

# The Supreme Court of Ohio

---

## CASE ANNOUNCEMENTS

October 1, 2008

[Cite as *10/01/2008 Case Announcements*, 2008-Ohio-4911.]

---

## MERIT DECISIONS WITH OPINIONS

**2007-1046. State v. Swann, Slip Opinion No. 2008-Ohio-4837.**

Franklin App. Nos. 06AP-870 and 06AP-899, 171 Ohio App.3d 304, 2007-Ohio-2010. Judgment reversed and cause remanded.

Moyer, C.J., and O'Connor, O'Donnell, and Cupp, JJ., concur.

Pfeifer, Lundberg Stratton, and Lanzinger, JJ., concur in part and dissent in part.

**2007-1427. State v. Ferguson, Slip Opinion No. 2008-Ohio-4824.**

Cuyahoga App. No. 88450, 2007-Ohio-2777. Judgment affirmed.

Moyer, C.J., and O'Connor, O'Donnell, and Cupp, JJ., concur.

Pfeifer, Lundberg Stratton, and Lanzinger, JJ., dissent.

**2007-1722. Southside Community Dev. Corp. v. Levin, Slip Opinion No. 2008-Ohio-4839.**

Board of Tax Appeals, No. 2006-T-635. Decision affirmed.

Moyer, C.J., and O'Donnell, Lanzinger, and Cupp, JJ., concur.

Pfeifer, Lundberg Stratton, and O'Connor, JJ., dissent.

**2007-1760 and 2007-1762. Lager v. Miller-Gonzalez, Slip Opinion No. 2008-Ohio-4838.**

Lucas App. No. L-07-1022, 2007-Ohio-4094. Certified question answered in the negative and judgment reversed.

Lundberg Stratton, O'Connor, Cunningham, and Slaby, JJ., concur.

O'Donnell, J., concurs in judgment only.

Moyer, C.J., dissents.  
Pfeifer, J., dissents with opinion.  
Penelope R. Cunningham, J., of the First Appellate District, sitting for Lanzinger, J.  
Lynn C. Slaby, J., of the Ninth Appellate District, sitting for Cupp, J.

## **MERIT DECISIONS WITHOUT OPINIONS**

### **2008-1287. State ex rel. Lofton v. Bursey.**

In Mandamus. On complaint in mandamus of Lovill Lofton. On S.Ct.Prac.R. X(5) determination, cause dismissed.

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, and Lanzinger, JJ., concur.

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

### **2008-1367. State ex rel. Shepherd v. Mansfield Municipal Court.**

In Mandamus. On motions to dismiss and third party motion to strike and for sanctions. Motions to dismiss granted. Motion to strike and for sanctions denied. Cause dismissed.

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

### **2008-1370. Jones v. Child Support Enforcement Agency.**

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

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

### **2008-1372. Baldwin v. Case W. Res. Univ. School of Law.**

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

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

### **2008-1384. State ex rel. McIntyre v. Ravenna.**

In Mandamus. On complaint in mandamus of David P. McIntyre Jr., respondent's motion for an order establishing a briefing schedule, and relator's motion to strike respondent's motion for an order establishing a briefing schedule.

On S.Ct.Prac.R. X(5) determination, cause dismissed. The motions are denied as moot.

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

**2008-1399. State ex rel. Proctor v. Wise.**

In Mandamus. On respondents' motions to dismiss and to strike relator's motion for judgment on the pleadings and relator's motion for judgment on the pleadings. Motion to dismiss granted. Motion for judgment on the pleadings denied. Motion to strike the motion for judgment on the pleadings denied as moot. Cause dismissed.

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

**2008-1485. State ex rel. Oko v. McDonnell.**

In Mandamus. On respondents' motions to dismiss and relator's motion for leave to amend complaint. Motions to dismiss granted. Motion for leave to amend complaint denied as moot. Cause dismissed.

