

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

August 26, 2009

[Cite as *08/26/2009 Case Announcements*, 2009-Ohio-4233.]

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## MERIT DECISIONS WITH OPINIONS

**2007-2202. Schelling v. Humphrey, Slip Opinion No. 2009-Ohio-4175.**

Williams App. No. WM-07-001, 2007-Ohio-5469. Judgment affirmed, and cause remanded to the trial court.

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

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

**2008-1460. Youngstown v. Traylor, Slip Opinion No. 2009-Ohio-4184.**

Mahoning App. No. 07 MA 102, 2008-Ohio-2971. Judgment reversed, and judgment of the trial court reinstated.

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

Pfeifer and Lanzinger, JJ., dissent.

**2009-0051. State ex rel. Arcadia Acres v. Ohio Dept. of Job & Family Services, Slip Opinion No. 2009-Ohio-4176.**

Franklin App. No. 08AP-229, 2008-Ohio-6127. Judgment affirmed.

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

Pfeifer and Lanzinger, JJ., concur in judgment only.

**2009-0394. Disciplinary Counsel v. Horan, Slip Opinion No. 2009-Ohio-4177.**

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 08-052. Karan Marie Horan, Attorney Registration No. 0040872, is permanently disbarred from the practice of law in Ohio.

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

**2009-0401. Cuyahoga Cty. Bar Assn. v. Johnson, Slip Opinion No. 2009-Ohio-4178.**

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 07-030. Rita R. Johnson, Attorney Registration No. 0065959, is publicly reprimanded.

Pfeifer, Lundberg Stratton, O'Donnell, Lanzinger, and Cupp, JJ., concur.

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

**2009-0510. In re Application of Corrigan, Slip Opinion No. 2009-Ohio-4183.**

On Report by the Board of Commissioners on Character and Fitness, No. 393. The application of John Francis Corrigan for admission to the practice of law in Ohio is disapproved, but he may apply for a future bar examination in accordance with Gov.Bar R. I(3).

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

**2009-0662. Cincinnati Bar Assn. v. Stridsberg, Slip Opinion No. 2009-Ohio-4182.**

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 08-061. Roger C. Stridsberg, Attorney Registration No. 0021277, is suspended from the practice of law in Ohio for six months, stayed on conditions.

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

**2009-0967. Cincinnati Bar Assn. v. Foreclosure Solutions, L.L.C., Slip Opinion No. 2009-Ohio-4174.**

On Final Report by the Board on the Unauthorized Practice of Law, No. UPL 07-04. Foreclosure Solutions, L.L.C., and Timothy A. Buckley are enjoined from acts constituting the practice of law in Ohio, and civil penalty is imposed.

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

**MERIT DECISIONS WITHOUT OPINIONS**

**2009-0280. State ex rel. Ohio Concrete Constr. Assn. v. Ohio Dept. of Transp.**

In Mandamus. Sua sponte, relator's mandamus claim is dismissed based on mootness. Relator's request for statutory damages, attorney fees, and costs is denied.

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

**2009-0848. [State ex rel.] Collins v. Ohio State Univ.**

In Mandamus. On answer of respondent. On S.Ct.Prac.R. X(5) determination, cause dismissed.

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

**2009-0934. State v. Caver.**

Cuyahoga App. No. 91443, 2009-Ohio-1272. On review of order certifying a conflict. The court determines that no conflict exists. This cause is therefore dismissed. Motion to dismiss appeal denied as moot.

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

**2009-0970. State ex rel. Griffin v. Ohio Adult Parole Auth.**

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.

**2009-0988. State ex rel. Mack v. Collier.**

In Mandamus. On amended 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.

**2009-0994. State ex rel. Watson v. Hoffman.**

In Prohibition. 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.

**2009-1017. [State ex rel.]Hill v. Court of Appeals, First Appellate Dist.**

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.

**2009-1074. State ex rel. Terry v. Court of Appeals, Second Appellate Dist.**

In Mandamus and Prohibition. 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.

**2009-1104. State ex rel. Jennings v. Jones.**

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

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

**2009-1107. [State ex rel.]Bullock v. Clermont Cty. Court of Common Pleas.**

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.

