

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

June 29, 2022

[Cite as *06/29/2022 Case Announcements, 2022-Ohio-2162.*]

MERIT DECISIONS WITH OPINIONS

2021-1064. State ex rel. Griffin v. Sehlmeier, Slip Opinion No. 2022-Ohio-2189.

In Mandamus. Writ and statutory damages denied. Relator's motions to inform the court denied.

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

Brunner, J., concurs in part and dissents in part and would award statutory damages.

2021-1519. Disciplinary Counsel v. Noble, Slip Opinion No. 2022-Ohio-2190.

On Certified Report by the Board of Professional Conduct, No. 2021-017. Michael Allen Noble, Attorney Registration No. 0088639, last known business address in Ravenna, Ohio, suspended from the practice of law for one year with six months stayed on conditions.

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

MERIT DECISIONS WITHOUT OPINIONS

2021-1269. In re Estate of Jones v. Hamilton Cty. Court of Common Pleas.

In Mandamus and Prohibition. On motion to dismiss of respondents Hamilton County Court of Common Pleas, Judge Megan E. Shanahan, Hamilton County Clerk of Courts, Hamilton County Sheriff Charmaine McGuffey, Sgt. Rick Snow,

and Hamilton County Sherriff's Office. Motion granted. Respondents Sibcy Cline, Inc.'s and Auction.com's motions to dismiss granted. Sua sponte, cause dismissed as to remaining respondents. Cause dismissed.

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

Fischer, J., not participating.

2021-1270. In re Estate of Jones v. Hamilton Cty. Court of Common Pleas.

In Prohibition. On motion to dismiss of respondents Hamilton County Court of Common Pleas, Judge Megan E. Shanahan, Hamilton County Clerk of Courts, Hamilton County Sheriff Charmaine McGuffey, Sgt. Rick Snow, and Hamilton County Sherriff's Office. Motion granted. Respondent Special Loan Servicing, L.L.C.'s motion to dismiss granted. Sua sponte, cause dismissed as to remaining respondents. Cause dismissed.

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

Fischer, J., not participating.

2021-1446. Parker v. Newark Ohio Div. of Police.

In Mandamus. On respondent's motion to dismiss. Motion granted. Relator's motion for leave to amend original pleading denied. Respondent's motion to dismiss amended complaint and motion to strike relator's motion to amend denied as moot. Cause dismissed.

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

Donnelly, J., dissents and would grant an alternative writ, order that the records be produced for in camera inspection, grant relator's motion, and deny respondent's motions.

2022-0061. State ex rel. Hicks v. LaRose.

In Mandamus. On respondent's motion to dismiss. Motion granted for lack of standing. Cause dismissed.

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

Kennedy, J., not participating.

2022-0270. Weeks v. Behr.

In Prohibition. Sua sponte, cause dismissed.

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

2022-0302. Tassone v. Brown.

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

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

Fischer, J., not participating.

2022-0349. Jones v. State.

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

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

2022-0370. State ex rel. Hayes v. Jones.

In Mandamus. On relator's motion for counsel. Motion denied. Respondent's motion to dismiss granted. Cause dismissed.

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

2022-0376. Foster v. State.

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

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

2022-0406. State ex rel. Hillman v. Munson.

In Procedendo. On respondent's motion to dismiss. Motion granted. Respondent's motion to designate relator a vexatious litigant denied. Cause dismissed.

Kennedy, DeWine, Stewart, and Brunner, JJ., concur.

O'Connor, C.J., and Fischer and Donnelly, JJ., would grant the motion to designate relator a vexatious litigant.

2022-0422. State ex rel. Bradford v. Waite.

In Mandamus. On relator's motion for emergency 48-hour hearing and expedited review. Motion denied. Respondents' combined motion to dismiss granted. Cause dismissed.

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

2022-0431. State ex rel. Black v. Brown.

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

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

2022-0441. State ex rel. Lusane v. Kent Police Dept.

In Mandamus. Sua sponte, alternative writ granted. The following 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, relator 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 relator's brief, and relator may file a reply brief within 7 days after the filing of respondent's brief.

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

MOTION AND PROCEDURAL RULINGS

2021-1158. State v. Morris.

Ashland App. No. 20-COA-015, [2021-Ohio-2646](#). On appellee's motion to participate in oral argument. Motion granted. Appellant's motion to strike recitation of facts and argument denied.

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

Kennedy, J., not participating.