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

**2008-1487. State ex rel. Waybright v. Walker.**

In Mandamus. On respondent's motion to dismiss and relator's motion to amend complaint. Motion to dismiss granted. Motion to amend complaint denied as moot. Cause dismissed.

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

**2008-1524. Miller v. Smith.**

In Habeas Corpus. On petition for writ of habeas corpus of Douglas Miller. Sua sponte, cause dismissed.

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

**2008-1532. McQueen v. Smith.**

In Habeas Corpus. On petition for writ of habeas corpus of Jesse McQueen. Sua sponte, cause dismissed.

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

**2008-1596. Stevenson v. Smith.**

In Habeas Corpus. On petition for writ of habeas corpus of Arlan Stevenson. Sua sponte, cause dismissed.

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

**2008-1652. McCaleb v. Gansheimer.**

In Habeas Corpus. On petition for writ of habeas corpus of Vincent S. McCaleb. Sua sponte, cause dismissed.

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

**2008-1657. Baldwin v. Beightler.**

In Habeas Corpus. On petition for writ of habeas corpus of Lawrence D. Baldwin. Sua sponte, cause dismissed.

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

**MOTION AND PROCEDURAL RULINGS**

**2007-0234. State ex rel. Fontanella v. Durkin.**

In Prohibition. On motion to vacate order of dismissal and request for oral argument. Motion and request denied.

**2007-1901. State ex rel. Jordan v. Indus. Comm.**

Franklin App. No. 06AP-908, 2007-Ohio-5157. On request for oral argument. Request denied.

**2008-0152. State ex rel. Baker v. Tri-Rivers Educational Computer Assn.**

In Mandamus. On application for dismissal. Application granted. Cause dismissed.

**2008-0754. State ex rel. King v. Welbaum.**

Miami App. No. 2008-CA-1. Sua sponte, the stay of briefing in this cause is lifted. This cause shall be consolidated with 2008-1131, *State v. King*, Miami App. No. 08-CA-02, 2008-Ohio-2594.

Briefing in this cause and 2008-1131 shall be consolidated. Appellant shall file a brief within 40 days from the date the Clerk files the record in 2008-1131. The parties shall file two originals of each of the briefs permitted under S.Ct.Prac.R. VI and include both case numbers on the cover page of the briefs. The parties shall otherwise comply with the requirements of S.Ct.Prac.R. VI.

Sua sponte, this cause and 2008-1131 shall be consolidated for oral argument with 2008-0991 and 2008-0992, *Chojnacki v. Rogers*, Warren App. No. CA2008-03-040. Appellants in these causes collectively will share 20 minutes for oral argument, as will appellees.

Lanzinger, J., dissents.

**2008-1001. State v. Givens.**

Clark App. No. 2006 CA 76, 2007-Ohio-4201. On motion for leave to file delayed appeal. Motion denied.

**2008-1329. Delost v. First Energy Corp.**

Mahoning App. No. 07 MA 194, 2008-Ohio-3086. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated at page 10 of the court of appeals' Opinion filed June 17, 2008:

“Does a complaint seeking to prevent the removal of trees and vegetation within an easement owned by the utility company fall within the exclusive jurisdiction of the Public Utilities Commission of Ohio (PUCO) or is it a pure contract case in which jurisdiction lies with the common pleas court?”

O'Connor and Lanzinger, JJ., would also hold the cause for the decision in 2008-0708, *Corrigan v. Illuminating Co.*, Cuyahoga App. No. 89402, 175 Ohio App.3d 360, 2008-Ohio-684.

The conflict case is *Corrigan v. Illuminating Co.*, Cuyahoga App. No. 89402, 175 Ohio App.3d 360, 2008-Ohio-684.

**2008-1489. W. Broad Chiropractic v. Am. Family Ins.**

Franklin App. No. 07AP-721, 2008-Ohio-2647. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issues stated in the court of appeals' Journal Entry filed July 23, 2008:

1. “Does R.C. 3929.06 preclude an assignee of prospective settlement proceeds from bringing a direct action against a third party insurer, who had prior notice of such written assignment, after the insurer distributed settlement proceeds in disregard of that written assignment?”

