

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

November 21, 2018

[Cite as *11/21/2018 Case Announcements*, 2018-Ohio-4670.]

MERIT DECISIONS WITH OPINIONS

2017-0442. State ex rel. Mars Urban Solutions, L.L.C. v. Cuyahoga Cty. Fiscal Officer, Slip Opinion No. 2018-Ohio-4668.

In Mandamus. Writ denied.

O'Connor, C.J., and O'Donnell, Kennedy, French, Fischer, DeWine, and DeGenaro, JJ., concur.

2017-0854. Cincinnati Reds, L.L.C. v. Testa, Slip Opinion No. 2018-Ohio-4669.

Board of Tax Appeals No. 2015-1707. Decision reversed.

Fischer and French, JJ., concur.

O'Connor, C.J., and O'Donnell and Kennedy, JJ., concur in judgment only.

DeGenaro, J., dissents, with an opinion joined by Mayle, J.

Christine E. Mayle, J., of the Sixth District Court of Appeals, sitting for DeWine, J.

MOTION AND PROCEDURAL RULINGS

2018-1332. State v. Peters.

Van Wert App. No. 15-17-13, 2018-Ohio-1684. On motion for leave to file delayed appeal. Motion denied.

Fischer, J., dissents.

2018-1341. State v. Chapman.

Mahoning App. No. 98-CA-111, 2000-Ohio-2562. On motion for leave to file

delayed appeal. Motion denied.
Fischer, J., dissents.

2018-1363. State v. Johnson.

Trumbull App. No. 2016-T-0091, 2018-Ohio-2465. On motion for leave to file delayed appeal. Motion denied.
Kennedy, DeWine, and DeGenaro, JJ., dissent.

APPEALS ACCEPTED FOR REVIEW

2018-1418. State v. Bryant.

Hamilton App. Nos. C-170569 and C-170570.
O'Connor, C.J., and Kennedy and Fischer, JJ., dissent.

APPEALS NOT ACCEPTED FOR REVIEW

2018-0770. State v. Rieves.

Cuyahoga App. No. 105386, 2018-Ohio-955.

2018-0891. State v. Lane.

Montgomery App. No. 27347, 2018-Ohio-1320.

2018-0916. State v. Jackson.

Franklin App. No. 17AP-309, 2018-Ohio-1068.

2018-1104. State v. Short.

Montgomery App. No. 27399, 2018-Ohio-2429.

2018-1186. State v. Robertson.

Cuyahoga App. No. 106279, 2018-Ohio-2934.

2018-1229. Claris, Ltd. v. Hotel Dev. Servs., L.L.C.

Franklin App. Nos. 16AP-685 and 16AP-727, 2018-Ohio-2602.

2018-1230. Ferrero v. Staats.

Stark App. No. 2018CA00016, 2018-Ohio-3235. Appellant's motion to strike memorandum in response to jurisdiction denied.

Kennedy and DeWine, JJ., would deny appellant's motion to strike

memorandum in response to jurisdiction as moot.

2018-1235. State v. Stuber.

Allen App. No. 1-17-38, 2018-Ohio-2809.

2018-1237. Smiley v. Cleveland.

Cuyahoga App. No. 106471, 2018-Ohio-2847.

2018-1246. State v. AAA Sly Bail Bonds.

Richland App. No. 17-CA-56, 2018-Ohio-2943.

French and Fischer, JJ., dissent.

2018-1248. State v. Moscoso.

Muskingum App. No. CT2018-0012, 2018-Ohio-2877.

2018-1252. State v. Johnson.

Lucas App. No. L-16-1280, 2018-Ohio-1656.

2018-1253. State v. Craig.

Licking App. No. 17-CA-61, 2018-Ohio-1987.

2018-1258. Russell v. Warden, Lebanon Corr. Inst.

Warren App. No. CA2017-12-176, 2018-Ohio-3011. Appellant's motion for judicial notice denied as moot.

O'Connor, C.J., and O'Donnell and DeGenaro, JJ., would deny appellant's motion for judicial notice.

2018-1260. State v. Featherkile.

Hamilton App. No. C-170563.

2018-1267. State ex rel. Ames v. Portage Cty. Bd. of Commrs.

Portage App. No. 2017-P-0093, 2018-Ohio-2888.

DeGenaro, J., dissents.

2018-1269. Tri Eagle Fuels, L.L.C. v. Euclid Lake Properties, L.L.C.

Cuyahoga App. No. 107378. Appellee's motion to dismiss denied.

O'Donnell, J., dissents and would accept the appeal.

French and DeWine, JJ., would deny appellee's motion to dismiss as moot.

2018-1274. Toledo v. Reese.

Lucas App. No. L-17-1132, 2018-Ohio-2981.

French and Fischer, JJ., dissent and would accept the cause on proposition of law No. II.

2018-1276. U.S. Bank Trust, N.A. v. Edmon.

Erie App. No. E-17-048, 2018-Ohio-2987.

