

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

April 22, 2020

[Cite as *04/22/2020 Case Announcements*, 2020-Ohio-1487.]

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## MERIT DECISIONS WITH OPINIONS

**2018-0338. *State v. Jeffries*, Slip Opinion No. 2020-Ohio-1539.**

Cuyahoga App. No. 105379, 2018-Ohio-162. Judgment affirmed.

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

**2019-1455. *State ex rel. Nelson v. Russo*, Slip Opinion No. 2020-Ohio-1541.**

Cuyahoga App. No. 108531, 2019-Ohio-3895. Judgment affirmed.

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

Kennedy, J., concurs in judgment only.

Stewart, J., not participating.

**2019-1469. *State ex rel. Roberts v. Marsh*, Slip Opinion No. 2020-Ohio-1540.**

Hamilton App. No. C-190494. Judgment affirmed.

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

Fischer, J., not participating.

**2019-1738. *Disciplinary Counsel v. Schwarz*, Slip Opinion No. 2020-Ohio-1542.**

On Certified Report by the Board of Professional Conduct, No. 2019-033. Harold McClure Schwarz III, Attorney Registration No. 0078072, last known business address in Akron, Ohio, indefinitely suspended from the practice of law.

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

## MERIT DECISIONS WITHOUT OPINIONS

### **2019-0841. Wilson v. Ohio Pub. Emp. Retirement Sys. Bd.**

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

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

### **2019-1147. State ex rel. Keith v. Ohio Dept. of Rehab. & Corr.**

Franklin App. No. 15AP-1080, 2017-Ohio-4406. Appeal dismissed as moot.

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

French, J., not participating.

### **2019-1269. Interstate Gas Supply v. Pub. Util. Comm.**

Public Utilities Comm. Nos. 16-1602-EL-ESS, 17-1263-EL-SSO, 17-1264-EL-ATA, 17-1265-EL-AAM, 17-32-EL-AIR, 17-33-EL-ATA, 17-34-EL-AAM, 17-872-EL-RDR, 17-873-EL-ATA, and 17-874-EL-AAM. Appeal dismissed.

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

### **2019-1279. State ex rel. McIntyre v. Ninth Dist. Court of Appeals.**

In Mandamus and Prohibition. On respondents' motion to dismiss amended complaint. Motion granted. Cause dismissed.

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

Stewart, J., dissents and would deny the writ on the merits.

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

### **2019-1511. State ex rel. Hogan Lovells US, L.L.P. v. Ohio Dept. of Rehab. & Corr.**

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, relators shall file a brief within 10 days after the filing of the evidence, respondent shall file a brief within 20 days after the filing of relators' brief, and relators may file a reply brief within 7 days after the filing of respondent's brief.

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

**2019-1627. State ex rel. Health Care Facility Mgt., L.L.C. v. Jones.**

In Mandamus and 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.

**2020-0054. State ex rel. Martin v. Allen.**

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

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

Kennedy and Fischer, JJ., would grant an alternative writ as to respondents Kigar & Assocs., Inc., Kigar Realty & Auction, Registered Agent Solutions, Inc., Andrew Cecere, and Joshua James Epling.

**2020-0064. State ex rel. Whitt v. Shoop.**

In Mandamus and 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.

**2020-0065. State ex rel. Oldham v. Keefe.**

In Mandamus. Sua sponte, cause dismissed.

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

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

**2020-0103. State ex rel. Braddy v. McDonnell.**

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.

**2020-0109. Haws v. Stark Cty. Bd. of Revision.**

In Mandamus. On respondents' motions to dismiss. Motions granted. Relators' motion for leave to amend the case caption granted. Cause dismissed.

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

**2020-0122. State ex rel. Bevins v. Mock.**

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

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

Stewart, J., would deny the motion to strike as moot.

Fischer, J., not participating.

**2020-0129. State ex rel. Mobley v. O'Donnell.**

In Mandamus. On respondent's motion to dismiss. Motion granted. Relator's motion for leave to amend relief prayed for and request for judicial notice of adjudicative facts denied. Cause dismissed.

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

Stewart, J., would grant the request for judicial notice.

Kennedy, J., not participating.

**2020-0135. State ex rel. Vaughn v. Wallace.**

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

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

Donnelly, J., dissents and would grant the writ.

**2020-0145. State ex rel. Bey v. Brooks.**

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.

**2020-0146. State ex rel. Moore v. Raynor.**

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

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

**2020-0176. State ex rel. Long v. Shuff.**

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.

**2020-0179. Nauth v. Dirham.**

In Mandamus. On motion to dismiss of respondents Pamela B. Miller, John V. Welker Jr., Larry G. Cray, and Charles E. Calvert. Motion denied. 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, relators shall file a brief within 10 days after the filing of the evidence, respondent shall file a brief within 20 days after the filing of relators' brief, and relators may file a reply brief within 7 days after the filing of respondent's brief.

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

**2020-0189. State ex rel. McDougald v. Sehlmeier.**

In Mandamus. On relator's motion to amend complaint. Motion granted. 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, relators shall file a brief within 10 days after the filing of the evidence, respondent shall file a brief within 20 days after the filing of relators' brief, and relators may file a reply brief within 7 days after the filing of respondent's brief.

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

Fischer, J., would deny the motion.

**2020-0207. State ex rel. Morris v. Petree.**

In Mandamus and Prohibition. On respondents' motion to dismiss. Motion granted. Cause dismissed.

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

**2020-0222. State ex rel. Perez v. Schmenk.**

In Mandamus. Writ denied because relator had an adequate remedy in the ordinary course of the law.

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

O'Connor, C.J., and Kennedy and French, JJ., would dismiss the complaint.

## **MOTION AND PROCEDURAL RULINGS**

### **2020-0258. State v. Rogers.**

Lake App. No. 2018-L-119, 2019-Ohio-4834. On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

French and DeWine, JJ., dissent.

### **2020-0338. State v. Glenn.**

Montgomery App. No. 28736. On appellant's motion for stay of court of appeals' judgment dismissing appeal. Motion denied.

### **2020-0358. Fahncke v. Fahncke.**

Auglaize App. No. 2-19-05, 2020-Ohio-433. On appellant's emergency motion for stay. Motion denied as moot.

## **APPEALS ACCEPTED FOR REVIEW**

### **2020-0091. State ex rel. Yost v. Rover Pipeline, L.L.C.**

Stark App. No. 2019CA0056, 2019-Ohio-5179.

Kennedy and Stewart, JJ., dissent.

## **APPEALS NOT ACCEPTED FOR REVIEW**

### **2020-0199. State ex rel. Ames v. Brimfield Twp. Bd. of Trustees.**

Portage App. No. 2019-P-0018, 2019-Ohio-5311.

French, Fischer, and Donnelly, JJ., dissent.