

THE CITY OF DAYTON, APPELLEE, v. THE STATE OF OHIO, APPELLANT.

[Cite as *Dayton v. State*, 167 Ohio St.3d 565, 2022-Ohio-2073.]

Court of appeals' judgment vacated, and cause remanded for application of
Newburgh Hts. v. State.

(No. 2021-0592—Submitted June 14, 2022—Decided June 22, 2022.)

APPEAL from the Court of Appeals for Montgomery County,
No. 28818, 2021-Ohio-967.

{¶ 1} The judgment of the court of appeals is vacated, and the cause is remanded to that court for application of *Newburgh Hts. v. State*, __ Ohio St.3d __, 2022-Ohio-1642, __ N.E.3d __.

KENNEDY, FISCHER, DEWINE, DONNELLY, STEWART, and BRUNNER, JJ.,
concur.

O'CONNOR, C.J., would reverse the court of appeals' judgment only as to the home-rule issues.

Barbara J. Doseck, Dayton City Attorney, and John C. Musto, Dayton Chief Trial Counsel, for appellee.

Dave Yost, Attorney General, Benjamin M. Flowers, Solicitor General, Stephen P. Carney, Deputy Solicitor General, and Caitlyn Nestleroth Johnson and Iris Jin, Assistant Attorneys General, for appellant.