2018-1277. State v. Jackson.

Cuyahoga App. No. 103957, 2018-Ohio-3492.

2018-1279. Bennett v. Scotts Miracle-Gro Co.

Union App. No. 14-18-04, 2018-Ohio-3004.

2018-1283. State v. Lawless.

Wayne App. No. 17AP0043, 2018-Ohio-2995.

2018-1284. Przybyla v. Przybyla.

Montgomery App. No. 27852, 2018-Ohio-3071.

2018-1286. Am. Water Mgt. Servs., L.L.C. v. Div. of Oil & Gas Resources Mgt.

Franklin App. No. 17AP-145, 2018-Ohio-3028.

Kennedy, J., dissents.

2018-1290. Gawain v. Allcaring Home Health Servs., L.L.C.

Defiance App. No. 4-18-01.

2018-1297. Downtown Ents. Co. v. Mullet.

Holmes App. No. 17CA016, 2018-Ohio-3228.

2018-1301. State v. Woods.

Hamilton App. Nos. C-860576 and C-870179.

Fischer, J., not participating.

2018-1305. State v. Jaeger.

Medina App. No. 17CA0072-M, 2018-Ohio-2994.

2018-1308. In re Adoption of K.

Wood App. No. WD-18-018, 2018-Ohio-3082.

2018-1309. State v. Andrews.

Cuyahoga App. No. 106283, 2018-Ohio-3050.

2018-1325. State v. Rouse.

Summit App. No. 28301, 2018-Ohio-3266.

2018-1342. State v. Williams.

Montgomery App. No. 28063.

2018-1343. State v. Dangerfield.

Hamilton App. No. C-180198.

Fischer and DeWine, JJ., not participating.

2018-1349. State v. Evans.

Hamilton App. No. C-170420, 2018-Ohio-3129.

2018-1364. State v. Hawkins.

Hamilton App. No. C-170389.

2018-1386. Hunter v. Rhino Shield.

Franklin App. No. 17AP-751, 2018-Ohio-2371.

O'Donnell, J., not participating.

2018-1390. State v. Greiner.

Cuyahoga App. No. 106426, 2018-Ohio-3310.

DeGenaro, J., not participating.

2018-1397. Dean v. Dept. of Mental Health & Addiction.

Stark App. No. 2017CA00233, 2018-Ohio-3149.

O'Connor, C.J., not participating.

2018-1423. State v. Panezich.

Mahoning App. No. 17 MA 0087, 2018-Ohio-3429.

DeGenaro, J., not participating.

RECONSIDERATION OF PRIOR DECISIONS

2017-0021. State v. Goff.

Clinton App. No. CA2015-08-017, 2016-Ohio-7834. Reported at __ Ohio St.3d __, 2018-Ohio-3763, __ N.E.3d __. On motion for reconsideration. Motion denied.

2017-0279. Wells Fargo Bank, N.A. v. Burd.

Franklin App. No. 15AP-1044, 2016-Ohio-7706. Reported at __ Ohio St.3d __, 2018-Ohio-3891, __ N.E.3d __. On motion for reconsideration. Motion denied.

Kennedy and Piper, JJ., dissent.

Robin N. Piper, J., of the Twelfth District Court of Appeals, sitting for O'Donnell, J.

Charles M. Miller, J., of the First District Court of Appeals, sitting for DeGenaro, J.

2017-1743. Mahoning Cty. Bar Assn. v. McNally.

On Certified Report by the Board of Professional Conduct, No. 2017-009. Reported at __ Ohio St.3d __, 2018-Ohio-3719, __ N.E.3d __. On motion for reconsideration. Motion denied. Respondent's motion for stay pending motion for reconsideration denied as moot.

O'Donnell and Kennedy, JJ., would deny respondent's motion for stay pending motion for reconsideration.

Fischer and DeGenaro, JJ., not participating.

2018-0883. Rieger v. Giant Eagle, Inc.

Cuyahoga App. No. 105714, 2018-Ohio-1837. Reported at 153 Ohio St.3d 1474, 2018-Ohio-4010, 106 N.E.3d 1260. On motion for reconsideration. Motion granted. The court accepts the appeal on proposition of law Nos. I and III. Briefing schedule reset. Appellant shall file a brief within 40 days, and the parties shall otherwise proceed in accordance with S.Ct.Prac.R. 16.02 through 16.07.

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

2018-0910. State ex rel. Allen v. Indus. Comm.

In Mandamus. Reported at 153 Ohio St.3d 1481, 2018-Ohio-3867, 108 N.E.3d 80. On motion for reconsideration. Motion denied.

2018-0949. State v. Robinson.

Cuyahoga App. No. 105951, 2018-Ohio-2058. Reported at 153 Ohio St.3d 1475, 2018-Ohio-3637, 106 N.E.3d 1261. On motion for reconsideration. Motion

denied.

DeGenaro, J., not participating.