

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

May 23, 2018

[Cite as *05/23/2018 Case Announcements #2, 2018-Ohio-1990.*]

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## APPEALS ACCEPTED FOR REVIEW

### **2018-0184. Paul Cheatham IRA v. Huntington Natl. Bank.**

Lucas App. No. L-16-1292, 2017-Ohio-9234.

French, DeWine, and DeGenaro, JJ., dissent.

### **2018-0189. New Riegel Local School Dist. Bd. of Edn. v. Buehrer Group Architecture & Eng., Inc.**

Seneca App. No. 13-17-04, 2017-Ohio-8522. Sua sponte, cause consolidated with 2018-0213, *New Riegel Local School Dist. Bd. of Edn. v. Buehrer Group Architecture & Eng., Inc.*, and briefing in Nos. 2018-0189 and 2018-0213 consolidated. The parties shall file two originals of each of the briefs permitted under S.Ct.Prac.R. 16.02 through 16.04 and include both numbers on the cover pages of the briefs. The parties shall otherwise comply with the requirements of S.Ct.Prac.R. 16.01 through 16.04.

O'Connor, C.J., and O'Donnell and DeWine, JJ., dissent in part and would accept the cause on proposition of law No. I only.

### **2018-0213. New Riegel Local School Dist. Bd. of Edn. v. Buehrer Group Architecture & Eng., Inc.**

Seneca App. Nos. 13-17-03 and 13-17-06, 2017-Ohio-8521. First, second, and third appeals accepted and appellant Charles Constr. Servs., Inc.'s motion to consolidate with 2018-0189, *New Riegel Local School Dist. Bd. of Edn. v. Buehrer Group Architecture & Eng., Inc.* granted, and briefing in Nos. 2018-0189 and 2018-0213 consolidated. The parties shall file two originals of each of the briefs permitted under S.Ct.Prac.R. 16.02 through 16.04 and include both numbers on the

cover pages of the briefs. The parties shall otherwise comply with the requirements of S.Ct.Prac.R. 16.01 through 16.04.

O'Connor, C.J., and O'Donnell and DeWine, JJ., dissent in part and would accept the second appeal on proposition of law No. I only and accept the third appeal on proposition of law No. I only.

**2018-0237. Shelly Materials, Inc. v. Streetsboro Planning & Zoning Comm.**

Portage App. No. 2017-P-0025, 2017-Ohio-9342.

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

**2018-0416. State v. Soto.**

Putnam App. No. 12-17-05, 2018-Ohio-459.

O'Connor, C.J., dissents in part and would accept the cause on proposition of law No. I only.

Kennedy and DeGenaro, JJ., dissent.

**APPEALS NOT ACCEPTED FOR REVIEW**

**2017-1617. State v. Conyer.**

Mahoning App. No. 16 MA 0021, 2017-Ohio-7506.

DeGenaro, J., not participating.

**2018-0160. State v. Larkins.**

Jefferson App. No. 16 JE 0032, 2017-Ohio-9369.

DeGenaro, J., not participating.

**2018-0161. Patrick v. Patrick.**

Carroll App. No. 17 CA 0913, 2017-Ohio-9380.

DeGenaro, J., not participating.

**2018-0163. Keeley v. Croft.**

Belmont App. No. 17 BE 0016, 2017-Ohio-9386.

DeGenaro, J., not participating.

**2018-0164. Dublin v. Friedman.**

Franklin App. No. 16AP-516, 2017-Ohio-9127.

Kennedy, J., dissents.

**2018-0170. Tye v. Beausay.**

Montgomery App. No. 27416, 2017-Ohio-7943.  
French, Fischer, and DeWine, JJ., dissent.

**2018-0173. State v. Morgan.**

Shelby App. No. 17-17-13.

**2018-0174. Summers v. Lancia Nursing Homes, Inc.**

Belmont App. No. 17 BE 0011, 2017-Ohio-9218.  
DeGenaro, J., not participating.

**2018-0178. State v. Duncan.**

Noble App. No. 16 NO 0440, 2017-Ohio-9378.

**2018-0185. Kurilla v. Basista Holdings, L.L.C.**

Mahoning App. No. 16 MA 0101, 2017-Ohio-9370.  
Kennedy and Fischer, JJ., dissent.  
DeGenaro, J., not participating.

