

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

February 24, 2016

[Cite as *02/24/2016 Case Announcements*, 2016-Ohio-652.]

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## MERIT DECISIONS WITH OPINIONS

**2014-0978. Boone Coleman Constr., Inc. v. Piketon, Slip Opinion No. 2016-Ohio-628.**

Pike App. No. 13CA836, 2014-Ohio-2377. Judgment vacated and cause remanded.

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

O'Donnell, Lanzinger, Kennedy, and French, JJ., concur in judgment only.

Pfeifer, J., dissents.

**2015-0820. State ex rel. Lockhart v. Sheldon, Slip Opinion No. 2016-Ohio-627.**

Lucas App. No. L-15-1018, 2015-Ohio-1569. Judgment affirmed.

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

**2015-0969. State ex rel. Dillon v. Cottrill, Slip Opinion No. 2016-Ohio-626.**

Muskingum App. No. CT2014-0053, 2015-Ohio-1785. Judgment affirmed.

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

## MERIT DECISIONS WITHOUT OPINIONS

**2015-1724. State ex rel. Buchanan v. Evans.**

In Mandamus. On answer of respondent and motions to strike and for leave to file supplemental complaint. Motions denied and cause dismissed.

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

**2015-1946. State ex rel. McCoy v. Heath.**

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.

**2015-1948. State ex rel. Toptsidis v. Ohio Dept. of Rehab. & Corr.**

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

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

O'Neill, J., dissents.

**2015-1967. Daniels v. Gjostein.**

In Mandamus. On answer of respondent. Cause dismissed. On motion for leave to file exhibit. Motion denied as moot.

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

**2015-1985. El v. State**

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.

## **MOTION AND PROCEDURAL RULINGS**

**2007-0755. State v. Maxwell.**

Cuyahoga C.P. No. CR475400. On application for reopening under S.Ct.Prac.R. 11.06. Application denied.

**2008-2370. State v. Neyland.**

Wood C.P. No. 2007CR0359. On application for reopening under S.Ct.Prac.R. 11.06. Application denied.

**2010-1105. State v. Osie.**

Butler C.P. No. CR2009020302. On application for reopening under S.Ct.Prac.R. 11.06. Application denied.

**2015-1517. State ex rel. Singer v. Fairland Local School Dist. Bd. of Edn.**

In Mandamus. On motion for stay of discovery and protective order. Motion granted.

Pfeifer, J., dissents.

**2015-1648. Lavin v. Hervey.**

Stark App. No. 2015CA00021, 2015-Ohio-3458. On motion to strike or seal. Motion denied.

**2015-2032. Foley v. Univ. of Dayton.**

Certified Question of State Law, United States District Court, Southern District of Ohio, Western Division, No. 3:15-CV-96. On review of preliminary memoranda pursuant to S.Ct.Prac.R. 9.05. The court will answer the following questions:

“What is the statute of limitations for claims of negligent misidentification?”

“Is the doctrine of absolute privilege applicable to claims of negligent misidentification and, if so, does it extend to statements made to law enforcement officers implicating another person in criminal activity?”

“Is the doctrine of qualified privilege applicable to claims of negligent misidentification?”

Petitioner shall file its merit brief within 40 days, and the parties shall otherwise proceed in accordance with S.Ct.Prac.R. 16.02 through 16.04 and S.Ct.Prac.R. 9.07.

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

**2015-2093. State v. Jennings.**

Lucas App. No. L-13-1178, 2015-Ohio-134. On motion for leave to file delayed appeal. Motion denied.

**2015-2112. State v. Majid.**

Cuyahoga App. No. 103529. On motion for leave to file delayed appeal. Motion denied.

**2015-2113. State v. Todd.**

Columbiana App. No. 12 CO 28, 2015-Ohio-2682. On motion for leave to file delayed appeal. Motion denied.

**2016-0010. State v. Gibson.**

Lucas App. Nos. L-13-1222 and L-13-1223, 2015-Ohio-1679. On motion for leave to file delayed appeal. Motion denied.

**2016-0013. State v. Hedenberg.**

Cuyahoga App. No. 102112, 2015-Ohio-4673. On motion for leave to file delayed appeal. Motion denied.

O’Neill, J., dissents.

