

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

May 5, 2010

[Cite as *05/05/2010 Case Announcements, 2010-Ohio-1893.*]

MERIT DECISIONS WITH OPINIONS

2009-0825. State v. Massien, Slip Opinion No. 2010-Ohio-1864.

Summit App. No. 24369, 2009-Ohio-1521. Certified question answered in the negative, and judgment of the court of appeals affirmed.

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

Cupp, J., concurs in judgment only.

Brown, C.J., not participating.

2009-0953. Pratte v. Stewart, Slip Opinion No. 2010-Ohio-1860.

Greene App. No. 08-CA-95, 2009-Ohio-1768. Judgment of the court of appeals affirmed.

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

Brown, C.J., not participating.

2009-1296. Internatl. Business Machines Corp. v. Levin, Slip Opinion No. 2010-Ohio-1861.

Board of Tax Appeals, Nos. 2007-Z-1140, 2007-Z-1141, and 2007-Z-1143. Decision affirmed.

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

Brown, C.J., not participating.

2009-2118. In re Application of Brown, Slip Opinion No. 2010-Ohio-1863.

On Report by the Board of Commissioners on Character and Fitness, No. 396. The application of Kevin David Brown for admission to the practice of law in Ohio is disapproved, but he may apply for the February 2011 bar examination.

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

Brown, C.J., not participating.

2009-2260. Columbus Bar Assn. v. Clovis, Slip Opinion No. 2010-Ohio-1859.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 09-045. Charles Brandt Clovis, Attorney Registration No. 0071950, is indefinitely suspended from the practice of law in Ohio.

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

Brown, C.J., not participating.

MERIT DECISIONS WITHOUT OPINIONS

2010-0269. State ex rel. Morris v. Court of Appeals, Tenth Appellate Dist.

In Procedendo. On answer of respondent. On S.Ct.Prac.R. 10.5 determination, cause dismissed.

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

Brown, C.J., not participating.

2010-0282. State ex rel. Rittner v. Williams.

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

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

Brown, C.J., not participating.

2010-0304. Harp Midam Beachwood Hotel Investors, L.L.C. v. Cuyahoga Cty. Bd. of Revision.

Board of Tax Appeals, Nos. 2006-M-1629, 2006-M-1809, and 2006-M-1810. On motion to dismiss appeal. Motion granted. Cause dismissed.

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

Pfeifer, J., dissents.

Brown, C.J., not participating.

2010-0307. State ex rel. Martin v. Holloway.

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

Sua sponte, Robert Martin is found to be a vexatious litigator pursuant to S.Ct.Prac.R. 14.5(B). Accordingly, Martin is prohibited from continuing or instituting legal proceedings in this court without first obtaining leave. Any request for leave shall be filed with the Clerk of this court for the court's review.

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

Brown, C.J., not participating.

2010-0378. State ex rel. McGrath v. Court of Appeals, Eighth Appellate Dist.

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

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

Brown, C.J., not participating.

2010-0387. [State ex rel.] Evans v. French.

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

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

Brown, C.J., not participating.

2010-0395. State ex rel. Walker v. DeWeese.

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

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

Brown, C.J., not participating.

2010-0427. [State ex rel.] Harris v. Kilbane.

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

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

Brown, C.J., not participating.

2010-0459. State ex rel. McQueen v. Klatt.

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

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

Brown, C.J., not participating.

2010-0531. Henderson v. Shaffer.

In Habeas Corpus. On petition for writ of habeas corpus of Paul S. Henderson and action for declaratory judgment. Sua sponte, cause dismissed.

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

Brown, C.J., not participating.

MOTION AND PROCEDURAL RULINGS

Reporter's Note: Brown, C.J., did not participate in the rulings reported below.

1996-2350. Smith v. Granville Twp. Bd. of Trustees.

Licking App. No. 96-CA-98. On motion for order permitting destruction of impounded and sealed ballots. Motion granted.

2009-1661. State v. White.

Ashland App. Nos. 07-COA-037 and 07-COA-038, 2009-Ohio-3869. On motion for admission pro hac vice of Emily S. Schlesinger by Benjamin C. Mizer. Motion granted.

2009-1794. Ackerman v. Fortis Benefits Ins. Co.

