

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

July 21, 2010

[Cite as *07/21/2010 Case Announcements*, 2010-Ohio-3331.]

MERIT DECISIONS WITH OPINIONS

2009-0950. Mecon, Inc. v. Univ. of Akron, Slip Opinion No. 2010-Ohio-3297.
Franklin App. No. 08AP-727, 182 Ohio App.3d 85, 2009-Ohio-1700. Judgment of the court of appeals affirmed, and cause remanded to the Court of Claims.

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

Brown, C.J., not participating.

2009-1649. State ex rel. Sawicki v. Court of Common Pleas of Lucas Cty., Slip Opinion No. 2010-Ohio-3299.

Lucas App. No. L-07-1386, 2009-Ohio-3909. Judgment of the court of appeals affirmed.

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

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

Brown, C.J., not participating.

2009-2336. Disciplinary Counsel v. Kraemer, Slip Opinion No. 2010-Ohio-3300.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 09-052. Bradley M. Kraemer, Attorney Registration No. 0070329, is suspended from the practice of law in Ohio for two years, with one year stayed on conditions, and with credit for one year of the interim suspension imposed on July 10, 2008.

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

Brown, C.J., not participating.

2009-2341. Disciplinary Counsel v. Plough, Slip Opinion No. 2010-Ohio-3298.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 09-026. John Joseph Plough, Attorney Registration No. 0012818, is suspended from the practice of law in Ohio for one year, with six months stayed on condition.

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

O'Connor, J., dissents and would suspend respondent from the practice of law in Ohio for one year.

Brown, C.J., not participating.

MERIT DECISIONS WITHOUT OPINIONS

2010-0732. [State ex rel.] Schafer v. Galbraith.

In Mandamus. On motion to dismiss. Motion to dismiss granted. Motions to strike motion to dismiss and for an order to correct case caption denied as moot. Cause dismissed.

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

2010-0823. [State ex rel.] Essman v. Marshall.

In Prohibition. On motions to dismiss and for judgment on the pleadings. Motions to dismiss granted. Cause dismissed.

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

2010-0878. State ex rel. McQueen v. Klatt.

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

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

2010-0902. State ex rel. Arvizu v. Pima Cty. Clerk of Court.

In Mandamus. On complaint in mandamus of Adronico Arvizu III. On S.Ct.Prac.R. 10.5 determination, cause dismissed.

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

2010-0913. State ex rel. Herrick v. Browne.

In Prohibition. On motions for leave to intervene and motions to dismiss. Motion of guardian ad litem Lora H. Cleary for leave to intervene denied. Motion of Maggie L. Gross for leave to intervene granted. Motions to dismiss granted. Cause dismissed.

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

Brown, C.J., and Lundberg Stratton, J., concur but would also grant the motion for leave to intervene of Lora H. Cleary.

2010-0918. Forkland v. Ohio Dept. of Rehab. & Corr.

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

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

2010-0929. [State ex rel.] Henderson v. Saffold.

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

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

2010-0933. State ex rel. Columbus S. Power Co. v. Cocroft.

In Prohibition. On answer of respondent. On S.Ct.Prac.R. 10.5 determination, cause dismissed based on mootness.

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

2010-0938. [State ex rel.] Domanick v. Lias.

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

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

2010-0942. State ex rel. Craig v. Kraft.

In Mandamus and Prohibition. On motion to dismiss. Motion to dismiss granted. Motions to consolidate, to request a settlement conference, for appointment of counsel, and for relief from judgment denied as moot. Cause dismissed.

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

2010-0968. Richard v. Shewalter.

In Habeas Corpus. On petition for writ of habeas corpus of Donald L. Richard. Sua sponte, cause dismissed.

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

2010-0970. Price v. Shewalter.

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

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

2010-0975. Hammer v. Shewalter.

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

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

2010-1016. Thomas v. Miller.

In Habeas Corpus. On petition for writ of habeas corpus of Barry Lynn Thomas. Sua sponte, cause dismissed.

