

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

February 13, 2019

[Cite as *02/13/2019 Case Announcements*, 2019-Ohio-470.]

MERIT DECISIONS WITH OPINIONS

2018-0085. *State ex rel. Mignella v. Indus. Comm.*, Slip Opinion No. 2019-Ohio-463.

Franklin App. No. 16AP-441, 2017-Ohio-8831. Judgment affirmed.

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

MERIT DECISIONS WITHOUT OPINIONS

2018-1183. *State ex rel. Reese v. Dept. of Rehab. & Corr.*

Franklin App. No. 18AP-52. Sua sponte, cause dismissed as untimely because the tolling provisions of the Rules of Practice of the Supreme Court of Ohio do not apply to appeals from original actions that were filed with the court of appeals.

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

2018-1191. *Herrell v. Rini.*

In Prohibition. On respondents' motion for judgment on the pleadings. Motion denied. Sua sponte, alternative writ granted. The following briefing schedule is set for 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 seven days, relator shall file a brief within five days after the filing of the evidence, respondents shall file a brief within seven days after the filing of relator's brief, and relator may file a reply brief within three days after the filing of respondents' brief.

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

DeWine, J., dissents.

2018-1399. State ex rel. Morris v. Summit Cty. Common Pleas Court.

In Mandamus and Prohibition. On respondent's motion for judgment on pleadings. Motion granted and cause dismissed.

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

2018-1636. Reese v. Dept. of Rehab. & Corr.

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.

2018-1648. Bey v. All Foreign Agents & Agencies of U.S. Corp. Co.

Miscellaneous case. On respondents' motions to dismiss. Motions granted. Cause dismissed.

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

2018-1663. State ex rel. Kudla v. Summit Cty. Clerk of Courts.

In Mandamus. On motion to dismiss of respondent Ninth District Court of Appeals and amended motion for judgment on pleadings of respondent Summit County Clerk of Courts. Motions granted. Cause dismissed. Relator's motion for preliminary injunction with ex parte order denied as moot.

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

2018-1665. Danziger v. Russo.

In Mandamus. On respondent's motion to dismiss. Motion granted. Cause dismissed. Respondent's motion to seal complaint and amended complaint granted. Relator's motion to amend caption of relator's complaint and amended complaint granted.

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

2018-1684. State ex rel. Morris v. Cain.

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

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

2018-1695. Johnson v. Singer.

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.

2018-1713. State ex rel. Washington v. First Dist. Court of Appeals.

In Mandamus. On respondents' motion to dismiss. Motion granted. Cause dismissed. Relator's motion for the Supreme Court to take judicial notice denied as moot.

O'Connor, C.J., and Kennedy, French, Donnelly, and Stewart, JJ., concur.
Fischer and DeWine, JJ., not participating.

2018-1716. Johnson v. Bur. of Sentence Computation.

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.

2018-1725. State v. Consilo.

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

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

2018-1752. State ex rel. Fetherolf v. Shaw.

In Prohibition. On respondents' motion to dismiss. Motion granted. Cause dismissed. Relator's motion in response to the state's motion to dismiss denied as moot.

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

2018-1781. Guyton v. Eppinger.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2018-1808. Johnson v. LaRose.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2018-1833. Garfield v. Eppinger.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2018-1846. Johnson v. LaRose.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2018-1858. Heard v. Eppinger.

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

2017-0244. State v. Johnson.

Muskingum App. No. CT2016-0035, 2016-Ohio-7931. On appellee's motion for relief pursuant to S.Ct.Prac.R. 4.01. Motion denied as moot.

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

In Mandamus. On relators' request for oral argument. Request granted.

2017-1618. State ex rel. Cincinnati Enquirer v. Cincinnati Police Dept.

In Mandamus. On relator's motion for oral argument. Motion granted.

O'Connor, C.J., and Donnelly and Stewart, JJ., dissent.

2018-0013. State ex rel. McDougald v. Greene.

In Mandamus. On relator's motion for agreed statement of facts and motion to refer the case to mediation pursuant to S.Ct.Prac.R. 19.01. Motions denied. Relator's motion to accept affidavit and exhibits as attached to his writ of mandamus action to support brief and motion for relief from judgment or order Civ.R. 60(B)(1)(5) granted. Respondent's motion to strike denied.

2018-0506. State ex rel. Cincinnati Enquirer v. Oda.

Warren App. No. CA2017-08-130, 2018-Ohio-704. On appellant's motion for oral argument. Motion granted.

Kennedy and DeWine, JJ., dissent.

2018-1211. State ex rel. Pearson v. Kelbley.

In Procedendo. On relator's request for findings of fact and conclusions of law. Request denied.

2018-1816. Sheil v. Horton.

Cuyahoga App. No. 107329, 2018-Ohio-5240. On appellant's motion for immediate stay of the judgment of the court of appeals. Motion granted.

DeWine, J., dissents.

2018-1835. State v. Eyajan.

Ashtabula App. No. 2018-A-0081, 2018-Ohio-4570. On appellant's motion for stay. Motion denied.

Stewart, J., dissents.