Montgomery App. No. 23443. On motion for leave to file motion to apply Fed.R.Civ.Proc. 60(D)(1) and (3) and motion for clarification. Motions denied.

2009-2307. Fed. Ins. Co. v. Executive Coach Luxury Travel.

Allen App. Nos. 1-09-17 and 1-09-18, 2009-Ohio-5910. On motion for admission pro hac vice of Daniel I. Graham Jr. by Robert C. Buchbinder and Steven B. Ayers. Motion granted.

Cupp, J., not participating.

2009-2355. In re Adoption of G.V.

Lucas App. No. L-09-1160, 2009-Ohio-6338. On motion for admission pro hac vice of Mary Beck by Susan Garner Eisenman. Motion granted.

2010-0437. State v. Graves.

Ashland App. No. 08-COA-034, 2009-Ohio-2976. On motion for leave to file delayed appeal. Motion denied.

2010-0458. State v. Clay.

Miami App. No. 08CA33, 2009-Ohio-5608. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2010-0468. State v. Bowshier.

Clark App. No. 2008 CA 101, 2009-Ohio-6387. On motion for leave to file delayed appeal. Motion granted.

O'Connor and Cupp, JJ., dissent.

2010-0471. State v. Bennett.

Stark App. No. 2009CA00298. On motion for leave to file delayed appeal. Motion denied.

O'Donnell, J., dissents.

2010-0472. State v. Shepherd.

Butler App. No. CA2009-10-262. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2010-0483. State v. Simpson.

Lucas App. No. L-07-1232, 2009-Ohio-4599. On motion for leave to file delayed appeal. Motion denied.

2010-0484. State v. Strunk.

Warren App. No. CA2009-07-103. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2010-0489. State v. Anderson.

Cuyahoga App. No. 92568, 2010-Ohio-66. On motion for leave to file delayed appeal. Motion granted.

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

2010-0492. State v. Garcia.

Butler App. No. CA2008-01-015. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2010-0514. State v. Jennings.

Mahoning App. No. 08-MA-181, 2009-Ohio-6536. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2010-0527. State v. Castro.

Hamilton App. No. C-081043. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

Motions for dismissal and for order to forward record denied as moot.

2010-0541. State v. McDougald.

Scioto App. No. 07CA3157, 2008-Ohio-1398. On motion for leave to file delayed appeal. Motion denied.

2010-0543. Coon v. Technical Constr. Specialists, Inc.

Summit App. No. 24542, 2010-Ohio-417. On motion for stay of court of appeals' judgment. Motion granted subject to continuation of appeal bond.

Pfeifer and Lanzinger, JJ., dissent.

APPEALS ACCEPTED FOR REVIEW

Reporter's Note: Brown, C.J., did not participate in the rulings reported below.

2010-0162. State v. Parks.

Trumbull App. No. 2008-T-0119, 2009-Ohio-7001. Discretionary appeal accepted; cause held for the decision in 2008-0991 and 2008-0992, *Chojnacki v. Cordray*, Warren App. No. CA2008-03-040; and briefing schedule stayed.

Pfeifer and O'Connor, JJ., dissent.

2010-0183. State v. Anderson.

Franklin App. No. 08AP-1071, 2009-Ohio-6566. Discretionary appeal accepted on Proposition of Law No. V; cause held for the decision in 2009-1997, *State v. Hodge*, Hamilton App. No. C-080968; and briefing schedule stayed.

Lundberg Stratton, J., would also accept the appeal on Proposition of Law Nos. I-IV but would not hold the cause for the decision in 2009-1997, *State v. Hodge*.

Lanzinger, J., dissents.

2010-0195. Janson v. State.

Hamilton App. No. C-090039. Discretionary appeal accepted on Proposition of Law Nos. I-IV and VI-VIII; 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 Lundberg Stratton, JJ., would also accept the appeal on Proposition of Law No. V.

Motion for stay of jurisdictional question denied as moot.

2010-0196. Hall v. State.

Hamilton App. No. C-090021. Discretionary appeal accepted on Proposition of Law Nos. I-IV and VI-VIII; 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 Lundberg Stratton, JJ., would also accept the appeal on Proposition of Law No. V.