2. “May a person who has been injured in an automobile accident but who has not yet established liability for the accident and a present right to settlement proceeds, but who may have that right in the future, even if the future existence of the proceeds is conditional, assign that right, in whole or in part, to another under Ohio law?”

As to the first issue, the conflict cases are *Akron Square Chiropractic v. Creps*, Summit App. No. 2007-A-0040, 2007-Ohio-6163, and *Cartwright*

*Chiropractic v. Allstate Ins. Co.*, Butler App. No. CA2007-06-143, 2008-Ohio-2623.

As to the second issue, the conflict cases are *Hsu v. Parker* (1996), 116 Ohio App.3d 629, *Roselawn Chiropractic Ctr., Inc. v. Allstate Ins. Co.*, 160 Ohio App.3d 297, 2005-Ohio-1327, *Akron Square Chiropractic v. Creps*, and *Cartwright Chiropractic v. Allstate Ins. Co.*

Sua sponte, cause consolidated with 2008-1396, *W. Broad Chiropractic v. Am. Family Ins.*, Franklin App. No. 07AP-721, 2008-Ohio-2647.

**2008-1497. State v. Chilton.**

Franklin App. No. 07AP-708, 2008-Ohio-2273. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

**2008-1511. State v. Hollingsworth.**

Franklin App. Nos. 07AP-863, 07AP-864, and 07AP-865, 2008-Ohio-2424. On motion for leave to file delayed appeal. Motion denied.

Moyer, C.J., and Pfeifer and Lundberg Stratton, JJ., dissent.

**2008-1529. State v. Harris.**

Champaign App. No. 2006 CA 39, 2008-Ohio-1753. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, Lundberg Stratton, and O'Donnell, JJ., dissent.

**2008-1543. State v. McCroskey.**

Stark App. No. 2007CA00089, 2008-Ohio-2534. On motion for leave to file delayed appeal. Motion denied.

Moyer, C.J., and Pfeifer and Cupp, JJ., dissent.

**2008-1595. State v. Collins.**

Lucas App. No. L-05-1399, 2007-Ohio-3578. On motion for leave to file delayed appeal. Motion denied.

Cupp, J., dissents.

**2008-1602. State v. Moore.**

Huron App. No. H-07-033, 2008-Ohio-2735. On motion for leave to file delayed appeal. Motion granted.

O'Connor, O'Donnell, and Lanzinger, JJ., dissent.

**2008-1606. State v. Lane.**

Cuyahoga App. No. 89023, 2007-Ohio-5948. On motion for leave to file delayed appeal. Motion denied.

**2008-1636. State v. Nethers.**

Licking App. No. 07 CA 78, 2008-Ohio-2679. On motion for leave to file delayed appeal. Motion granted.

Pfeifer and O'Connor, JJ., dissent.

**2008-1637. State v. Bradley.**

Cuyahoga App. No. 88768, 2007-Ohio-5074. On motion for leave to file delayed appeal. Motion denied.

**2008-1643. State v. Howard.**

Delaware App. No. 06CAA100075, 2007-Ohio-3669. On motion for leave to file delayed appeal. Motion denied.

Cupp, J., dissents.

**2008-1644. State v. Saylor.**

Montgomery App. No. 16759. On motion for leave to file delayed appeal. Motion denied.

**2008-1648. State v. Lockett.**

Lucas App. No. L-07-1001, 2008-Ohio-2099. On motion for leave to file delayed appeal. Motion denied.

Lanzinger and Cupp, JJ., dissent.

**APPEALS ACCEPTED FOR REVIEW**

**2007-0640. Eurand Am., Inc. v. Dohme.**

Montgomery App. No. 21520, 2007-Ohio-865. Sua sponte, discretionary appeal is also accepted on Proposition of Law No. I. Both appellant and appellee shall file a merit brief addressing Proposition of Law No. I within 20 days of the date of this entry. The parties may then file reply briefs within 10 days after the filing of the initial brief.

