4947, 41 N.E.3d 448. On motion for reconsideration. Motion denied.