Motion for stay of jurisdictional question denied as moot.

2010-0197. Ellison v. State.

Hamilton App. No. C-090017. Discretionary appeal accepted on Proposition of Law Nos. I-IV and VI; 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 Lundberg Stratton, JJ., would also accept the appeal on Proposition of Law No. V.

Motion for stay of jurisdictional question denied as moot.

2010-0199. Santoro v. State.

Hamilton App. No. C-090022. Discretionary appeal accepted on Proposition of Law Nos. I-IV and VI; 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 Lundberg Stratton, JJ., would also accept the appeal on Proposition of Law No. V.

Motion for stay of jurisdictional question denied as moot.

2010-0200. Cody v. State.

Hamilton App. No. C-090010. Discretionary appeal accepted on Proposition of Law Nos. I-IV and VI-VIII; 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 Lundberg Stratton, JJ., would also accept the appeal on Proposition of Law No. V.

Motion for stay of jurisdictional question denied as moot.

2010-0201. Short v. State.

Hamilton App. No. C-090016. Discretionary appeal accepted on Proposition of Law Nos. I-IV and VI-VIII; 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 Lundberg Stratton, JJ., would also accept the appeal on Proposition of Law No. V.

Motion for stay of jurisdictional question denied as moot.

2010-0202. Zieger v. State.

Hamilton App. No. C-090023. Discretionary appeal accepted on Proposition of Law Nos. I-IV and VI-VIII; 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 Lundberg Stratton, JJ., would also accept the appeal on Proposition of Law No. V.

Motion for stay of jurisdictional question denied as moot.

2010-0203. Nero v. State.

Hamilton App. No. C-090024. Discretionary appeal accepted on Proposition of Law Nos. I-IV and VI-VIII; 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 Lundberg Stratton, JJ., would also accept the appeal on Proposition of Law No. V.

Motion for stay of jurisdictional question denied as moot.

2010-0204. Jones v. State.

Hamilton App. No. C-090045. Discretionary appeal accepted on Proposition of Law Nos. I-IV and VI-VIII; 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 Lundberg Stratton, JJ., would also accept the appeal on Proposition of Law No. V.

Motion for stay of jurisdictional question denied as moot.

2010-0205. Fairbanks v. State.

Hamilton App. No. C-090005. Discretionary appeal accepted on Proposition of Law Nos. I-IV and VI; 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 Lundberg Stratton, JJ., would also accept the appeal on Proposition of Law No. V.

Motion for stay of jurisdictional question denied as moot.

2010-0206. Claxton v. State.

Hamilton App. No. C-090004. Discretionary appeal accepted on Proposition of Law Nos. I-IV and VI-VIII; 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 Lundberg Stratton, JJ., would also accept the appeal on Proposition of Law No. V.

Motion for stay of jurisdictional question denied as moot.

2010-0207. Jackson v. State.

Hamilton App. No. C-081306. Discretionary appeal accepted on Proposition of Law Nos. I-IV and VI-VIII; 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 Lundberg Stratton, JJ., would also accept the appeal on Proposition of Law No. V.

Motion for stay of jurisdictional question denied as moot.

2010-0209. Campbell v. Carlisle.

Warren App. No. CA2009-05-053, 2009-Ohio-6751.

Pfeifer and O'Donnell, JJ., dissent.

2010-0218. Zumwalde v. Madeira & Indian Hill Joint Fire Dist.

Hamilton App. No. C-090015, 2009-Ohio-6801.

Pfeifer, J., dissents.

2010-0251. State v. Lynn.

Montgomery App. No. 22946, 2009-Ohio-6812.

Pfeifer, J., dissents.

2010-0276. In re Mullen.

Hamilton App. Nos. C-090285 and C-090407, 2009-Ohio-6934.

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

2010-0289. Caes v. State.

Warren App. No. CA2009-07-095, 2009-Ohio-6920. 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. Motion to consolidate denied.

APPEALS NOT ACCEPTED FOR REVIEW

Reporter's Note: Brown, C.J., did not participate in the rulings reported below.

2010-0139. Walsh v. Patitucci.

Cuyahoga App. No. 93717, 2009-Ohio-6829.

2010-0142. Hikmet v. Turkoglu.