**2009-1151. [State ex rel.]Rashada v. Ohio Secy. of State.**

In Prohibition. 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.

**2009-1154. State ex rel. Hairston v. Cooney.**

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.

**2009-1173. [State ex rel.] Jones v. Lucas Cty. Child Support Enforcement Agency.**

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.

**2009-1176. Wuescher v. Whitney.**

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

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

**2009-1193. [State ex rel.] Chattams v. Pater.**

In Prohibition. 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.

**2009-1204. [State ex rel.] Jones v. Nastoff.**

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.

**2009-1219. Terrell v. State.**

In Habeas Corpus. On petition for writ of habeas corpus of Robert Randolph Terrell. Sua sponte, cause dismissed.

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

**2009-1221. State v. Rice.**

Medina App. No. 08CA0088-M. On review of order certifying a conflict. The court determines that no conflict exists. This cause is therefore dismissed.

O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

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

**MOTION AND PROCEDURAL RULINGS**

**2008-0991 and 2008-0992. Chojnacki v. Cordray.**

Warren App. No. CA2008-03-040. On motion for admission pro hac vice of David M. Lieberman by Benjamin C. Mizer. Motion granted.

**2009-0228. Osnaburg Twp. Zoning Inspector v. Eslich Environmental Inc.**

Stark App. No. 2008CA00026, 2008-Ohio-6671. On motion for admission pro hac vice of David M. Lieberman by Benjamin C. Mizer. Motion granted.

**2009-0314. In re Application of E. Ohio Gas Co.**

Public Utilities Commission, Nos. 07-829-GA-AIR, 07-830-GA-ALT, 07-831-GA-AAM, 08-169-GA-ALT, and 06-1453-GA-UNC. On motion for stay of execution of opinion and order. Motion denied.

**2009-0948. State ex rel. Brown v. Lemmerman.**

In Mandamus. On respondent's answer and relator's motion to strike respondent's answer. Sua sponte, an alternative writ is granted and the following briefing schedule is set for presentation of evidence and filing of briefs pursuant to S.Ct.Prac.R. X:

The parties shall file any evidence they intend to present within 20 days of the date of this entry; relator shall file a brief within ten days of 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 seven days after filing of respondent's brief.

O'Donnell, Lanzinger, and Cupp, JJ., dissent and would dismiss the cause.

**2009-1148. State v. Kuenzler.**

Hamilton App. No. C-090181. On motion for leave to file delayed appeal. Motion denied.

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

**2009-1164. State v. Dinkins.**

Allen App. No. 1-06-50, 2007-Ohio-1917. On motion for leave to file delayed appeal. Motion denied.

Cupp, J., dissents.

**2009-1174. State v. Miller.**

Hamilton App. No. C-080342. On motion for leave to file delayed appeal. Motion granted.

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

**2009-1189. State v. Paquette.**

Clark App. No. 08-CA-29, 2009-Ohio-1961. On motion for leave to file delayed appeal. Motion denied.

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

**2009-1198. State v. Baker.**

Summit App. No. 23713, 2009-Ohio-2340. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause held for the decision in 2009-0833, *State v. Simmons*, Summit App. No. 24218, 2009-Ohio-1495, and briefing schedule stayed.

**2009-1229. State v. Nelson.**

Clinton App. No. CA2007-11-046, 2009-Ohio-555. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

**2009-1232. State v. Haslam.**

Monroe App. No. 08 MO 3, 2009-Ohio-1663. On motion for leave to file delayed appeal. Motion denied.

**2009-1257. State v. Hughley.**

Cuyahoga App. No. 90323, 2009-Ohio-3274. On motions for stay and for appeal bond. Motions denied.

**2009-1277. State v. Carlson.**

Putnam App. No. 12-08-07. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

**2009-1283. State v. Urbina.**

Defiance App. No. 4-06-33, 2007-Ohio-3131. On motion for leave to file delayed appeal. Motion denied.

Moyer, C.J., dissents.

**2009-1284. State v. Torrez.**

Cuyahoga App. No. 93183. On motion for leave to file delayed appeal. Motion denied.