**2008-0900. Spiller v. Sky Bank – Ohio Bank Region.**

Logan App. No. 8-07-03, 2008-Ohio-1338. Discretionary appeal accepted.

Pfeifer, O'Connor, and Cupp, JJ., dissent.

Discretionary cross-appeal not accepted.

**2008-1038. Kauffman Racing Equip., L.L.C. v. Roberts.**

Knox App. No. 07-CA-14, 2008-Ohio-1922.

O'Connor and O'Donnell, JJ., dissent.

**2008-1069. State ex rel. Northwestern Ohio Bldg. & Constr. Trades Council v. Ottawa Cty. Improvement Corp.**

Ottawa App. No. OT-07-017, 2008-Ohio-1852.

O'Donnell, Lanzinger, and Cupp, JJ., dissent.

**2008-1131. State v. King.**

Miami App. No. 08-CA-02, 2008-Ohio-2594. Discretionary appeal accepted.

Motion to consolidate this cause with 2008-0754, *State ex rel. King v. Welbaum*, Miami App. No. 2008-CA-1, granted.

Briefing in this cause and 2008-0754 shall be consolidated. The parties shall file two originals of each of the briefs permitted under S.Ct.Prac.R. VI and include both case numbers on the cover page of the briefs. The parties shall otherwise comply with the requirements of S.Ct.Prac.R. VI.

Sua sponte, this cause and 2008-0754 shall be consolidated for oral argument with 2008-0991 and 2008-0992, *Chojnacki v. Rogers*, Warren App. No. CA2008-03-040. Appellants in these causes collectively will share 20 minutes for oral argument, as will appellees.

The Clerk shall issue an order for the transmittal of the record from the Court of Appeals for Miami County.

Lanzinger, J., would accept the appeal but hold the cause for the decision in 2008-0991 and 2008-0992 and deny the motion to consolidate.

**2008-1133. Hodesh v. Korelitz.**

Hamilton App. Nos. C-061013, C-061040, C-070168, and C-070172, 2008-Ohio-2052. Discretionary appeal accepted on Proposition of Law No. I.

Pfeifer and Lundberg Stratton, JJ., would also accept the appeal on Proposition of Law No. II.

O'Connor, Lanzinger, and Cupp, JJ., dissent.

**2008-1144. Rimmer v. CitiFinancial, Inc.**

Cuyahoga App. No. 89407, 2008-Ohio-1814. Discretionary appeal accepted on Proposition of Law Nos. IV and V; cause held for the decision in 2008-0905, *Alexander v. Wells Fargo Financial Ohio 1, Ltd.*, Cuyahoga App. No. 89277, 2008-Ohio-1402; and briefing schedule stayed.

Moyer, C.J., would also accept the appeal on Proposition of Law No. III without holding.



Lundberg Stratton and O'Donnell, JJ., would also accept the appeal on all other Propositions of Law.

Pfeifer, O'Connor, and Lanzinger, JJ., dissent.

**2008-1154. Morris v. McNeal.**

Hamilton App. No. C-061061. Discretionary appeal accepted; cause held for the decision in 2008-0691 and 2008-0817, *Sullivan v. Anderson Twp.*, Hamilton App. No. C-070253, 2008-Ohio-1438; and briefing schedule stayed.

Pfeifer, J., dissents.

**2008-1396. W. Broad Chiropractic v. Am. Family Ins.**

Franklin App. No. 07AP-721, 2008-Ohio-2647. Discretionary appeal accepted and cause consolidated with 2008-1489, *W. Broad Chiropractic v. Am. Family Ins.*, Franklin App. No. 07AP-721, 2008-Ohio-2647.

Pfeifer, J., dissents.

**APPEALS NOT ACCEPTED FOR REVIEW**

**2008-0706. State v. Morris.**

Butler App. No. CA2007-06-144, 2008-Ohio-867.