Franklin App. No. 08AP-1021, 2009-Ohio-6477.

2010-0143. State v. Tyler.

Hamilton App. No. C-090186.

2010-0152. Fauris v. Women's Care Specialist, Inc.

Clermont App. No. CA2009-11-075.

O'Donnell, J., dissents.

2010-0166. Bahr v. Progressive Cas. Ins. Co.

Cuyahoga App. No. 92620, 2009-Ohio-6641.

2010-0168. State v. West.

Cuyahoga App. No. 92800, 2009-Ohio-6464.

2010-0173. Jefferson Cty. Sheriff v. Fraternal Order of Police, Ohio Labor Council, Inc.

Jefferson App. No. 09-JE-2, 2009-Ohio-6758.

2010-0175. Miranda v. Meijer Stores Ltd. Partnership.

Montgomery App. No. 23334, 2009-Ohio-6695.

2010-0176. State v. Billiter.

Tuscarawas App. No. 09AP00055, 2009-Ohio-6788.

2010-0178. Domadia v. Briggs.

Geauga App. No. 2008-G-2847, 2009-Ohio-6510.

Lanzinger, J., not participating.

2010-0179. Domadia v. Briggs.

Geauga App. No. 2009-G-2899, 2009-Ohio-6513.

Lanzinger, J., not participating.

2010-0181. Oelschlager v. White.

Summit App. No. 24551, 2009-Ohio-6618.

Lundberg Stratton, J., dissents.

2010-0185. Miller v. First Internatl. Fid. & Trust Bldg., Ltd.

Lucas App. No. L-08-1187, 2009-Ohio-6677.

2010-0188. Emerson Tool, L.L.C. v. Emerson Family Partnership.

Summit App. No. 24673, 2009-Ohio-6617.

2010-0190. State v. Staton.

Franklin App. No. 09AP-859.

2010-0191. State v. Douglas.

Franklin App. No. 09AP-111, 2009-Ohio-6659.

Lundberg Stratton, J., dissents and would accept the appeal 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.

2010-0192. Karnofel v. Montgomery.

Trumbull App. No. 2009-T-0086, 2009-Ohio-6037.

2010-0193. Stoyer v. Ohio Dept. of Job & Family Servs.
Franklin App. No. 09AP-236, 2009-Ohio-6662.

2010-0194. Smith v. Ohio Bar Liability Ins. Co.
Summit App. No. 24424, 2009-Ohio-6619.
Pfeifer and O'Donnell, JJ., dissent.

2010-0208. Mitchell v. W. Reserve Area Agency on Aging.
Cuyahoga App. No. 91546, 2009-Ohio-6632. Discretionary appeal not accepted.
Appellant's and appellee's motions to strike denied as moot. Appellant's motion
for refund of borrowed filing fee denied.

2010-0198. R.C. Olmstead, Inc. v. GBS Corp.
Mahoning App. No. 08 MA 83, 2009-Ohio-6808.

2010-0213. Cooperider v. OK Café & Catering, Inc.
Marion App. No. 9-09-28, 2009-Ohio-6715.

2010-0214. Redmond v. Big Sandy Furniture, Inc.
Lawrence App. No. 09CA13, 2009-Ohio-6824. Discretionary appeal not accepted.
Lundberg Stratton, J., dissents.
Motion for admission pro hac vice of Michael A. Frye by Randall L.
Lambert granted.

2010-0216. State v. Terrell.
Hamilton App. No. C-081298.
O'Donnell, J., dissents.

2010-0220. State v. Johnson.
Hamilton App. Nos. C-081195 and C-081196, 2009-Ohio-6800.

2010-0221. Booth v. Duffy Homes, Inc.
Franklin App. No. 07AP-680, 2009-Ohio-6767.
Pfeifer, J., dissents.

2010-0222. Cleveland v. Dove.
Cuyahoga App. No. 92768, 2009-Ohio-6463.
O'Donnell, J., dissents.

2010-0224. State v. Harris.

Jefferson App. No. 08 JE 39, 2009-Ohio-6804.
Pfeifer and Lanzinger, JJ., dissent.