**2018-0186. White v. Bhatt.**

Richland App. No. 17CA30, 2017-Ohio-9277.

**2018-0187. Basista Holdings, L.L.C. v. Ellsworth Twp.**

Mahoning App. No. 16 MA 0181, 2017-Ohio-9375. Motion to consolidate with  
2018-0185, *Kurilla v. Basista Holdings*, denied as moot.  
Kennedy, J., dissents and would accept the appeal.  
Fischer, J., dissents.  
DeGenaro, J., not participating.

**2018-0188. State v. Perez.**

Hamilton App. No. C-170052, 2017-Ohio-9190.  
Fischer, J., not participating.

**2018-0196. U.S. Bank, N.A. v. Jeffers.**

Cuyahoga App. No. 105002, 2017-Ohio-9153.

**2018-0199. In re Estate of Bond.**

Wayne App. No. 16AP0063, 2017-Ohio-9076.  
Fischer, J., dissents.

**2018-0200. State v. Myers.**

Wood App. No. WD-17-047.

**2018-0201. U.S. Bank Natl. Assn. v. Courthouse Crossing Acquisitions, L.L.C.**

Montgomery App. No. 27648, 2017-Ohio-9231.

**2018-0202. State v. Stephens.**

Montgomery App. No. 27235, 2017-Ohio-9230.

**2018-0205. TLC Health Care Servs., L.L.C. v. Dept. of Job & Family Servs.**

Franklin App. Nos. 17AP-181 and 17AP-182, 2017-Ohio-9198.

Kennedy, J., dissents.

O'Donnell, J., not participating.

**2018-0206. In re \$75,000.00 in U.S. Currency.**

Cuyahoga App. No. 105314, 2017-Ohio-9158.

Kennedy, J., dissents.

**2018-0207. Novotny v. Krlich.**

Trumbull App. No. 2017-TR-0074, 2017-Ohio-8287.

Kennedy, French, and Fischer, JJ., dissent.

**2018-0208. Hogue v. Whitacre.**

Monroe App. No. 16 MO 0015, 2017-Ohio-9377.

Kennedy, J., dissents.

DeGenaro, J., not participating.

**2018-0211. Curry v. Mansfield.**

Richland App. No. 17CA79.

**2018-0212. Curry v. Mansfield.**

Richland App. No. 17CA80.

**2018-0218. Kavanagh v. Caruthers.**

Jefferson App. No. 16JE0016.

Kennedy, Fischer, and DeWine, JJ., dissent.

William A. Klatt, J., of the Tenth District Court of Appeals, sitting for DeGenaro, J.

**2018-0220. State v. Rosebrook.**

Geauga App. No. 2016-G-0099, 2017-Ohio-9261.

**2018-0223. State v. Christian.**

Jefferson App. No. 16 JE 0030, 2017-Ohio-9420.  
DeGenaro, J., not participating.

**2018-0225. State v. Murray.**

Lake App. No. 2017-L-025, 2017-Ohio-9332.

**2018-0227. State v. Koon.**

Hocking App. No. 17CA5, 2017-Ohio-8599.

**2018-0228. State v. Ellis.**

Cuyahoga App. No. 105705, 2017-Ohio-8581.

**2018-0229. Green v. Glassman.**

Portage App. No. 2017-P-0041, 2017-Ohio-9343.

**2018-0230. McFarland v. Niekamp, Weisensell, Mutersbaugh & Mastrantonio, L.L.P.**

Summit App. No. 28462, 2017-Ohio-8394.  
O'Donnell, J., dissents.

**2018-0231. State v. Foster.**

Hamilton App. No. C-160337, 2017-Ohio-9318.  
Fischer, J., not participating.

**2018-0232. State v. Dalmida.**

Hamilton App. No. C-1600674.  
Fischer and DeWine, JJ., not participating.

**2018-0233. State v. Craft.**

Vinton App. No. 16CA704, 2017-Ohio-9359.

**2018-0234. Martin v. Wills.**

Mahoning App. No. 16 MA 0091, 2017-Ohio-9382.  
DeGenaro, J., not participating.