2021-1193. League of Women Voters of Ohio v. Ohio Redistricting Comm.

On complaint invoking this court's original jurisdiction pursuant to Article XI, Section 9 of the Ohio Constitution. On petitioners' motion to require respondents to explain their failure to comply with the court's February 7, 2022 order. Motion denied as moot.

DeWine, J., not participating.

2021-1198. Bennett v. Ohio Redistricting Comm.

On complaint invoking this court's original jurisdiction pursuant to Article XI, Section 9 of the Ohio Constitution. On petitioners' motion to require respondents to explain their failure to comply with the court's February 7, 2022 order. Motion denied as moot.

DeWine, J., not participating.

2021-1210. Ohio Organizing Collaborative v. Ohio Redistricting Comm.

On complaint invoking this court's original jurisdiction pursuant to Article XI, Section 9 of the Ohio Constitution. On petitioners' motion for an order directing respondents to show cause why they should not be held in contempt. Motion denied as moot.

DeWine, J., not participating.

2022-0409. State ex rel. Andrews v. Lake Cty. Court of Common Pleas.

In Mandamus and Prohibition. On relator's motion for protective order and for an order precluding respondents and their counsel from making certain extrajudicial statements. Motion denied.

Fischer, J., dissents and would grant the motion in part and would order that the documents be produced for in camera inspection.

2022-0424. Everhart v. Coshocton Cty. Mem. Hosp.

Franklin App. No. 21AP-74, [2022-Ohio-629](#). On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue as stated in paragraph 10 of the court of appeals' April 14, 2022 decision: "Does the statute of repose for medical claims, set forth under R.C. 2305.113(C), apply to statutory wrongful death claims?" The conflict cases are *Smith v. Wyandot Mem. Hosp.*, 2018-Ohio-2441, 114 N.E.3d 1224 (3d Dist.), *Mercer v. Keane*, 2021-Ohio-1576, 172 N.E.3d 1101 (5th Dist.), and *Martin v. Taylor*, 11th Dist. No. 2021-L-046, 2021-Ohio-4614. Sua sponte, cause consolidated with 2022-0407, *Everhart v. Coshocton Cty. Mem. Hosp.*, and briefing in case Nos. 2022-0407 and 2022-0424 consolidated.

2022-0456. Horvath v. Barberton Bd. of Bldg. & Zoning Appeals.

Summit App. No. CA 29921, [2022-Ohio-1302](#). On appellant's motion for stay of execution. Motion denied.

O'Connor, C.J., dissents.

2022-0560. Ayers v. Ayers.

Wood App. No. WD-21-010. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue as stated on pages 10 of the court of appeals' April 26, 2022 entry: "Does a trial court have to expressly find that a parent is voluntarily unemployed or underemployed as a condition precedent to imputing income for child support calculation purposes, or can the trial court's silence be construed as an implied finding that is sufficient to

impute income?” The conflict case is *Misleh v. Badwan*, 9th Dist. Summit No. 23284, 2007-Ohio-5677.

DeWine, J., dissents.

APPEALS ACCEPTED FOR REVIEW

2022-0321. State v. Miller.

Cuyahoga App. No. 110571, [2022-Ohio-378](#).

Kennedy, Fischer, and DeWine, JJ., dissent.

2022-0407. Everhart v. Coshocton Cty. Mem. Hosp.

Franklin App. No. 21AP-74, [2022-Ohio-629](#). Appeal and second appeal accepted. Sua sponte, cause consolidated with 2022-0424, *Everhart v. Coshocton Cty. Mem. Hosp.*, and briefing in case Nos. 2022-0407 and 2022-0424 consolidated.

APPEALS NOT ACCEPTED FOR REVIEW

2021-1536. Asamoah v. Amazon.com Servs., Inc.

Franklin App. No. 21AP-498. Appellant’s motion to impose sanctions denied. Appellee’s motion to deem appellant a vexatious litigator granted. Appellant declared to be a vexatious litigator under S.Ct.Prac.R. 4.03(B) and prohibited from instituting or continuing legal proceedings in this court without first obtaining leave of the court to do so. Any request for leave shall be submitted to the clerk of this court for the court’s review.

Kennedy, J., would deny appellee’s motion.

Fischer, J., not participating.

2022-0358. Cincinnati Bell Tel. Co., L.L.C. v. J.K. Meurer Corp.

Hamilton App. No. C-210139, [2022-Ohio-540](#).

Donnelly, J., dissents.