2010-0225. Dukes v. Ohio Dept. of Job & Family Servs.
Franklin App. No. 09AP-515, 2009-Ohio-6781.
Lundberg Stratton and Lanzinger, JJ., dissent.

2010-0226. State v. Preston-Glenn.
Franklin App. No. 09AP-92, 2009-Ohio-6771.
Pfeifer, J., dissents.

2010-0229. State v. Hudson.
Cuyahoga App. No. 91803, 2009-Ohio-6454.
Lundberg Stratton, J., dissents and would accept the appeal on Proposition
of Law Nos. I and II.
O'Donnell, J., dissents.

2010-0230. Gossard v. Gossard.
Hardin App. No. 6-09-09, 2009-Ohio-6716.

2010-0232. State v. Butt.
Montgomery App. No. 22774, 2009-Ohio-6814.

2010-0233. State v. Garcia.
Hamilton App. No. C-090863.

2010-0234. State v. Wright.
Franklin App. No. 09AP-207, 2009-Ohio-6773.

2010-0237. Finley v. First Realty Property Mgt., Ltd.
Summit App. No. 24502, 2009-Ohio-6797.

2010-0238. Lawrence Twp. v. Canal Fulton.
Stark App. No. 2009 CA 00017, 2009-Ohio-6822.
Pfeifer, J., dissents.

2010-0239. Christensen v. Leuthold.
Crawford App. No. 3-09-14, 2009-Ohio-6869.
O'Donnell, J., dissents.

2010-0241. Carter v. King Wrecking Co., Inc.
Hamilton App. No. C-090208, 2009-Ohio-6802.

2010-0243. Curtis v. Cent. Ohio Neurological Surgeons, Inc.
Franklin App. No. 09AP-58, 2009-Ohio-6770.
Pfeifer, J., dissents.

2010-0244. State v. Banks.
Lake App. No. 2008-L-177, 2009-Ohio-6856.
O'Donnell, J., dissents.
Lanzinger, J., not participating.

2010-0245. State v. Alexander.
Muskingum App. No. CT09-0052.

2010-0249. Ely Ents., Inc. v. FirstMerit Bank, N.A.
Cuyahoga App. No. 93345, 2010-Ohio-80. Discretionary appeal not accepted.
Lundberg Stratton and O'Donnell, JJ., dissent.
Motions for admission pro hac vice of William A. Isaacson and Scott E. Gant by Mark Schlachet and Steven M. Weiss granted.

2010-0250. Duer v. Henderson.
Miami App. No. 2009 CA 15, 2009-Ohio-6815.

2010-0252. State v. Jennings.
Franklin App. No. 09AP-70, 2009-Ohio-6840.

2010-0255. Crace v. Kent State Univ.
Franklin App. No. 08AP-1080, 2009-Ohio-6898.

2010-0257. U.S. Bank Natl. Assn. v. Nguyen.
Hamilton App. No. C-090221.
Lundberg Stratton, J., dissents and would accept the appeal and hold the cause for the decision in 2009-0553, *ABN AMRO Mtge. Group, Inc. v. Kangah*, Cuyahoga App. No. 91401, 2009-Ohio-359.
Cupp, J., dissents and would accept the appeal on Proposition of Law No. II and hold the cause for the decision in 2009-0553.

2010-0260. In re W.D.
Franklin App. Nos. 09AP-589 and 09AP-590, 2009-Ohio-6903.

2010-0266. Rapport v. Kochovski.

Stark App. No. 2009CA00055, 2009-Ohio-6880.

Lundberg Stratton, J., dissents.

2010-0273. Macfarlane v. Macfarlane.

Cuyahoga App. No. 93012, 2009-Ohio-6647.

2010-0286. Glover v. Ohio Dept. of Commerce.

Franklin App. No. 09AP-91, 2009-Ohio-6987.

2010-0293. State v. Clayton.

Montgomery App. No. 22937, 2009-Ohio-7040.

2010-0305. State v. Jackim.

Cuyahoga App. No. 92617, 2009-Ohio-6640.

2010-0314. Evans v. Thomas J. Evans Found.

Licking App. No. 09 CA 76, 2010-Ohio-541.

2010-0320. State v. Gault.

Fayette App. No. CA2008-07-025.

2010-0324. State v. Mobley.