**2018-0239. State v. Deloney.**

Hamilton App. No. C-150619, 2017-Ohio-9282. Appellee's motion to dismiss denied as moot.

Fischer and DeWine, JJ., not participating.

**2018-0240. State v. Howard.**

Scioto App. No. 16CA3762, 2017-Ohio-9392.

**2018-0243. State v. Wuensch.**

Cuyahoga App. No. 105302, 2017-Ohio-9272.

**2018-0262. Nicoll v. Centerville City Schools.**

Montgomery App. No. 27637, 2018-Ohio-36.

O'Donnell, J., dissents.

**2018-0268. State v. Chudzinski.**

Ottawa App. No. OT-17-009, 2018-Ohio-39.

**2018-0272. State v. Liggins.**

Sandusky App. No. S-17-009, 2018-Ohio-199.

**2018-0276. State v. Victor.**

Geauga App. No. 2017-G-0116, 2017-Ohio-8805.

**2018-0277. State v. Grad.**

Medina App. No. 17CA0004-M, 2017-Ohio-8778.

**2018-0279. State v. Dixon.**

Montgomery App. No. 27652, 2018-Ohio-192.

**2018-0282. State v. Watkins.**

Clermont App. No. CA2017-03-013, 2018-Ohio-46.

**2018-0285. Philbin v. Cleveland.**

Cuyahoga App. No. 105767, 2018-Ohio-100. Appeal and second appeal not accepted.

O'Donnell, J., dissents and would accept the first appeal on proposition of law No. I.

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

**2018-0289. Wittenbrook v. Electronics Recycling Servs., Inc.**

Belmont App. No. 16 BE 0023, 2018-Ohio-208.

Kennedy, J., dissents.

DeGenaro, J., not participating.

**2018-0290. Bridgestone Ams. Tire Operations, L.L.C. v. Harris.**

Stark App. No. 2017 CA 00068, 2018-Ohio-63.

**2018-0291. Bilbaran Farm, Inc. v. Sandusky St. Invests., L.L.C.**

Delaware App. No. 17 CAE 06 0042, 2018-Ohio-299.

**2018-0292. Francis David Corp. v. Weber.**

Cuyahoga App. No. 106602.

**2018-0293. State v. Griffin.**

Franklin App. No. 17AP-492, 2018-Ohio-60.

**2018-0294. Akerstrom v. 635 W. Lakeside, Ltd.**

Cuyahoga App. No. 105580, 2018-Ohio-98.

**2018-0295. Seaton v. Willoughby.**

Summit App. No. 28332, 2018-Ohio-77.

O'Donnell and Kennedy, JJ., dissents.

**2018-0296. State v. Westley.**

Cuyahoga App. No. 104847, 2017-Ohio-7717.

Fischer, J., dissents.

DeGenaro, J., not participating.

**2018-0297. In re T.W.**

Cuyahoga App. No. 105346, 2017-Ohio-8875.

O'Connor, C.J., and Kennedy and DeGenaro, JJ., would accept the appeal.

**2018-0303. State v. Jester.**

Hamilton App. No. C-160549.

Fischer, J., not participating.

**2018-0304. State v. Alim.**

Cuyahoga App. No. 105164, 2017-Ohio-8868.

**2018-0305. State v. Brown.**

Lucas App. No. L-16-1181, 2018-Ohio-132.

French, Fischer, and DeGenaro, JJ., would accept the appeal.

**2018-0306. In re C.M.R.**

Montgomery App. No. 27519, 2018-Ohio-110.

**2018-0307. Golf Village N., L.L.C. v. Powell.**

Delaware App. No. 17 CAH 04 0024, 2018-Ohio-151.

O'Donnell and Kennedy, JJ., dissent.

DeGenaro, J., not participating.

**2018-0308. AEP Energy, Inc. v. Vemulapalli.**

Montgomery App. No. 027568, 2018-Ohio-107.

**2018-0309. State v. Maloney.**

Montgomery App. No. 27269, 2018-Ohio-316.

**2018-0311. State v. Powe.**

Summit App. No. 28729, 2018-Ohio-477.

**2018-0315. O'Loughlin v. Ottawa St. Condominium Assn.**

Lucas App. No. L-16-1128, 2018-Ohio-327.

