

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

March 6, 2019

[Cite as *03/06/2019 Case Announcements*, 2019-Ohio-768.]

MERIT DECISIONS WITH OPINIONS

2018-0824. State ex rel. Howard v. Turner, Slip Opinion No. 2019-Ohio-759.

Marion App. No. 9-18-04. Judgment affirmed.

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

Kennedy, J., concurs in judgment only.

2018-0926. State ex rel. White v. Tepe, Slip Opinion No. 2019-Ohio-760.

Warren App. No. CA2018-03-034. Judgment affirmed.

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

MERIT DECISIONS WITHOUT OPINIONS

2018-1732. State ex rel. Evans v. Franklin Cty. Common Pleas Court Judges.

In Mandamus and Procedendo. On respondents' motions to dismiss. Motions granted. Cause dismissed. Relator's motion for sanctions and motion for special prosecutor denied as moot.

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

2018-1750. State ex rel. Anderson v. Bisca.

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.

2018-1751. Adams v. State.

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.

2018-1807. State ex rel. Evans v. Mahoning Cty. Common Pleas Court Clerk.

In Mandamus. On respondents' motions to dismiss. Motions granted. Cause dismissed. Relator's motion to compel denied.

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

2018-1809. State ex rel. Lawson v. Coss.

In Prohibition. On respondents' motions to dismiss. Motions granted. Cause dismissed.

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

2018-1823. State ex rel. Davis v. Eleventh Dist. Court of Appeals.

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

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

2018-1825. State ex rel. Staats v. Fifth Dist. Court of Appeals.

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

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

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

2018-1845. State ex rel. Smucker v. Blackwell.

In Prohibition. On respondents' motion for judgment on pleadings. Motion granted. Cause dismissed. Relator's motion to strike denied as moot.

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

2018-1850. State ex rel. Penland v. Dept. of Rehab. & Corr.

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

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

Kennedy, French, and DeWine, JJ., dissent and would grant an alternative writ.

William A. Klatt, J., of the Tenth District Court of Appeals, sitting for Fischer, J.

2019-0021. Elek v. Stammitti.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2019-0045. State ex rel. Fhiaras v. Jackson-Mitchell.

In Habeas Corpus. Sua sponte, cause dismissed.

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

2019-0116. State ex rel. Snuggs v. Shoop.

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

2018-1176. State v. Straley.

Highland App. No. 17CA4, 2018-Ohio-3080. On motion to dismiss appeal as improvidently accepted. Motion denied.

French and Donnelly, JJ., dissent.

2018-1815. Lubrizol Advanced Materials, Inc. v. Natl. Union Fire Ins. Co. of Pittsburgh.

Certified Question of State Law, United States District Court for the Northern District of Ohio, Eastern Division, No. 1:17-CV-01782. On review pursuant to S.Ct.Prac.R. 9.05, the court will answer the following question: "Whether an insured is permitted to seek full and complete indemnity, under a single policy providing coverage for 'those sums' the insured becomes legally obligated to pay because of property damage that takes place during the policy period, when the property damage occurred over multiple policy periods."

Petitioner shall file its merit brief within 40 days, and the parties shall otherwise proceed in accordance with S.Ct.Prac.R. 16.02 through 16.04 and S.Ct.Prac.R. 9.07.

2018-1842. In re N.M.P.

Portage App. No. 2018-P-0056, 2018-Ohio-5072. On review of an order certifying a conflict. The court determines that a conflict exists. The parties are ordered to brief the issue stated at page 4 of the court of appeals' entry filed December 27, 2018: "In a custody proceeding in which an agency has filed for permanent custody pursuant to R.C. 2151.414(B)(1)(d), must the agency establish by clear and convincing evidence that the child has been in the temporary custody of one or more children services agencies for a total of 12 months of a consecutive 22 month period of agency involvement?"

The conflict case is *In re K.L.*, 6th Dist. Lucas Nos. L-17-1201 and L-17-1210, 2017-Ohio-9003.

2019-0035. State v. Williams.

Fairfield App. No. 17-CA-43, 2018-Ohio-4580. On review of an order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause held for the decision in 2018-0012, *State v. Hitchcock*, and briefing schedule stayed.

2019-0056. Brookpark v. Rodojev.

Cuyahoga App. No. 106313, 2018-Ohio-5028. On review of an order certifying a conflict. The court determines that a conflict exists. The parties are ordered to brief the issue stated at paragraph 27 of the court of appeals' opinion journalized December 13, 2018: "[W]hether the results of any speed measuring device, using either radar or laser technology, is admissible without expert testimony establishing, or the taking of judicial notice of, the scientific reliability of the principles underlying the technology."

The conflict cases are *State v. Cleavenger*, 2018-Ohio-446, 93 N.E.3d 1027, ¶ 34 (7th Dist.), and *In re Z.E.N.*, 4th Dist. Scioto No. 18CA3826, 2018-Ohio-2208, ¶ 19-24.

O'Connor, C.J., and French and Stewart, JJ., would certify the conflict as to *In re Z.E.N.*, 2018-Ohio-2208, only.

2019-0062. Martell v. Martell.

Stark App. No. 2018CA00017, 2018-Ohio-4927. On appellant's motion for stay. Motion denied.

Stewart, J., dissents.