**2016-0030. State v. Bridges.**

Cuyahoga App. Nos. 102930 and 103090, 2015-Ohio-5428. On motion to stay decision of Eighth District Court of Appeals. Motion denied.

**APPEALS ACCEPTED FOR REVIEW**

**2015-1645. In re A.W.**

Knox App. No. 15CA3, 2015-Ohio-3463. Discretionary appeal accepted and cause held for decision in 2014-0607, *In re D.S.*, and briefing schedule stayed.

**2015-1679. State v. Sprague.**

Auglaize App. No. 2-15-03, 2015-Ohio-3526. Discretionary appeal accepted and cause held for decision in 2014-1557, *State v. Klembus*, and briefing schedule stayed.

**2015-1691. State v. George.**

Cuyahoga App. No. 102562, 2015-Ohio-4187. Discretionary appeal accepted and cause held for decision in 2015-1288, *State v. Heinz*, and briefing schedule stayed.

**2015-1737. Bibler v. Stevenson.**

Hancock App. No. 5-14-29, 2015-Ohio-3717.

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

**2015-1756. McGowan v. Medpace, Inc.**

Hamilton App. Nos. C-140634 and C-140652, 2015-Ohio-3743.

O’Donnell and French, JJ., dissent.

**2015-1767. State v. Wheeler.**

Cuyahoga App. No. 102375, 2015-Ohio-3768. Discretionary appeal accepted and cause held for decision in 2015-0473, *State v. Thomas*, and briefing schedule stayed.

**2015-1816. In re D.D.**

Stark App. No. 2015CA0043, 2015-Ohio-3999.

Discretionary appeal accepted on Proposition of Law Nos. I and II; sua sponte, cause held for decision in 2014-0607, *In re D.S.*, and briefing schedule stayed.

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

O’Donnell and Kennedy, JJ., dissent.

**APPEALS NOT ACCEPTED FOR REVIEW**

**2014-2197. State v. Cook.**

Hamilton App. No. C-140118, 2014-Ohio-4900.

**2015-1544. Wells Fargo Bank, N.A. v. Scott.**

Montgomery App. No. 26552, 2015-Ohio-3269. Appeal and cross-appeal not accepted.

Kennedy, J., dissents and would accept the appeal.

**2015-1649. Porter v. Porter.**

Paulding App. No. 11-15-02, 2015-Ohio-3527.

**2015-1652. Desir v. Mallett.**

Franklin App. No. 14AP-766, 2015-Ohio-2124.

O’Neill, J., dissents.

**2015-1654. State v. Battiste.**

Cuyahoga App. No. 102299, 2015-Ohio-3586.

French, J., dissents and would accept the cause on Proposition of Law Nos. I and II.

**2015-1655. Smith v. Heslop, Inc.**

Summit App. No. 27465, 2015-Ohio-3452.

**2015-1659. Krueger v. Swineford.**

Erie App. No. E-14-095, 2015-Ohio-3518.

**2015-1660. Halasz v. Advanced Pain Mgt. Ctr., L.L.C.**

Cuyahoga App. Nos. 103113 and 103117.  
French, J., dissents.

**2015-1662. Taneff v. HCR Manorcare, Inc.**  
Summit App. No. 27554, 2015-Ohio-3453.  
French, J., dissents.

**2015-1665. Flower v. Brunswick City School Dist. Bd. of Edn.**  
Medina App. No. 14CA0021-M, 2015-Ohio-2620.

**2015-1668. Panzica Constr. Co. v. Garfield Hope Loan Acquisition, L.L.C.**  
Cuyahoga App. No. 102233, 2015-Ohio-3478.

**2015-1677. State v. Miller.**  
Marion App. No. 9-14-50, 2015-Ohio-3529.  
O'Donnell, Kennedy, and French, JJ., dissent.

**2015-1680. State v. C.A.**  
Franklin App. Nos. 14AP-738 and 14AP-746, 2015-Ohio-3437.  
O'Donnell, Kennedy, and French, JJ., dissent.

**2015-1682. In re G.L.L.**  
Geauga App. Nos. 2014-G-3189 and 2014-G-3190, 2015-Ohio-3539.

**2015-1684. White v. Toledo.**  
Lucas App. No. L-15-1076, 2015-Ohio-3667.

**2015-1690. State v. Evans.**  
Cuyahoga App. No. 102069, 2015-Ohio-3032.  
O'Connor, C.J., dissents and would accept and hold the cause for the decision in 2014-0942, *State v. Walker*.  
O'Donnell and French, JJ., dissent.