**2008-0848. Mike Castrucci Ford Sales, Inc. v. Hoover.**

Clermont App. No. CA2007-02-022, 2008-Ohio-1358. Discretionary appeal and cross-appeal not accepted.

**2008-0884. State v. Lorenzo.**

Lake App. No. 2007-L-085, 2008-Ohio-1333.

**2008-0896. Conti v. Spitzer Auto World Amherst, Inc.**

Lorain App. No. 07CA009121, 2008-Ohio-1320. Discretionary appeal and cross-appeal not accepted.

O'Connor, J., dissents and would accept the appeal on Proposition of Law No. II.

Moyer, C.J., dissents and would accept the cross-appeal on Proposition of Law No. I.

**2008-0915. Poe v. Ferguson.**

Hamilton App. Nos. C-070445 and C-070446, 2008-Ohio-1442.

O'Donnell, J., dissents.

**2008-0942. Grine v. Sylvania Schools Bd. of Edn.**

Lucas App. No. L-06-1314, 2008-Ohio-1562. Discretionary appeal and cross-appeal not accepted.

O'Connor, J., dissents.

Lanzinger, J., not participating.

**2008-0951. State v. McNerney.**

Ottawa App. No. OT-07-028, 2008-Ohio-2101.

**2008-0967. State v. Ashipa.**

Hamilton App. Nos. C-070436 and C-070457.

**2008-0996. State v. Hytower.**

Montgomery App. No. 22363, 2008-Ohio-1754.

**2008-1008. Hartley v. Hartley.**

Marion App. No. 9-07-30, 176 Ohio App.3d 81, 2008-Ohio-1648.

Lundberg Stratton, O'Connor, and Lanzinger, JJ., dissent.

**2008-1011. State v. Banks.**

Cuyahoga App. No. 89677, 2008-Ohio-1717.

Moyer, C.J., and Lundberg Stratton and O'Connor, JJ., dissent.

**2008-1016. State v. Church.**

Morgan App. No. 08-CA-0001, 2008-Ohio-1917.

**2008-1017. State v. Mitchell.**

Lucas App. No. L-07-1092.

**2008-1024. State v. Blackwell.**

Meigs App. No. 08CA1.

**2008-1027. State v. Colvin.**

Richland App. No. 08CA15.

**2008-1032. In re N.P.**

Franklin App. No. 07AP-797, 2008-Ohio-1727.

**2008-1041. State v. Weather.**

Montgomery App. No. 22157, 2008-Ohio-1975.

**2008-1042. State v. Barker.**

Union App. No. 14-07-27.

**2008-1043. Jackson v. Shell Oil Co.**

Hamilton App. No. C-070439.

**2008-1044. State v. Adams.**

Clermont App. No. CA2008-03-027.

**2008-1046. Smith v. House of Hunan.**

Marion App. No. 9-07-54, 2008-Ohio-1783.

Pfeifer, J., dissents.

**2008-1047. State v. Johns.**

Stark App. No. 2006CA00368.

**2008-1050. State v. Lenoir.**

Montgomery App. No. 22239, 2008-Ohio-1984.

**2008-1055. State v. Manley.**

Allen App. No. 1-08-16.

**2008-1061. State v. Weatherspoon.**

Cuyahoga App. No. 89996, 2008-Ohio-2345.

**2008-1062. Fleming v. Ashtabula Area City School Bd. of Edn.**

Ashtabula App. No. 2006-A-0030, 2008-Ohio-1892.

Lundberg Stratton, J., dissents.

Cupp, J., dissents and would accept the appeal on Proposition of Law No. II.

**2008-1063. Swanson v. Cleveland.**

Cuyahoga App. No. 89490, 2008-Ohio-1254.

**2008-1068. Nationwide Mut. Ins. Co. v. Skeens.**

Miami App. No. 07-CA-29, 2008-Ohio-1875.

**2008-1071. McDonald v. McDonald.**

Stark App. No. 2007 CA 00249, 2008-Ohio-1918.