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

**APPEALS ACCEPTED FOR REVIEW**

**2009-0893. State v. McConville.**

Lorain App. No. 08CA009444, 2009-Ohio-1713.

Pfeifer and O'Connor, JJ., dissent.

**2009-0921. Sheney v. Glasgow.**

Cuyahoga App. No. 91713, 2009-Ohio-1366. Discretionary appeal accepted; cause held for the decision in 2009-0122, *Grace v. State Farm Mut. Auto. Ins. Co.*, Certified Question of State Law, United States District Court, Northern District of Ohio, Eastern Division, Nos. 1:08-CV-254, 1:08-CV-2083, and 5:08-CV-1917; and briefing schedule stayed.

O'Connor and Lanzinger, JJ., would accept Proposition of Law Nos. I, II, and III only.

**2009-0933. Volbers-Klarich v. Middletown Mgt., Inc.**

Butler App. No. CA2008-07-160, 2009-Ohio-1651.

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

**2009-0950. Meccon, Inc. v. Univ. of Akron.**

Franklin App. No. 08AP-727, 2009-Ohio-1700.

Pfeifer, J., dissents.

**2009-0953. Pratte v. Stewart.**

Greene App. No. 08-CA-95, 2009-Ohio-1768.

Moyer, C.J., and Pfeifer and O'Donnell, JJ., dissent.

**2009-0971. State v. Clayborn.**

Franklin App. No. 08AP-593, 2009-Ohio-1751.

Lundberg Stratton and Lanzinger, JJ., would also hold the cause for the decision in 2008-0991 and 2008-0992, *Chojnacki v. Cordray*, Warren App. No. CA2008-03-040.

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

**2009-1002. Brooks v. State.**

Lorain App. No. 08CA009452, 2009-Ohio-1825. Discretionary appeal accepted on Proposition of Law Nos. I, II, III, IV, and V; cause held for the decision in 2008-2502, *State v. Bodyke*, Huron App. Nos. H-07-040, H-07-041, and H-07-042, 2008-Ohio-6387; and briefing schedule stayed.

Pfeifer and O'Connor, JJ., would also accept the appeal on Proposition of Law Nos. VI and VII.

Cupp, J., would also accept the appeal on Proposition of Law No. VI.

**2009-1010. Moran v. State.**

Clermont App. No. CA2008-05-057, 2009-Ohio-1840. Discretionary appeal accepted; cause held for the decision in 2008-2502, *State v. Bodyke*, Huron App.

Nos. H-07-040, H-07-041, and H-07-042, 2008-Ohio-6387; and briefing schedule stayed.

Lanzinger, J., would accept the appeal on Proposition of Law Nos. I, II, IV, and V only.

**2009-1024. State v. Blanchard.**

Cuyahoga App. No. 90935, 2009-Ohio-1357. Discretionary appeal accepted on Proposition of Law Nos. II, III, and IV; cause held for the decision in 2008-2502, *State v. Bodyke*, Huron App. Nos. H-07-040, H-07-041, and H-07-042, 2008-Ohio-6387; and briefing schedule stayed.

Pfeifer, J., would also accept the appeal on Proposition of Law Nos. I, V, and VI.

O'Connor and O'Donnell, JJ., would accept the appeal on Proposition of Law Nos. II and III only.

**APPEALS NOT ACCEPTED FOR REVIEW**

**2008-1401. State v. Bethel.**

Franklin App. No. 07AP-810, 2008-Ohio-2697.

Pfeifer, J., dissents.

**2008-1686. State v. Hill.**

Trumbull App. No. 2006-T-0039, 177 Ohio App.3d 171, 2008-Ohio-3509.

Pfeifer, J., dissents.

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

**2009-0116. State v. Trimble.**

Portage App. No. 2007-P-0098, 2008-Ohio-6409.

**2009-0563. State v. Wilson.**

Montgomery App. No. 22581, 2009-Ohio-525.

**2009-0585. Profitt v. DaimlerChrysler Corp.**

Cuyahoga App. No. 92509.

O'Donnell, J., dissents.

**2009-0727. State ex rel. O'Brien v. Heimlich.**

Franklin App. No. 08AP-521, 2009-Ohio-1550.