**2015-1696. State v. Gulley.**  
Cuyahoga App. No. 101527  
Pfeifer, Lanzinger, and Kennedy, JJ., dissent.

**2015-1700. Sanders v. Frank.**  
Trumbull App. No. 2014-T-0074, 2015-Ohio-3644.  
Pfeifer, J., dissents.

**2015-1701. State v. Bryant.**

Cuyahoga App. No. 102650, 2015-Ohio-3678.

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

**2015-1712. State v. Gibson.**

Allen App. No. 1-15-22, 2015-Ohio-3812.

**2015-1720. Fisher v. Univ. of Cincinnati Med. Ctr.**

Franklin App. No. 14AP-188, 2015-Ohio-3592.

**2015-1721. State v. Warren.**

Cuyahoga App. No. 102181, 2015-Ohio-3671.

**2015-1729. State v. McClain.**

Montgomery App. No. 26602, 2015-Ohio-3690.

**2015-1730. Sojic v. Karp.**

Montgomery App. No. 26664, 2015-Ohio-3692.

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

**2015-1731. Dehlendorf v. Gahanna.**

Franklin App. No. 14AP-379, 2015-Ohio-3680.

French, J., not participating.

**2015-1734. State v. Madison.**

Cuyahoga App. No. 101478, 2015-Ohio-4365.

French, J., dissents.

**2015-1739. State v. Jackson.**

Hamilton App. No. C-1400573, 2015-Ohio-3742.

**2015-1742. State v. Hall.**

Cuyahoga App. No. 103247.

**2015-1743. State v. Green.**

Cuyahoga App. No. 102421, 2015-Ohio-4078.

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

**2015-1746. State v. Faber.**

Seneca App. No. 13-15-01, 2015-3720.

**2015-1748. State v. Elliott.**

Cuyahoga App. No. 102226, 2015-Ohio-3766.

**2015-1759. State v. Thomas.**

Franklin App. No. 14AP-185, 2015-Ohio-1778.

**2015-1769. State v. Stoddard.**

Summit App. No. 27426, 2015-Ohio-3750.

**2015-1778. Miller v. Stuckey.**

Crawford App. No. 3-15-10, 2015-Ohio-3819.

Pfeifer, J., dissents.

**2015-1779. Hoffman Properties, L.P. v. Testa.**

Medina App. No. 14CA0041-M, 2015-Ohio-3931.

**2015-1780. State v. Roark.**

Mercer App. No. 10-14-11, 2015-Ohio-3811.

O'Connor, C.J., dissents and would accept the cause on Proposition of Law No. II and hold the cause for the decision in 2015-0667, *State v. Aalim*.

O'Neill, J., dissents, and would hold the cause for the decision in 2015-0677, *State v. Aalim*.

**2015-1784. State v. Temaj-Felix.**

Hamilton App. No. C-140138, 2015-Ohio-3967.

**2015-1785. State v. Temaj-Felix.**

Hamilton App. No. C-140052, 2015-Ohio-3966.

**2015-1786. Gauche v. Damon.**

Hamilton App. No. C-140478. Motion to dismiss denied as moot.

O'Neill, J., dissents.

**2015-1787. State v. Hornbuckle.**

Mahoning App. No. 14 MA 105, 2015-Ohio-3962.

**2015-1788. Honeycutt v. State.**



Warren App. No. CA2015-05-042, 2015-Ohio-3938.

**2015-1791. State v. Jones.**

Franklin App. No. 15AP-45, 2015-Ohio-3983.

**2015-1795. Amoako-Okyerere v. Church of the Messiah United Methodist Church.**

Franklin App. No. 14AP-441, 2015-Ohio-3841.

**2015-1796. Washington Mut. Bank, F.A. v. Wallace.**

Warren App. Nos. CA2014-02-024 and CA2014-02-031, 2014-Ohio-5317.

**2015-1797. In re I.B.**

Cuyahoga App. Nos. 102373 and 102853, 2015-Ohio-4181.

