

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

December 19, 2018

[Cite as *12/19/2018 Case Announcements*, 2018-Ohio-5085.]

MERIT DECISIONS WITH OPINIONS

2017-1579 and 2017-1609. State v. Braden, Slip Opinion No. 2018-Ohio-5079.

Franklin App. No. 17AP-48, 2017-Ohio-7903. Judgment affirmed.

Powell, Kennedy, Fischer, DeWine, and DeGenaro, JJ., concur.

French, J., dissents, with an opinion joined by O'Connor, C.J.

Michael E. Powell, J., of the Twelfth District Court of Appeals, sitting for O'Donnell, J.

2018-0257. Disciplinary Counsel v. Owens, Slip Opinion No. 2018-Ohio-5080.

On Certified Report by the Board of Professional Conduct, No. 2017-025. Robert Morris Owens, Attorney Registration No. 0069866, last known address in Delaware, Ohio, suspended from the practice of law for one year, all stayed on conditions.

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

Kennedy, J., dissents, and would suspend respondent for six months, and would require that as a condition of reinstatement that in addition to completing the continuing-legal-educational requirements of Gov.Bar R. X, respondent must complete an additional two-hour continuing-legal-education course focused upon client-trust-account management.

French, J., dissents, and would suspend respondent for six months, all stayed on the condition that in addition to completing the continuing-legal-education requirements of Gov.Bar R. X, respondent must complete an additional two-hour continuing-legal-education course focused upon client-trust-account management.

2018-0324. Technical Constr. Specialties, Inc. v. DeWeese, Slip Opinion No. 2018-Ohio-5082.

Richland App. No. 17 CA 69, 2018-Ohio-213. Judgment affirmed.

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

2018-0699. Disciplinary Counsel v. Ward, Slip Opinion No. 2018-Ohio-5083.

On Certified Report by the Board of Unauthorized Practice of Law, No. UPL 16-04. Henry J. Ward is enjoined from engaging in the unauthorized practice of law in Ohio, with civil penalty imposed.

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

French, J., would impose a civil penalty of \$2,000, but otherwise joins the opinion.

2018-0703. Ohio State Bar Assn. v. Cohen, Slip Opinion No. 2018-Ohio-5084.

On Certified Report by the Board of Unauthorized Practice of Law, No. UPL 17-03. Consent decree approved and Matthew Cohen enjoined from engaging in the unauthorized practice of law in Ohio.

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

O'Connor, C.J., and Fischer and DeGenaro, JJ., would remand the cause to the board to consider requiring respondent to obtain counsel for the purpose of vacating any existing monetary judgments in the cases identified in Exhibit A attached to Plaintiff's Complaint and any other similar cases.

MERIT DECISIONS WITHOUT OPINIONS

2018-1167. State ex rel. Armatas v. Disciplinary Counsel.

In Mandamus. On relator's amended motion for leave to file amended complaint. Motion granted. Respondents' motion to dismiss granted. Cause dismissed.

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

2018-1347. Chukwuani v. Cuyahoga Cty. Domestic Relations Court.

In Prohibition. On respondent's motion to dismiss. Motion granted. Cause dismissed.

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

2018-1354. Davidson v. State.

In Procedendo. On respondents' motion to dismiss. Motion granted. Cause dismissed.

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

2018-1355. Hill v. Mandros.

In Procedendo. On respondent's motion to dismiss. Motion granted. Cause dismissed.

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

2018-1357. Baldwin-Nazarene v. Westin Hotel Cincinnati.

Miscellaneous case. On S.Ct.Prac.R. 12.04 determination. Cause dismissed. Relator's motion to file evidence in support denied.

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

Kennedy, J., concurs in dismissing the cause but would grant relator's motion to file evidence.

2018-1368. Baldwin-Nazarene v. Humana, Inc.

Miscellaneous case. On respondent's motion to dismiss. Motion granted. Cause dismissed.

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

2018-1400. Parker v. Keener.

In Mandamus. On respondents' motion to dismiss. Motion granted. Cause dismissed.

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

2018-1417. Mobley v. O'Donnell.

In Mandamus. On respondent's motion to dismiss. Motion granted. Cause dismissed.

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

O'Donnell, J., not participating.

2018-1446. Baldwin v. BMO Harris Bank.

Miscellaneous case. On respondents' motion to dismiss. Motion granted. Cause dismissed.

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

2018-1451. Hudson v. Ohio Gen. Assembly.

Miscellaneous case. On respondents' motion to dismiss. Motion granted. Cause dismissed.

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

2018-1453. Baldwin-Nazarene v. Aetna Health Ins.

Miscellaneous case. On respondents' motion to dismiss. Motion granted. Cause dismissed.

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

2018-1461. Baldwin v. Stock Yard Bank & Trust Co.

Miscellaneous case. On respondents' motion to dismiss. Motion granted. Cause dismissed.

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

2018-1462. Baldwin-Nazarene v. CitiMortgage.

Miscellaneous case. On respondents' motion to dismiss. Motion granted. Cause dismissed. Relator's motion to include supporting evidence for original action denied as moot.

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

2018-1478. Baldwin-Nazarene v. Wright Patterson Credit Union.

Miscellaneous case. On respondents' motion to dismiss with supporting memorandum. Motion granted. Cause dismissed.

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

2018-1480. Hodges v. Robinson.

In Mandamus. On S.Ct.Prac.R. 12.04 determination. Cause dismissed.

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

JJ., concur.

French, J., dissents and would grant an alternative writ.

2018-1508. State ex rel. Hairston v. Doe.

In Habeas Corpus. Sua sponte, cause dismissed. Request for leave to file successive habeas petition granted.

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

2018-1555. Johnson v. Sloan.

In Habeas Corpus. Sua sponte, cause dismissed.

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

MOTION AND PROCEDURAL RULINGS

1998-1983. State v. LaMar.

Lawrence App. No. 95CA31. On appellee's motion to set execution date. Motion granted. Keith LaMar's sentence shall be carried into execution by the warden of the Southern Ohio Correctional Facility, or in his absence, by the deputy warden on Thursday, November 16, 2023, in accordance with the statutes so provided. Appellant's motion for order of relief pursuant to S.Ct.Prac.R. 4.01 is denied.

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

2004-0586. State v. Drummond.

Mahoning App. No. 03CR358. On appellant's motion for order of relief pursuant to S.Ct.Prac.R. 4.01. Motion denied.

2017-1649. Piazza v. Cuyahoga Cty.

Cuyahoga App. No. 104724, 2017-Ohio-8163. On appellee's motion for leave to file surreply brief and proposed surreply brief. Motion denied.

O'Donnell, J., dissents.

DeGenaro, J., not participating.

2018-0948. State v. Miller.

Cuyahoga App. No. 105363, 2018-Ohio-843. On appellee's motion to dismiss appeal as being improvidently allowed. Motion denied.

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

DeGenaro, J., not participating.

2018-1489. U.S. Bank Natl. Assn. v. MMCO, L.L.C.

Cuyahoga App. No. 107560. On appellants' motion to stay. Motion denied.

2018-1515. M.D. v. M.D.

Cuyahoga App. Nos. 106581 and 106758, 2018-Ohio-4218. On appellant's motion for stay. Motion denied. Appellee's motion to strike denied.

O'Donnell, J., would grant appellant's motion for stay.

RECONSIDERATION OF PRIOR DECISIONS

2017-0813. State ex rel. Speedway, L.L.C. v. Wray.

In Mandamus. On relators' motion for reconsideration. Motion denied.

Kennedy and French, JJ., dissent.