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

**2009-0809. Young-Hatten v. Taylor.**

Franklin App. No. 08AP-511, 2009-Ohio-1185.

**2009-0818. King v. King.**

Medina App. No. 08CA0065-M.

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

**2009-0828. Westbrook v. Swiatek.**

Delaware App. Nos. 08 CAE 12 0078 and 08 CAE 12 0079.

**2009-0832. Burkhart v. Burkhart.**

Clermont App. No. CA2008-04-042, 2009-Ohio-1307.

Moyer, C.J., and Lanzinger, J., dissent and would accept the appeal on Proposition of Law No. I.

**2009-0841. Harvey v. Republic Servs. of Ohio II, L.L.C.**

Stark App. No. 2007 CA 00278, 2009-Ohio-1343.

Cupp, J., dissents.

**2009-0857. Ross v. St. Elizabeth Health Ctr.**

Mahoning App. No. 08 MA 17, 2009-Ohio-1506.

**2009-0860. State v. Wolf.**

Richland App. No. 08 CA 16, 2009-Ohio-2018. Discretionary appeal and cross-appeal not accepted.

Moyer, C.J., dissents and would accept the appeal.

Lundberg Stratton, J., not participating.

**2009-0864. State v. Brown.**

Franklin App. No. 09AP-170.

Lundberg Stratton, J., dissents.

**2009-0865. State v. Dunkle.**

Franklin App. No. 08AP-370, 2009-Ohio-1549.

**2009-0868. Taser Internatl., Inc. v. Kohler.**

Summit App. No. 24233, 2009-Ohio-1519. Discretionary appeal not accepted.

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

Pfeifer and Lundberg Stratton, JJ., dissent.

Motion for admission pro hac vice of John R. Maley by William A. Nolan granted.

**2009-0869. Minster Farmers Coop. Exchange Co., Inc. v. Meyer.**

Shelby App. No. 17-08-31, 2009-Ohio-1445.

Cupp, J., not participating.

**2009-0871. State v. Silbaugh.**

Portage App. No. 2008-P-0059, 2009-Ohio-1489.

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

**2009-0872. Bachtel v. Jackson.**

Franklin App. No. 08AP-714, 2009-Ohio-1554.

**2009-0874. State v. Willenburg.**

Clermont App. No. CA2008-06-066, 2009-Ohio-1454.

**2009-0875. Zukerman, Daiker & Lear Co., L.P.A. v. Signer.**

Cuyahoga App. No. 91892, 2009-Ohio-968.

**2009-0883. State v. Godfrey.**

Licking App. No. 2008CA0056, 2009-Ohio-1480.

**2009-0885. Strickler v. First Ohio Banc & Lending, Inc.**

Lorain App. Nos. 08CA009416 and 08CA009860, 2009-Ohio-1422.

**2009-0889. State v. Savage.**

Lucas App. No. L-09-1010.

**2009-0891. Englewood v. Miami Valley Lighting, L.L.C.**

Montgomery App. No. 22965, 2009-Ohio-1631.

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

**2009-0899. State v. Gravelle.**

Huron App. No. H-07-010, 2009-Ohio-1533.

O'Donnell, J., dissents.

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

**2009-0901. Bounce Properties, L.L.C. v. Rand.**

Cuyahoga App. No. 92691.

O'Donnell, J., dissents.

**2009-0903. Oglesby v. Consol. Rail Corp.**

Erie App. No. E-08-055, 2009-Ohio-1744.

**2009-0912. Cowit v. Cellco Partnership.**

Hamilton App. Nos. C-080627 and C-080677, 2009-Ohio-1596. Discretionary appeal and cross-appeal not accepted.

Lundberg Stratton, J., dissents and would accept the appeal and hold the cause for the decision in 2008-1822, *Stammco, L.L.C. v. United Tel. Co. of Ohio*, Fulton App. No. F-07-024, 2008-Ohio-3845.

**2009-0913. State v. Lundberg.**

Montgomery App. No. 22708, 2009-Ohio-1641.

O'Donnell, J., dissents.

**2009-0916. State v. Rice.**

Medina App. No. 08CA0088-M.