**2015-1801. US Bank, Natl. Assn. v. Avery.**

Richland App. No. 14CA89, 2015-Ohio-3908.

**2015-1803. Lukanec v. Servi-Temp Heating & Cooling, Inc.**

Mahoning App. No. 13 MA 95, 2015-Ohio-3956.

**2015-1804. State v. Correa.**

Mahoning App. No. 13 MA 23, 2015-Ohio-3955.

**2015-1820. Orth v. State Dept. of Edn.**

Franklin App. No. 14AP-937, 2015-Ohio-3977.

**2015-1821. Columbus v. SSA, Ltd.**

Delaware App. No. 14 CAE 12 0085, 2015-Ohio-3995.

O'Donnell, J., dissents.

**2015-1822. State v. Simon.**

Butler App. No. CA2015-05-081, 2015-Ohio-4448.

**2015-1827. State v. Bunch.**

Mahoning App. No. 14 MA 168, 2015-Ohio-4151.

O'Neill, J., dissents.

**2015-1832. State v. Bickerstaff.**

Ashtabula App. Nos. 2013-CR-00216 and 2014-A-0054, 2015-Ohio-4014.

O'Neill, J., dissents.

**2015-1836. State v. Swanson.**

Ashtabula App. No. 2015-A-0006, 2015-Ohio-4027.

**2015-1849. State v. Horton.**

Franklin App. No. 14AP-997, 2015-Ohio-4039.

**2015-1872. Bank of New York Mellon v. Elliott.**

Portage App. Nos. 2014-P-0069 and 2015-P-0019, 2015-Ohio-4132.

**2015-1889. In re M.E.**

Hamilton App. No. C-140586, 2015-Ohio-3663.

O'Neill, J., dissents.

**2015-1896. State v. Thompson.**

Cuyahoga App. No. 102326, 2015-Ohio-3882.

**2015-1905. State v. Knecht.**

Warren App. No. CA2015-04-037, 2015-Ohio-4316.

O'Donnell, J., dissents.

**2015-1920. State v. Justice.**

Franklin App. No. 15AP-149.

**2015-1979. State v. Myers.**

Wood App. No. WD-13-048, 2014-Ohio-3759.

**2015-2024. State v. Gray.**

Richland App. No. 15CA74, 2015-Ohio-4723.

**2015-2051. State v. Miller.**

Franklin App. No. 14AP-851, 2015-Ohio-4678.

**2015-2086. State v. Gregory.**

Summit App. No. 27523, 2015-Ohio-4901.

O'Donnell, J., dissents.

**2015-2106. State v. Barber.**

Franklin App. No. 14AP-557, 2015-Ohio-2653.

**2016-0025. State v. Williamson.**

Cuyahoga App. No. 102320, 2015-Ohio-5135.

**2016-0157. State v. Strowder.**

Cuyahoga App. No. 103156, 2015-Ohio-5270. Motion for stay denied.

O'Donnell and Kennedy, JJ., dissent and would accept the cause and grant the motion for stay.

**RECONSIDERATION OF PRIOR DECISIONS**

**2015-1119. State v. Webber.**

Cuyahoga App. No. 101875, 2015-Ohio-1953. Reported at 144 Ohio St.3d 1427, 2015-Ohio-5225, 42 N.E.3d 763. On motion for reconsideration. Motion denied.

O'Connor, C.J., dissents and would grant the motion as to Proposition of Law No. I only.

Pfeifer and French, JJ., dissent.

**2015-1194. State ex rel. DeWine v. Deer Lake Mobile Park, Inc.**

Geauga App. No. 2013-G-3156, 2015-Ohio-1060. Reported at 144 Ohio St.3d 1428, 2015-Ohio-5225, 42 N.E.3d 763. On motion for reconsideration. Motion denied.

O'Donnell, J., dissents.

**2015-1672. State v. Dixon.**

Montgomery App. No. 26753. Reported at 144 Ohio St.3d 1430, 2015-Ohio-5252, 42 N.E.3d 764. On motion for reconsideration. Motion denied.

**2015-1735. State v. Dixon.**

Montgomery App. No. 26676. Reported at 144 Ohio St.3d 1430, 2015-Ohio-5252, 42 N.E.3d 764. On motion for reconsideration. Motion denied.