**2008-1074. State v. Helton.**

Logan App. No. 8-05-06, 2008-Ohio-3601. Discretionary appeal not accepted.  
Motion to consolidate denied as moot.

Cupp, J., not participating.

**2008-1075. State v. Helton.**

Logan App. No. 8-07-25. Discretionary appeal not accepted. Motion to consolidate denied as moot.

Cupp, J., not participating.

**2008-1076. State v. Dunbar.**

Cuyahoga App. No. 89896, 2008-Ohio-2033.

**2008-1077. State v. Jeffers.**

Lake App. No. 2007-L-011, 2008-Ohio-1894.

O'Connor, J., dissents.

**2008-1080. State v. Baker.**

Preble App. No. CA2007-04-009, 2008-Ohio-1884.

**2008-1087. State v. Dackiewicz.**

Lake App. No. 2007-L-174, 2008-Ohio-1895.

**2008-1088. State v. Johnson.**

Cuyahoga App. No. 89504, 2008-Ohio-1716.

**2008-1090. State v. Cochran.**

Cuyahoga App. No. 91398.

**2008-1095. State v. Penny.**

Hamilton App. No. C-070447, 2008-Ohio-1952.

**2008-1097. Rickels v. Goyings.**

Paulding App. No. 11-07-09, 2008-Ohio-2119.

Cupp, J., not participating.

**2008-1099. Columbia Steel & Wire, Inc. v. Winegar.**

Cuyahoga App. No. 89699, 2008-Ohio-1719.

**2008-1101. Peterman v. Stewart.**

Delaware App. No. 07 CAE 10 0054, 2008-Ohio-2164. Discretionary appeal not accepted. Motion for leave to file motion to certify conflict denied.

**2008-1104. Buckles v. Franklin Cty. Bd. of Revision.**

Franklin App. No. 07AP-932, 2008-Ohio-1728.

Pfeifer and O'Connor, JJ., dissent.

**2008-1105. Nationwide Mut. Ins. Co. v. Guerard.**

Holmes App. No. 07CA010, 2008-Ohio-2281.

Pfeifer, J., dissents.

**2008-1106. Green v. Genovese.**

Summit App. No. 23472, 2008-Ohio-1911.

Moyer, C.J., and Lundberg Stratton and Cupp, JJ., dissent.

**2008-1107. GZK, Inc. v. Schumaker Ltd. Partnership.**

Montgomery App. No. 22172, 2008-Ohio-1980.

**2008-1108. Bainbridge v. Kaseda.**

Geauga App. No. 2007-G-2797, 2008-Ohio-2136.

Pfeifer and O'Donnell, JJ., dissent.

**2008-1110. State v. Welton.**

Fayette App. No. CA2006-07-028, 2008-Ohio-2113.

**2008-1111. Hubbard v. Shaffer.**

Cuyahoga App. No. 89870, 2008-Ohio-1940.

**2008-1114. State v. Rockwell.**

Stark App. No. 2008-CA-00009, 2008-Ohio-2162.

**2008-1115. State v. Blackshear.**

Stark App. No. 2007-CA-00171, 2008-Ohio-1972.

**2008-1116. Zindroski v. Parma City School Dist.**

Cuyahoga App. No. 91124.

**2008-1121. State v. Wang.**

Delaware App. No. 2007CAC090048, 2008-Ohio-2144.

**2008-1122. Ludwig v. Smith-Feike-Minton, Inc.**  
Warren App. No. CA2008-02-032.

**2008-1126. King v. Ricerca Biosciences, L.L.C.**  
Lake App. No. 2007-L-115, 2008-Ohio-2001.

**2008-1128. State v. Thompson.**

Franklin App. No. 07AP-491, 2008-Ohio-2017.

O'Donnell, J., dissents and would accept the appeal on Proposition of Law No. I.

Lanzinger, J., dissents.

**2008-1130. Neville v. Cincinnati.**

Hamilton App. No. C-070138, 2008-Ohio-2053. Discretionary appeal and cross-appeal not accepted.

