

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

November 27, 2019

[Cite as *11/27/2019 Case Announcements*, 2019-Ohio-4768.]

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## MERIT DECISIONS WITH OPINIONS

**2019-0806. Akron Bar Assn. v. Plesich, Slip Opinion No. 2019-Ohio-4843.**

On Certified Report by the Board of Professional Conduct, No. 2018-057. Gregory Thomas Plesich, Attorney Registration No. 0007642, last known business address in Akron, Ohio, suspended from the practice of law for two years, with credit for time served under interim suspension.

French, DeWine, Donnelly, and Stewart, JJ., concur.

O'Connor, C.J., and Kennedy and Fischer, JJ., would not grant credit for time served under interim suspension.

**2019-1077. Disciplinary Counsel v. Goldberger, Slip Opinion No. 2019-Ohio-4844.**

On Certified Report by the Board of Professional Conduct, No. 2019-019. Robert Goldberger, Attorney Registration No. 0022372, last known business address in Mansfield, Ohio, publicly reprimanded.

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

**2019-1081. Toledo Bar Assn. v. Field and Weiss, Slip Opinion No. 2019-Ohio-4845.**

On Certified Report by the Board of Professional Conduct, No. 2019-020. Peter Frederick Field, Attorney Registration No. 0067156, and Dan Martin Weiss, Attorney Registration No. 0065987, both with a last known business address in Perrysburg, Ohio, publicly reprimanded.

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

## MERIT DECISIONS WITHOUT OPINIONS

### **2019-0754. State ex rel. Herrick-Hudson, L.L.C. v. Corrigan.**

In Procedendo. Sua sponte, cause dismissed as moot.

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

### **2019-1179. State ex rel. Griffin v. Kirkman.**

In Mandamus. On respondent's motion to dismiss. Motion granted. Relator's "motion to inform the court as to why the relator denied the respondent's settlement offer of August 30, 2019" and "motion for an in-camera inspection related to the respondent's settlement offer" denied as moot. Cause dismissed.

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

### **2019-1210. State ex rel. Allah v. Bowerman.**

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.

### **2019-1220. State ex rel. FirstEnergy Solutions Corp. v. Ohioans Against Corporate Bailouts.**

Miscellaneous case. Cause dismissed for lack of a justiciable controversy. Relators' "motion explaining new exigencies requiring expedited decision" denied as moot.

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

French, Fischer, and DeWine, JJ., not participating.

### **2019-1242. State ex rel. Givens v. Fregiato.**

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.

**2019-1260. Hillman v. Tenth Dist. Court of Appeals.**

In Mandamus and Prohibition. On relator’s “motion for leave to amend and supplement prior 2969.25(A) affidavit/pleading.” Motion granted. Respondent’s motion to dismiss and motion to dismiss amended complaint granted. Relator’s motion for leave to file an amended complaint and “motion to the respondent’s motion to dismiss filed October 7th, 2019 and received on October 11, 2019” denied. Cause dismissed.

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

French, J., not participating.

**2019-1266. State ex rel. Barnette v. Sweeney.**

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

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

**MOTION AND PROCEDURAL RULINGS**

**2018-0959. Summers v. Fox.**

In Mandamus. On relator’s, respondents’, and intervening respondent’s requests for oral argument. Requests granted.

**2019-0390. Jones v. Cleveland Clinic Found.**

Cuyahoga App. No. 107030, 2019-Ohio-347. On appellee’s motion to strike extraneous arguments. Motion denied.

Donnelly, J., not participating.

**2019-0407. State v. Jaeger.**

Medina App. No. 17CA0072-M, 2018-Ohio-2994. On appellant’s motion for leave of court, motion for enlargement of time to file motion for evidence, and motion for evidence. Motions denied.

**2019-1303. Verhoff v. Verhoff.**

Allen App. No. 1-18-66, 2019-Ohio-3836. On appellants’ motion for immediate stay. Motion denied.

Fischer, J., dissents and would continue the bond posted with the trial court.

**2019-1309. Lingle v. State.**

Franklin App. Nos. 17AP-251 and 17AP-252, 2019-Ohio-2928. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue as stated on page 1 of the court of appeals' September 24, 2019 entry: "Does R.C. 2950.09(F) provide out-of-state offenders challenging their R.C. 2950.09(A) automatic sexual predator classification with a right to an evidentiary hearing whereby the offender must prove by clear and convincing evidence that he or she is not likely to commit a sexually-oriented offense in the future?" The conflict cases are *State v. Pasqua*, 157 Ohio App.3d 427, 2004-Ohio-2992 (1st Dist.), *State v. Forsythe*, 5th Dist. Stark No. 2012CA00225, 2013-Ohio-3301, and *State v. McMullen*, 8th Dist. Cuyahoga No. 97475, 2012-Ohio-2629.

Sua sponte, cause consolidated with 2019-1247, *Lingle v. State*, and briefing in case Nos. 2019-1247 and 2019-1309 shall be consolidated. The parties shall file two originals of the briefs permitted under S.Ct.Prac.R. 16.02 through 16.04 and include both case numbers on the cover page of the briefs. The parties shall otherwise comply with the requirements of S.Ct.Prac.R. 16.01 through 16.04.

French, J., not participating.

**APPEALS ACCEPTED FOR REVIEW**

**2019-1103. State v. Kinney.**

Belmont App. No. 18 BE 0011, 2019-Ohio-2704. Appeal accepted on proposition of law No. I.

Kennedy and DeWine, JJ., dissent.

**2019-1247. Lingle v. State.**

Franklin App. Nos. 17AP-251 and 17AP-252, 2019-Ohio-2928. Sua sponte, cause consolidated with 2019-1309, *Lingle v. State*, and briefing in case Nos. 2019-1247 and 2019-1309 shall be consolidated. The parties shall file two originals of the briefs permitted under S.Ct.Prac.R. 16.02 through 16.04 and include both case numbers on the cover page of the briefs. The parties shall otherwise comply with the requirements of S.Ct.Prac.R. 16.01 through 16.04.

DeWine, J., dissents.

French, J., not participating.

## RECONSIDERATION OF PRIOR DECISIONS

### **2017-0186. State v. Dunson.**

Montgomery App. No. 26990, 2016-Ohio-8365. Reported at 156 Ohio St.3d 180, 2018-Ohio-5213, 124 N.E.3d 787. On motion for reconsideration. Motion granted. This court's December 27, 2018 decision reversing the judgment of the court of appeals on the authority of 2017-1579 and 2017-1609, *State v. Braden*, is vacated, and the appeal is reinstated and held for the decision in 2018-0797, *State v. Taylor*.

Kennedy and DeWine, JJ., dissent.

### **2019-0912. State v. Grevious.**

Butler App. No. CA2018-05-093, 2019-Ohio-1932. Reported at 157 Ohio St.3d 1419, 2019-Ohio-3797, 131 N.E.3d 958. On motion for reconsideration. Motion granted. Discretionary appeal accepted on proposition of law No. I and cause held for the decision in 2019-1103, *State v. Kinney*.

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