

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

June 26, 2019

[Cite as *06/26/2019 Case Announcements, 2019-Ohio-2496.*]

MERIT DECISIONS WITH OPINIONS

2017-1649. *Piazza v. Cuyahoga Cty.*, Slip Opinion No. 2019-Ohio-2499.

Cuyahoga App. No. 104724, 2017-Ohio-8163. Judgment affirmed.

O'Connor, C.J., and French, Donnelly, and Froelich, JJ., concur.

Fischer, J., dissents, with an opinion joined by Kennedy and DeWine, JJ.

Jeffrey E. Froelich, J., of the Second Appellate District, sitting for Stewart, J.

2019-0189. *State ex rel. WBNS 10-TV, Inc. v. Hawkins*, Slip Opinion No. 2019-Ohio-2500.

In Mandamus and Prohibition. Writ of prohibition granted and order denying courtroom access to relator issued by respondent without an evidentiary hearing vacated. Relator's emergency motion for a peremptory writ of prohibition or alternatively a writ of mandamus denied as moot. Stipulated notice of partial dismissal granted as to Count Two. Relator's request for a writ of mandamus denied as moot.

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

MERIT DECISIONS WITHOUT OPINIONS

2018-0959. *Summers v. Fox*.

In Mandamus. Sua sponte, alternative writ granted. The following briefing schedule is set for the presentation of evidence and filing of briefs pursuant to S.Ct.Prac.R. 12.05: The parties shall file any evidence they intend to present within 20 days, relator shall file a brief within 10 days after the filing of the evidence, respondents

shall file a brief within 20 days after the filing of relator's brief, and relator may file a reply brief within 7 days after the filing of respondents' briefs.

Kennedy, Fischer, DeWine, Donnelly, and Stewart, JJ., concur.

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

2019-0268. State ex rel. Faith Ranch & Farms Fund v. Hervey.

In Mandamus and Prohibition. On respondents' motion to dismiss. Motion granted as to the mandamus complaint and denied as to the prohibition complaint. The prohibition complaint is dismissed sua sponte because relator has an adequate remedy at law. Cause dismissed.

Kennedy, Fischer, DeWine, and Stewart, JJ., concur.

O'Connor, C.J., and Donnelly, J., concur in part and dissent in part and would grant a peremptory writ of prohibition.

French, J., concurs in part and dissents in part and would grant an alternative writ of prohibition.

2019-0315. State ex rel. Neguse v. Crawford.

Franklin App. No. 18AP-526. Sua sponte, cause dismissed for lack of a final, appealable order.

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

2019-0338. State ex rel. Smith v. Grant.

In Mandamus. Sua sponte, cause dismissed.

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

2019-0403. Gaston v. Seneca Cty. Child Support.

In Habeas Corpus. Sua sponte, cause dismissed. Petitioner's "order relief from void judgement Federal Rule 60(B)(4)" denied.

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

2019-0448. Anderson v. Boyle.

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

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

Stewart, J., not participating.

2019-0480. State ex rel. Lemasters v. Twelfth Dist. Court of Appeals.

In Prohibition. On respondent Twelfth District Court of Appeals' motion to dismiss and amended motion to dismiss of respondent Madison County Prosecutor's Office and respondent Judge James A. Brogan. Motions granted. Cause dismissed.

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

2019-0525. Gaston v. Tiffin.

In Habeas Corpus. Sua sponte, cause dismissed. Petitioner's "order relief from void judgement Federal Rule 60(B)(4)" denied.

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

2019-0563. Bell v. Hamilton Cty. Court.

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

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

2019-0572. Harris v. State.

In Habeas Corpus. Sua sponte, cause dismissed. Petitioner's motion to amend and motion for appointment of counsel denied as moot.

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

2019-0578. State ex rel. Givens v. Greene.

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

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

2019-0593. Wood v. May.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2019-0624. Barga v. Collins.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2019-0634. State ex rel. Gibson v. Wainwright.

In Habeas Corpus. Sua sponte, cause dismissed.

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

MOTION AND PROCEDURAL RULINGS

2018-1007. State v. Bozso.

Cuyahoga App. No. 106149, 2018-Ohio-1750. Sua sponte, cause no longer held for the decision in 2017-0915, *State v. Romero*, and stay of briefing schedule lifted. The clerk shall issue an order for the transmittal of the record from the Court of Appeals for Cuyahoga County, and the parties shall brief this case in accordance with the rules of practice of this court.

2019-0234. Gaston v. Wayne Cty. Child Support Enforcement Agency.

In Habeas Corpus. On petitioner's "motion for relief from a judgment under jurisdiction federal rule 60(B)(4)." Motion denied.

2019-0482. State v. Moton.

Cuyahoga App. No. 104470, 2018-Ohio-737. On motion for delayed appeal. Motion fails for want of four votes.

French, Fischer, and Donnelly, JJ., would grant the motion.

Stewart, J., not participating.

2019-0649. Fifth Third Mtge. Co. v. Berman.

Franklin App. No. 17AP-563, 2019-Ohio-1068. On appellant's motion for stay. Motion denied.

Donnelly, J., dissents and would grant the motion upon the posting of a bond.

Stewart, J., dissents.

APPEALS ACCEPTED FOR REVIEW

2019-0364. In re Estate of Shaffer.

Lucas App. No. L-17-1128, 2019-Ohio-234. Appeal accepted on proposition of law No. I.

Fischer, J., would also accept the appeal on proposition of law No. II.

Kennedy and Donnelly, JJ., dissent.

2019-0390. Jones v. Cleveland Clinic Found.

Cuyahoga App. No. 107030, 2019-Ohio-347. Appeal accepted on proposition of law Nos. I and II.

Kennedy, J., would also accept the appeal on proposition of law No. III.
O'Connor, C.J., and Donnelly and Stewart, JJ., dissent.

APPEALS NOT ACCEPTED FOR REVIEW

2019-0149. State v. Jeffries.

Cuyahoga App. No. 106889, 2018-Ohio-5039.

French and Stewart, JJ., dissent.

2019-0348. State v. Donaldson.

Cuyahoga App. No. 106812, 2018-Ohio-4872.

Donnelly, J., dissents and would accept the appeal and hold the cause for the decision in 2018-0948, *State v. Miller*.

2019-0404. In re A.V.H.

Summit App. No. 29103, 2019-Ohio-369.

Donnelly and Stewart, JJ., dissent.

2019-0440. Shepherd of the Valley Lutheran Retirement Servs., Inc. v. Cesta.

Trumbull App. No. 2018-T-0033, 2019-Ohio-415.

Kennedy, Fischer, and Donnelly, JJ., dissent.

2019-0481. In re L. & M. Children.

Hamilton App. No. C-180629.

Stewart, J., dissents.

2019-0488. Stiner v. Amazon.com, Inc.

Lorain App. No. 17CA011215, 2019-Ohio-586.

French, Fischer, and DeWine, JJ., dissent.

2019-0558. State v. Cooper.

Summit App. No. 29110, 2019-Ohio-770.

Fischer, Donnelly, and Stewart, JJ., dissent.