

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

March 20, 2019

[Cite as *03/20/2019 Case Announcements*, 2019-Ohio-943.]

MERIT DECISIONS WITH OPINIONS

2018-0836. *Bear v. Buchanan*, Slip Opinion No. 2019-Ohio-931.

Noble App. No. 17 NO 0457, 2018-Ohio-1817. Judgment affirmed.

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

2018-0905. *State ex rel. Roush v. Montgomery*, Slip Opinion No. 2019-Ohio-932.

Franklin App. No. 17AP-791, 2018-Ohio-2098. Judgment affirmed.

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

2018-0972. *State ex rel. Hunley v. Dept. of Rehab. & Corr.*, Slip Opinion No. 2019-Ohio-933.

Franklin App. No. 15AP-593. Judgment affirmed.

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

2018-1084. *Curtis v. Wainwright*, Slip Opinion No. 2019-Ohio-942.

Marion App. No. 9-18-14. Judgment affirmed.

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

MERIT DECISIONS WITHOUT OPINIONS

2018-0499. State ex rel. Demellweek v. Indus. Comm.

Franklin App. No. 16AP-874, 2018-Ohio-714. On appellee's motion to dismiss. Motion granted. Cause dismissed as moot.

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

2018-1307. State ex rel. Feltner v. Cuyahoga Cty. Bd. of Revision.

In Mandamus and Prohibition. Sua sponte, alternative writ granted as to counts I and III against respondents Cuyahoga County Board of Revision, Armond Budish, Dennis G. Kennedy, and Michael Gallagher. The motion to dismiss of the Cuyahoga County respondents is granted as to all remaining counts in the complaint. The following briefing schedule is set for presentation of evidence and filing of briefs as to counts I and III 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 briefs 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. Motions to dismiss of respondents Cuyahoga County Land Reutilization Corporation and Ohio Attorney General and motion to dismiss of Cuyahoga County respondents as to W. Christopher Murray II, and Cuyahoga County are granted, and these respondents are dismissed as parties from the case. Sua sponte, case to be scheduled for oral argument before the full court.

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

Fischer, J., would also grant an alternative writ as to counts V and VI.

DeWine, J., dissents and would grant respondents' motions to dismiss in full. Stewart, J., not participating.

2018-1666. State ex rel. Kitrick v. Columbus.

In Mandamus. On respondents' motion to dismiss. Motion granted. Cause dismissed. Relators' motion for leave to file first amended complaint in mandamus granted.

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

2019-0018. State ex rel. Penland v. Dept. of Rehab. & Corr.

In Mandamus. 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 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' brief.

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

Donnelly and Stewart, JJ., dissent.

Fischer, J., not participating.

2019-0042. McIntyre v. Hooks.

In Habeas Corpus. Sua sponte, writ allowed and return of writ ordered. Respondent shall file a return of writ within 21 days of service of the petition, and petitioner may file a response within 10 days after the return is filed. Petitioner's physical presence before the court not required.

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

DeWine, J., dissents and would dismiss the cause.

O'Connor, C.J., not participating.

MOTION AND PROCEDURAL RULINGS

2017-0331. State ex rel. Rogers v. Dept. of Rehab. & Corr.

In Mandamus. On application for attorney fees and court costs filed January 4, 2019. The fees hereinafter approved are reasonable, and James J. Leo is granted attorney fees in the sum of \$10,206.00, which amount is ordered payable by the Ohio Department of Rehabilitation & Correction directly to James J. Leo.

2019-0095. Moehrman v. Moehrman.

Franklin App. No. 18AP-304, 2018-Ohio-5106. On appellant's motion for stay of court of appeals' decision. Motion denied.

2019-0158. State v. Fisher.

Meigs App. No. 18CA18, 2018-Ohio-5018. 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.

DeWine, J., dissents.

APPEALS ACCEPTED FOR REVIEW

2018-1831. State v. Smith.

Hamilton App. No. C-170335, 2018-Ohio-4615.

Kennedy, DeWine, and Stewart, JJ., dissent.

APPEALS NOT ACCEPTED FOR REVIEW

2018-1812. Toledo v. State.

Lucas App. Nos. L-18-1011 and L-18-1016, 2018-Ohio-4534.
Kennedy, French, and DeWine, JJ., dissent.