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

Lundberg Stratton, J., dissents and would accept the appeal on Proposition of Law Nos. I and III.

**2009-0920. State v. Marshall.**

Stark App. No. 2008 CA 00222, 2009-Ohio-1757.

**2009-0923. Dutch Maid Logistics, Inc. v. Acuity.**

Cuyahoga App. Nos. 91932 and 92002, 2009-Ohio-1783.

**2009-0925. State v. Curtis.**

Greene App. No. 2009CA18.

**2009-0928. State v. Zigler.**

Hamilton App. Nos. C-080510 and C-080511.

Lundberg Stratton, J., dissents.

**2009-0930. Maxwell v. Fry.**

Butler App. No. CA2007-11-284, 2009-Ohio-1650.

Pfeifer, J., dissents.

**2009-0932. McCoy v. Murray.**

Defiance App. No. 4-08-36, 2009-Ohio-1658.

**2009-0942. Carter v. Trotwood-Madison City Bd. of Edn.**

Montgomery App. No. 22830, 2009-Ohio-1769.

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

**2009-0943. State v. Sperk.**

Cuyahoga App. No. 91799, 2009-Ohio-1615.

**2009-0944. State v. Walters.**

Franklin App. No. 06AP-693.

**2009-0946. Delta Fuels, Inc. v. Consol. Environmental Servs., Inc.**

Lucas App. No. L-08-1186, 2009-Ohio-1740.

**2009-0951. Jackson v. Brunsman.**

Warren App. No. CA2009-01-002.

**2009-0952. State v. Greene.**

Cuyahoga App. No. 91104, 2009-Ohio-850.

**2009-0954. State v. Engle.**

Montgomery App. No. 22455, 2009-Ohio-1944.

**2009-0959. Parker v. Tim Lally Chevrolet.**

Cuyahoga App. No. 91674, 2009-Ohio-1614.

**2009-0960. State v. Slager.**

Franklin App. Nos. 08AP-581, 08AP-582, 08AP-709, and 08AP-710, 2009-Ohio-1804.

**2009-0962. Mortensen v. Bd. of Commrs. of Butler Cty.**

Butler App. No. CA2008-10-255, 2009-Ohio-1728.

Pfeifer, J., dissents.

**2009-0963. State v. Patterson.**

Erie App. No. E-08-052, 2009-Ohio-1817.

Lanzinger, J., dissents and would accept the appeal on Proposition of Law No. II and hold the cause for the decision in 2008-2502, *State v. Bodyke*, Huron App. Nos. H-07-040, H-07-041, and H-07-042, 2008-Ohio-6387.

**2009-0964. Brezovar v. Am. Family Ins. Co.**

Medina App. No. 08CA0084-M, 2009-Ohio-1710.

Pfeifer and O'Donnell, JJ., dissent.

**2009-0972. Cleveland v. Allen.**

Cuyahoga App. No. 91233, 2009-Ohio-860.

O'Connor, J., dissents.

**2009-0973. State v. Craddock.**

Cuyahoga App. No. 91766, 2009-Ohio-1616.

Lundberg Stratton, J., dissents and would accept the appeal and hold the cause for the decision in 2009-0025, *State ex rel. Cordray v. Marshall*, Scioto App. No. 05CA3004, 2008-Ohio-6341.

**2009-0974. State v. Portis.**

Clark App. No. 2008 CA 22, 2009-Ohio-1776.

**2009-0977. State v. Whiteside.**

Franklin App. No. 08AP-602, 2009-Ohio-1893.

**2009-0978. State v. Wooten.**

Stark App. No. 2008 CA 00103, 2009-Ohio-1863.

**2009-0981. State v. Ushry.**

Hamilton App. No. C-080659.

**2009-0986. Homewood Homes, Inc. v. Helwig.**

Franklin App. No. 08AP-406, 2009-Ohio-1699.

**2009-0987. State v. Jordan.**

Franklin App. Nos. 08AP-1074 and 08AP-1075, 2009-Ohio-2161.

**2009-0989. State v. Salaam.**

Hamilton App. Nos. C-070385 and C-070413, 2008-Ohio-4982.

