

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

December 2, 2020

[Cite as *12/02/2020 Case Announcements, 2020-Ohio-5454.*]

MERIT DECISIONS WITH OPINIONS

2019-0493. State ex rel. AWMS Water Solutions, L.L.C. v. Mertz, Slip Opinion No. 2020-Ohio-5482.

Trumbull App. No. 2016-T-0085, 2019-Ohio-923. Slip opinion reissued on motion for reconsideration. Judgment reversed and cause remanded.

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

Kennedy, J., concurs in judgment only, with an opinion.

Stewart, J., concurs in judgment only.

Donnelly, J., dissents, with an opinion.

2019-1325. In re R.B., Slip Opinion No. 2020-Ohio-5476.

Hamilton App. Nos. C-170622 and C-170623, 2019-Ohio-3298. Judgment reversed and cause remanded.

Kennedy, French, Gallagher, DeWine, Donnelly, and Stewart, JJ.

O'Connor, C.J., concurs in judgment only.

Eileen A. Gallagher, J., of the Eighth District Court of Appeals, sitting for Fischer, J.

2019-1494. West v. Bode, Slip Opinion No. 2020-Ohio-5473.

Monroe App. No. 18 MO 0017, 2019-Ohio-4092. Judgment affirmed and cause remanded.

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

Kennedy, J., dissents, with an opinion joined by Donnelly, J.

Fischer, J., dissents.

2020-0151. Steele v. Harris, Slip Opinion No. 2020-Ohio-5480.

Trumbull App. No. 2019-T-0066, 2019-Ohio-4839. Judgment affirmed.

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

2020-0229. Disciplinary Counsel v. Sarver, Slip Opinion No. 2020-Ohio-5478.

Board of Professional Conduct, No. 2019-025.

Jason Allan Sarver of Columbus, Ohio, Attorney Registration No. 0082073, permanently disbarred from the practice of law and ordered to make restitution of \$50,000 to Allstate Insurance Company or the estate of Jessica Mustin.

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

Kennedy, J., concurs in judgment only.

MERIT DECISIONS WITHOUT OPINIONS

2019-1753. Spence v. Deavers.

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.

2020-0053. Finnell v. Neil.

In Mandamus. Complaint dismissed without prejudice for failure to perfect service.

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

Fischer, J., not participating.

2020-0980. Daboni v. Phillips.

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

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

French, J., not participating.

2020-1043. State ex rel. Saghafi v. Walther.

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.

2020-1045. State ex rel. Saghafi v. Walther.

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.

2020-1060. Myers v. Wood Cty. Common Pleas Court Judge.

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.

2020-1090. State ex rel. Wylie v. Russo.

In Procedendo. On respondents' motion to dismiss. Motion granted. Relator's "motion for respondents to forward copy of Zoom hearing" denied. Cause dismissed.

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

2020-1104. State ex rel. Simpson v. Parker.

In Prohibition. On respondents' motions to dismiss. Motions granted. Relator's request for temporary writ or restraining order denied. Cause dismissed.

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

2020-1106. State ex rel. Evans v. Harcha.

In Prohibition. On respondent's motion to dismiss. Motion granted. Relator's motion to add or substitute party and for respondent to pay costs of action denied. Cause dismissed.

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

French, J., dissents and would deny the writ and would deny the motion as moot.

MOTION AND PROCEDURAL RULINGS

2020-0658. State v. Williams.

Cuyahoga App. No. 108333, 2020-Ohio-3588. On appellee's motion to dismiss appeal as having been improvidently allowed. Motion denied. Sua sponte, cause consolidated with 2020-0991, *State v. Williams*.

2020-0727. Curry v. Mackenzie.

Franklin App. No. 20AP-34. On appellant's motion for a new trial. Motion denied.

2020-0876. Morant v. Carpenter.

In Habeas Corpus. On petitioner's "motion for suspension of trial case sentencing judgement." Motion denied. Petitioner's "motion for leave to file alternative writ" denied.

2020-0991. State v. Williams.

Cuyahoga App. No. 108333, 2020-Ohio-3588. Sua sponte, cause consolidated with 2020-0658, *State v. Williams*. The case shall proceed on the briefs filed in 2020-0658, *State v. Williams*.

2020-1168. State v. Harris.

Muskingum App. No. CT2019-0075. On appellant's motion for stay of court of appeals' judgment. Motion granted. Appellant's bond is continued pending resolution of this appeal.

O'Connor, C.J., and DeWine, J., dissent.

APPEALS ACCEPTED FOR REVIEW

2020-1052. State v. Mack.

Franklin App. No. 19AP-730, 2020-Ohio-2951. Court of appeals' judgment reversed on the authority of *State v. Harper*, __ Ohio St.3d __, 2020-Ohio-2913, __ N.E.3d __, and *State v. Henderson*, __ Ohio St.3d __, 2020-Ohio-4784, __ N.E.3d __.

2020-1062. Smathers v. Glass.

Perry App. No. 19 CA 00018, 2020-Ohio-3264.

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

RECONSIDERATION OF PRIOR DECISIONS

2019-0493. State ex rel. AWMS Water Solutions, L.L.C. v. Zehringer.

Trumbull App. No. 2016-T-0085, 2019-Ohio-923. Reported at __ Ohio St.3d __, 2020-Ohio-4509, __ N.E.3d __. On motion for reconsideration. Motion granted and slip opinion reissued.

Kennedy, Fischer, and Stewart, JJ., dissent.

2020-0787. In re B.D.

Franklin App. No. 18AP-993, 2020-Ohio-361. Reported at 160 Ohio St.3d 1407, 2020-Ohio-4574, 153 N.E.3d 107. On motion for reconsideration. Motion denied.

Kennedy and Stewart, JJ., dissent.

French, J., not participating.