Paulding App. No. 11-09-01.

2010-0328. State v. Martini-Sanchez.

Franklin App. No. 09AP-1101.

2010-0351. State v. Rarden.

Butler App. No. CA2007-03-077.

2010-0467. State v. Balderson.

Richland App. No. 2009 CA 0043.

2010-0491. In re A.Z.

Licking App. No. 2009 CA 129, 2010-Ohio-456.

O'Donnell, J., dissents.

2010-0509. In re E.O.

Franklin App. Nos. 09AP-653 and 09AP-713, 2010-Ohio-344.
O'Donnell, J., dissents.

2010-0510. In re C.P.

Franklin App. Nos. 09AP-823 and 09AP-854, 2010-Ohio-346.

RECONSIDERATION OF PRIOR DECISIONS

Reporter's Note: Brown, C.J., did not participate in the rulings reported below.

2008-1499. State v. Jackson.

Stark App. No. 2007CA00274, 2008-Ohio-2944. Reported at ___ Ohio St.3d ___, 2010-Ohio-621, ___ N.E.2d ___. On motion for reconsideration. Motion denied.
Lundberg Stratton, J., dissents.

2009-0026. State ex rel. Nickoli v. Erie MetroParks.

In Mandamus. Reported at 124 Ohio St.3d 449, 2010-Ohio-606, 923 N.E.2d 588.
On motion for reconsideration. Motion denied.
Pfeifer, J., dissents.
Lisa L. Sadler, J., of the Tenth Appellate District, sitting for O'Donnell, J.

2009-2041. State v. Sevayega.

Cuyahoga App. No. 92499, 2009-Ohio-5008. Reported at 124 Ohio St.3d 1492, 2010-Ohio-670, 922 N.E.2d 227. On motion for reconsideration. Motion denied.
O'Donnell, J., not participating.

2009-2141. State ex rel. Sultaana v. Fid. Invests.

Hamilton App. No. C-090575. Reported at 124 Ohio St.3d 1489, 2010-Ohio-670, 922 N.E.2d 225. On motion for reconsideration. Motion denied.

2009-2177. State v. Cantey.

Wayne App. No. 08CA0044, 2009-Ohio-4423. Reported at 124 Ohio St.3d 1493, 2010-Ohio-670, 922 N.E.2d 228. On motion for reconsideration. Motion denied.

2009-2195. State v. Pettegrew.

Cuyahoga App. No. 91816, 2009-Ohio-4981. Reported at 124 Ohio St.3d 1493, 2010-Ohio-670, 922 N.E.2d 228. On motion for reconsideration. Motion denied.
O'Connor, J., dissents.

2009-2250. Bozeman v. Cleveland Metro. Hous. Auth.

Cuyahoga App. No. 92435, 2009-Ohio-5491. Reported at 124 Ohio St.3d 1494, 2010-Ohio-670, 922 N.E.2d 228. On motion for reconsideration. Motion denied.

O'Donnell, J., dissents.

2009-2273. State v. Heft.

Logan App. No. 8-09-08, 2009-Ohio-5908. Reported at 124 Ohio St.3d 1508, 2010-Ohio-799, 922 N.E.2d 970. On motion for reconsideration. Motion denied.

2009-2331. State v. Kaeding.

Hamilton App. No. C-080803. Reported at 124 Ohio St.3d 1509, 2010-Ohio-799, 922 N.E.2d 971. On motion for reconsideration. Motion denied.

2010-0018. State v. Moore.

Cuyahoga App. No. 93839. Reported at 124 Ohio St.3d 1510, 2010-Ohio-799, 922 N.E.2d 971. On motion for reconsideration. Motion denied.

2010-0093. State v. DeNoma.

Ross App. No. 09CA3089, 2009-Ohio-6547. Reported at 124 Ohio St.3d 1510, 2010-Ohio-799, 922 N.E.2d 972. On motion for reconsideration and judicial notice. Motion fails for want of four votes.

Lundberg Stratton and O'Donnell, JJ., would grant the motion for reconsideration, accept the appeal, 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.

Lanzinger, J., would grant the motion for reconsideration and accept the appeal.

Pfeifer, O'Connor, and Cupp, JJ., would deny the motion for reconsideration.