**2009-0990. State v. Morales.**

Hamilton App. Nos. C-070776 and C-080214, 2009-Ohio-1800.

**2009-0996. State v. Mills.**

Tuscarawas App. No. 2007 AP 07 0039, 2009-Ohio-1849.

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

Pfeifer, J., dissents.

**2009-0997. State v. Dieterle.**

Hamilton App. No. C-070796, 2009-Ohio-1801 and 2009-Ohio-1888.

**2009-0998. State v. Logan.**

Cuyahoga App. No. 91323, 2009-Ohio-1685.

**2009-0999. Rayess v. Kaplan Edn. Ctr.**

Greene App. No. 08-CA-29, 2009-Ohio-1962. Discretionary appeal not accepted. Motion for correction of error denied as moot.

**2009-1000. State v. Caver.**

Cuyahoga App. No. 91443, 2009-Ohio-1272.

**2009-1007. State v. Searles.**

Morgan App. No. 08CA0006, 2009-Ohio-2688.

**2009-1021. State v. Bess.**

Cuyahoga App. No. 91560, 2009-Ohio-2032.

**2009-1025. Mitchell v. Blue Ash.**

Hamilton App. No. C-080657, 2009-Ohio-1887.

**2009-1027. State v. Rogers.**

Fayette App. No. CA2004-06-014, 2005-Ohio-6693.

**2009-1029. Stoll v. Gardner.**

Summit App. No. 24336, 2009-Ohio-1865.

**2009-1042. State v. Hudson.**

Fairfield App. No. 08-CA-48, 2009-Ohio-1954.

O'Connor, J., dissents and would accept the appeal and affirm the judgment of the court of appeals on the authority of *State v. Bloomer*, 122 Ohio St.3d 200, 2009-Ohio-2462, 909 N.E.2d 1254.

Lanzinger, J., dissents and would accept the appeal and hold the cause for the decision in 2008-1255, *State v. Singleton*, Cuyahoga App. No. 90042, 2008-Ohio-2351.

**2009-1048. State v. Smith.**

Cuyahoga App. No. 91346, 2009-Ohio-1610.

Moyer, C.J., and Lanzinger, J., dissent and would accept the appeal on Proposition of Law No. I.

**2009-1050. State v. Mickens.**

Franklin App. No. 08AP-626, 2009-Ohio-1973.

**2009-1056. State v. Price.**

Franklin App. No. 09AP-250.

**2009-1060. State v. Render.**

Hamilton App. No. C-060382, 2007-Ohio-1606.

**2009-1061. State v. Harris.**

Hamilton App. No. C-040483, 2005-Ohio-6995.

**2009-1062. State v. Snyder.**

Licking App. No. 2008CA25, 2009-Ohio-2473.

**2009-1077. State v. Haynes.**

Franklin App. No. 08AP-824, 2009-Ohio-2596.

**2009-1078. State v. Burks.**

Cuyahoga App. No. 91719, 2009-Ohio-2375.

**2009-1079. State v. Dickinson.**

Paulding App. No. 11-08-08, 2009-Ohio-2099.

**2009-1088. State v. Fox.**

Franklin App. No. 08AP-704, 2009-Ohio-1327.

**2009-1089. State v. Roberts.**

Cuyahoga App. No. 90998, 2009-Ohio-1605.

**2009-1091. State v. Evans.**

Hamilton App. No. C-060392.

**2009-1096. State v. Russell.**

Richland App. No. 08 CA 82, 2009-Ohio-2692.

**2009-1097. State v. Barnett.**

Butler App. No. CA2008-03-069, 2009-Ohio-2196.

**2009-1099. State v. Harris.**

Hamilton App. Nos. C-060399, C-060400, and C-060401, 2007-Ohio-3308.

**2009-1106. State v. Murphy.**

Clark App. No. 05-CA-71, 2007-Ohio-1747.

**2009-1113. State v. Smith.**

Franklin App. Nos. 08AP-736 and 09AP-72, 2009-Ohio-2166.

**2009-1114. State v. O'Daniel.**

Highland App. No. 08CA13, 2009-Ohio-2241.