**2008-1132. State v. Stubbs.**

Cuyahoga App. No. 89883, 2008-Ohio-1930.

**2008-1134. Whitehall v. Bowman.**

Franklin App. No. 07AP-802, 2008-Ohio-2279.

**2008-1136. Rock v. Inn at Medina Mgt. Co., Inc.**

Medina App. No. 07CA0072-M, 2008-Ohio-1992.

**2008-1137. State v. Mullins.**

Butler App. No. CA2007-01-028, 2008-Ohio-1995.

**2008-1138. Senoyuit v. Senoyuit.**

Trumbull App. No. 2007-T-0082, 2008-Ohio-2003.

O'Connor, J., not participating.

**2008-1139. Turturice v. AEP Energy Servs., Inc.**

Franklin App. No. 06AP-1214, 2008-Ohio-1835.

**2008-1140. State v. Hoover-Moore.**

Franklin App. No. 07AP-788, 2008-Ohio-2020.

**2008-1142. State v. Campbell.**

Delaware App. No. 07-CA-A-08-0041, 2008-Ohio-2143.

**2008-1143. Monteith v. Delta Prods., Inc.**

Crawford App. No. 3-07-35, 2008-Ohio-1997.

Moyer, C.J., dissents and would accept the appeal on Proposition of Law Nos. I and II.

Pfeifer, J., dissents.

O'Donnell, J., dissents and would accept the appeal on Proposition of Law No. I.

**2008-1145. State v. Price.**

Medina App. No. 07CA0003-M, 2008-Ohio-2252.

O'Donnell, J., dissents.

**2008-1148. Everett v. Godby.**

Hamilton App. No. C-070510.

**2008-1161. In re Estate of de Saint-Rat.**

Butler App. No. CA2007-02-052, 2008-Ohio-2109.

**2008-1162. State v. Quebodeaux.**

Huron App. No. H-07-036, 2008-Ohio-2206.

**2008-1163. State v. Hillman.**

Franklin App. Nos. 06AP-1230 and 07AP-728, 2008-Ohio-2341.

**2008-1167. Ockenden v. Griggs.**

Franklin App. No. 07AP-235, 2008-Ohio-2275.

**2008-1168. Old Republic Natl. Title Ins. Co. v. Fifth Third Bank.**

Hamilton App. No. C-070567, 2008-Ohio-2059.

**2008-1170. Dayton v. Becker.**

Montgomery App. No. 22107, 2008-Ohio-2074.

Lundberg Stratton, J., dissents.

**2008-1171. Ohio Bell Tel. Co. v. Digioia-Suburban Excavating, L.L.C.**

Cuyahoga App. Nos. 89708 and 89907, 2008-Ohio-1409.

Moyer, C.J., dissents and would accept the appeal on Proposition of Law No. II.

**2008-1172. State v. Moler.**

Montgomery App. No. 22106, 2008-Ohio-2081.

Lundberg Stratton, J., dissents.

**2008-1179. State v. Bates.**

Hamilton App. No. C-070438.

**2008-1180. State v. Segines.**

Cuyahoga App. No. 89915, 2008-Ohio-2041.

**2008-1185. Fincher v. Ohio Dept. of Job & Family Servs.**

Hamilton App. No. C-070553.

**2008-1186. State v. Jones.**

Cuyahoga App. No. 89374, 2008-Ohio-1715.

**2008-1188. State v. West.**

Cuyahoga App. No. 89229, 2008-Ohio-2190.

**2008-1189. State v. Garner.**

Cuyahoga App. No. 89840, 2008-Ohio-1949.

**2008-1191. State v. Franklin.**

Mahoning App. No. 06-MA-79, 2008-Ohio-2264.

**2008-1201. State v. Sherrills.**

Cuyahoga App. No. 89844, 2008-Ohio-1950.

Moyer, C.J., dissents.