**2018-0318. State v. Allen.**

Hamilton App. No. C-170036.

Fischer, J., not participating.

**2018-0321. State v. Jones.**

Franklin App. No. 17AP-759, 2018-Ohio-562.

**2018-0325. State v. Simpson.**

Lucas App. No. L-16-1175, 2018-Ohio-328.

**2018-0327. State v. Jones.**

Franklin App. No. 17AP-431, 2018-Ohio-306.

**2018-0328. State v. Myers.**

Wood App. No. WD-17-022, 2018-Ohio-330.

**2018-0329. State v. Clarke.**

Cuyahoga App. No. 105746, 2018-Ohio-176.



**2018-0330. Wright v. Heller.**

Hamilton App. No. C-160897, 2018-Ohio-149.  
Fischer, J., not participating.

**2018-0331. State v. Shafer.**

Adams App. No. 17CA1047, 2018-Ohio-214.

**2018-0337. State v. Wheatley.**

Hocking App. No. 17CA3, 2018-Ohio-464.  
French and Fischer, JJ., dissent.

**2018-0340. State v. Boyce.**

Cuyahoga App. No. 105532, 2018-Ohio-168.

**2018-0342. Petroskey v. Martin.**

Lorain App. No. 17CA011098, 2018-Ohio-445.

**2018-0343. State v. Nelson.**

Franklin App. No. 18AP-56.

**2018-0347. State v. McClellan.**

Stark App. No. 2017CA00188, 2018-Ohio-398.

**2018-0348. McAuley v. Brooker.**

Noble App. No. 16 NO 445, 2017-Ohio-9222.  
Kennedy, J., dissents.  
DeGenaro, J., not participating.

**2018-0353. State v. Church.**

Stark App. No. 2017 CA 00216, 2018-Ohio-368.

**2018-0354. State v. Armstrong.**

Trumbull App. No. 2015-T-0131, 2017-Ohio-8801.

**2018-0355. State v. Stefan.**

Cuyahoga App. No. 104979, 2018-Ohio-266.

**2018-0358. Cummings v. Harvey Abens Iosue Co., L.P.A.**

Cuyahoga App. Nos. 105435 and 105713.

**2018-0359. State v. Purefoy.**

Summit App. No. 28597, 2018-Ohio-246.

**2018-0374. State v. Burnett.**

Clark App. No. 2017-CA-44, 2018-Ohio-109.

**2018-0382. State v. Moore.**

Clark App. No. 2017-CA-49, 2018-Ohio-318.

**2018-0385. Baradji v. Zulily.**

Franklin App. No. 16AP-628, 2018-Ohio-304.

**2018-0386. Winkle v. Kroger Grocery Store #519.**

Franklin App. No. 17AP-50, 2017-Ohio-8461.

**2018-0387. State v. Johnson.**

Cuyahoga App. No. 105360, 2018-Ohio-272.

**2018-0388. State v. Oswald.**

Summit App. No. 28633, 2018-Ohio-245.

**2018-0392. State v. Higgins.**

Summit App. No. 27700, 2018-Ohio-476.

**2018-0393. State v. Gerald.**

Summit App. No. 28851.

**2018-0394. State v. Kelly.**

Delaware App. No. 17 CAA 04 0023, 2018-Ohio-378.

**2018-0395. State v. Shaw.**

Cuyahoga App. No. 105111, 2018-Ohio-403.

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

**2018-0405. State v. Lawless.**

Wayne App. No. 16AP0025, 2018-Ohio-444.

**2018-0423. State v. Nettles.**

Sandusky App. No. S-16-044, 2018-Ohio-436.

**2018-0428. State v. McClain.**

Wayne App. No. 16AP0015, 2018-Ohio-538.  
Kennedy and DeGenaro, JJ., dissent.

**2018-0433. State v. Fox.**

Franklin App. No. 17AP-295, 2018-Ohio-501.

**2018-0439. State v. Johnson.**

Cuyahoga App. No. 105560, 2018-Ohio-169.

**2018-0441. State v. Yeager.**

Summit App. Nos. 28604 and 28617, 2018-Ohio-574.  
O'Connor, C.J., not participating.

**2018-0455. State v. Thompson.**

Cuyahoga App. No. 105866, 2018-Ohio-179.