**2009-1124. State v. Wittine.**

Cuyahoga App. No. 90747, 2009-Ohio-2115.

**2009-1133. State v. Rose.**

Darke App. No. 08-CA-1738, 2009-Ohio-2183.

**2009-1136. State v. McCuller.**

Cuyahoga App. No. 86592, 2009-Ohio-2485.

**2009-1137. State v. Barb.**

Cuyahoga App. No. 90768, 2009-Ohio-2576.

**2009-1191. State v. Clardy.**

Hamilton App. No. C-060527, 2007-Ohio-4193.

**2009-1192. State v. Schaub.**

Montgomery App. No. 20394, 2005-Ohio-3328.

**2009-1195. State v. Diaz.**

Lucas App. No. L-05-1381, 2007-Ohio-4480.

**2009-1206. State v. Maddox.**

Hamilton App. Nos. C-070482 and C-070483, 2008-Ohio-3477.

**RECONSIDERATION OF PRIOR DECISIONS**

**2008-0067. State ex rel. Valley Roofing, L.L.C. v. Ohio Bur. of Workers' Comp.**

Franklin App. No. 07AP-181, 2007-Ohio-6277. Reported at 122 Ohio St.3d 275, 2009-Ohio-2684, 910 N.E.2d 1018. On motion for reconsideration. Motion denied.

O'Donnell and Cupp, JJ., dissent.

**2008-0363. State v. Evans.**

Cuyahoga App. No. 89057, 2008-Ohio-139. Reported at \_\_\_ Ohio St.3d \_\_\_, 2009-Ohio-2974, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

**2008-1484. State ex rel. Lynch v. Toledo Area Regional Transit Auth.**

Franklin App. No. 07AP-872, 2008-Ohio-3297. Reported at 122 Ohio St.3d 81, 2009-Ohio-2609, 908 N.E.2d 423. On motion for reconsideration. Motion denied.

Pfeifer, J., dissents.

Lanzinger, J., not participating.

**2009-0229. State ex rel. Gilmour Realty, Inc. v. Mayfield Hts.**

Cuyahoga App. No. 90575, 180 Ohio App.3d 430, 2009-Ohio-29. Reported at 122 Ohio St.3d 260, 2009-Ohio-2871, 910 N.E.2d 455. On motion for reconsideration. Motion denied.

**2009-0426. Manor v. Snell.**

Hamilton App. No. C-070681. Reported at 122 Ohio St.3d 1410, 2009-Ohio-2751, 907 N.E.2d 1194. On motion for reconsideration. Motion denied.

**2009-0544. State v. Zimmer.**

Cuyahoga App. No. 90846, 2008-Ohio-6953. Reported at 122 Ohio St.3d 1422, 2009-Ohio-2751, 907 N.E.2d 1195. On motion for reconsideration. Motion denied.

Lanzinger, J., dissents.

**2009-0610. State v. Gilbert.**

Cuyahoga App. No. 90615, 2009-Ohio-463. Reported at 122 Ohio St.3d 1454, 2009-Ohio-3131, 908 N.E.2d 945. On motion for reconsideration. Motion denied.

**2009-0658. State v. Hazel.**

Franklin App. Nos. 08AP-789 and 08AP-790, 2009-Ohio-880. Reported at 122 Ohio St.3d 1457, 2009-Ohio-3131, 908 N.E.2d 946. On motion for reconsideration. Motion denied.

**2009-0787. State v. Ali.**

Cuyahoga App. No. 88147, 2009-Ohio-1233. Reported at 122 Ohio St.3d 1458, 2009-Ohio-3131, 908 N.E.2d 947. On motion for reconsideration. Motion denied.

**2009-0854. In re P.S.**

Franklin App. Nos. 08AP-1023 and 08AP-1024, 2009-Ohio-1545. Reported at 122 Ohio St.3d 1458, 2009-Ohio-3131, 908 N.E.2d 947. On motion for reconsideration. Motion denied.

**2009-0957. Squire v. Geer.**

Franklin App. No. 06AP-1285. Reported at 122 Ohio St.3d 1418, 2009-Ohio-2982, 908 N.E.2d 429. On motion for reconsideration. Motion denied.