**2008-1206. Interim HealthCare of Columbus, Inc. v. Ohio Dept. of Adm. Servs.**

Franklin App. No. 07AP-747, 2008-Ohio-2286.

Moyer, C.J., and Pfeifer and Lundberg Stratton, JJ., dissent.

**2008-1216. Arndt v. P & M Ltd.**

Portage App. No. 2007-P-0038, 2008-Ohio-2316.

Moyer, C.J., and O'Donnell, J., dissent and would accept the appeal on Proposition of Law No. IV.

**2008-1229. In re P.L.**



Lorain App. No. 07CA009249, 2008-Ohio-2248.

**2008-1236. State v. Breckenridge.**

Franklin App. No. 08AP-247.

**2008-1239. Herzner v. Fischer Attached Homes, Ltd.**

Clermont App. No. CA2007-08-090, 2008-Ohio-2261.

Pfeifer, J., dissents.

**2008-1330. State v. Medina.**

Lake App. No. 2007-L-025, 2008-Ohio-2511.

**2008-1388. State v. Young.**

Montgomery App. No. 21926.

**2008-1403. State v. Schuster.**

Lucas App. No. L-07-1312, 2008-Ohio-2874.

**2008-1409. State v. Davis.**

Mahoning App. No. 05 MA 235, 2008-Ohio-2927.

**2008-1440. State v. Hillman.**

Franklin App. Nos. 06AP-1230 and 07AP-728, 2008-Ohio-2341.

**2008-1459. State v. Cody.**

Clinton App. No. CA2007-04-022. Discretionary appeal not accepted. Motion to dismiss indictment denied.

**2008-1477. State v. Johnson.**

Lucas App. No. L-06-1035, 2007-Ohio-3961.

## **RECONSIDERATION OF PRIOR DECISIONS**

**2007-2424. State v. Davis.**

Cuyahoga App. No. 88895. Reported at 119 Ohio St.3d 113, 2008-Ohio-3879, 892 N.E.2d 446. On motion for reconsideration. Motion denied.

O'Connor, O'Donnell, and Lanzinger, JJ., dissent.

**2008-0719. Howard v. Lawton.**

Franklin App. No. 07AP-603, 2008-Ohio-767. Reported at 119 Ohio St.3d 1410, 2008-Ohio-3880, 891 N.E.2d 770. On motion for reconsideration. Motion denied.

**2008-0825. In re Foreclosure of Lien for Delinquent Taxes.**

Jefferson App. No. 06-JE-40, 2008-Ohio-1173. Reported at 119 Ohio St.3d 1412, 2008-Ohio-3880, 891 N.E.2d 771. On motion for reconsideration. Motion denied.

**2008-0862. Natl. Check Bur., Inc. v. Esque.**

Cuyahoga App. No. 89556, 2008-Ohio-692. Reported at 119 Ohio St.3d 1413, 2008-Ohio-3880, 891 N.E.2d 771. On motion for reconsideration. Motion denied.

**2008-0892. State v. Cleland.**

Medina App. No. 06CA0073-M, 2008-Ohio-1319. Reported at 119 Ohio St.3d 1414, 2008-Ohio-3880, 891 N.E.2d 772. On motion for reconsideration. Motion denied.

Lundberg Stratton, Lanzinger, and Cupp, JJ., dissent.

**2008-0899. State v. Murage.**

Butler App. No. CA2007-07-166, 2008-Ohio-1356. Reported at 119 Ohio St.3d 1414, 2008-Ohio-3880, 891 N.E.2d 772. On motion for reconsideration. Motion denied.

**2008-1102. Cunningham v. Williams.**

In Habeas Corpus. Reported at 119 Ohio St.3d 1404, 2008-Ohio-3880, 891 N.E.2d 766. On motion for reconsideration. Motion denied.

**2008-1190. Cottrill v. Anderson.**

In Habeas Corpus. Reported at 119 Ohio St.3d 1404, 2008-Ohio-3880, 891 N.E.2d 766. On motion for reconsideration. Motion denied.