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

2010-1024. Henderson v. Saffold.

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

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

MOTION AND PROCEDURAL RULINGS

2009-2028. State v. Davis.

Licking App. No. 09-CA-0019, 2009-Ohio-5175. On motion for admission pro hac vice of Sharon Katz by Ruth L. Tkacz. Motion granted.

2010-0137. State v. Banks.

Franklin App. No. 09AP-224, 2009-Ohio-5582. On motion to reopen appeal pursuant to App.R. 26(B). Motion denied.

2010-0525. State ex rel. Lathan v. Jensen.

In Mandamus. On motion to compel answer. Motion denied.
Lanzinger, J., not participating.

2010-0596. Henderson v. Shaffer.

In Habeas Corpus. On motion for judgment and action for declaratory judgment. Motion and action denied.

2010-0643. State ex rel. Ohio Liberty Council v. Brunner.

In Mandamus and Prohibition. This cause originated upon the filing of a complaint for a writ of mandamus in an expedited election matter. On April 29, 2010, a writ was granted. *State ex rel. Ohio Liberty Council v. Brunner*, 125 Ohio St.3d 315, 2010-Ohio-1845, 928 N.E.2d 410. Upon consideration of relators' motion for attorney fees pursuant to R.C. 2335.39 and costs,

It is ordered that the motion for attorney fees is denied. Relators did not indicate in the itemization attached to their motion the fees they were actually charged, they are not eligible for the reimbursement of fees that they have neither paid nor are obligated to pay their counsel, and R.C. 2335.39 is inapplicable to mandamus actions. See R.C. 2335.29(B)(1)(e); *State ex rel. Myles v. Brunner*, 100 Ohio St.3d 1413, 2008-Ohio-6166, 897 N.E.2d 650. See also *State ex rel. Stacy v. Batavia Local School Dist. Bd. of Edn.*, 105 Ohio St.3d 476, 2005-Ohio-2974, 829 N.E.2d 298, ¶ 78 (“Attorney fees are not recoverable as damages in a mandamus action under C. 2731.11”).

It is further ordered that the motion is denied insofar as relators request the reimbursement of litigation expenses as costs. *State ex rel. Doe v. Smith*, 123 Ohio St.3d 44, 2009-Ohio-4149, 914 N.E.2d 159, ¶ 46. Relators are, however, entitled to a refund of the filing fee and security deposit as costs. See R.C. 2503.17 and S.Ct.Prac.R. 15.1 and 15.2; *State ex rel. Plain Dealer Publishing Co. v. Cleveland* (1996), 76 Ohio St.3d 1218, 667 N.E.2d 1232.

2010-0895. State v. Campbell.

Cuyahoga App. No. 93034, 2010-Ohio-261. On motion for leave to file delayed appeal. Motion granted.

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

2010-0903. State v. Lightner.

Hardin App. No. 6-09-03, 2010-Ohio-483. On motion for leave to file delayed appeal. Motion denied.

Brown, C.J., and Pfeifer, J., dissent.

2010-0915. State v. Eckert.

Clermont App. No. CA2008-10-099, 2009-Ohio-3312. On motion for leave to file delayed appeal. Motion denied.

Brown, C.J., and Pfeifer, J., dissent.

2010-0920. State v. Reed.

Mahoning App. No. 09 MA 53, 2010-Ohio-1096. On motion for leave to file delayed appeal. Motion granted.

O'Connor and Cupp, JJ., dissent.

2010-0927. State v. Savage.

Mahoning App. No. 08 MA 54, 2009-Ohio-7011. On motion for leave to file delayed appeal. Motion denied.

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

2010-0930. State v. Book.

Ross App. No. 09CA3107, 2009-Ohio-6168. On motion for leave to file delayed appeal. Motion denied.

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

2010-0939. Deutsche Bank Natl. Trust Co. v. Taylor.

Summit App. No. 25281. On motion to stay execution of judgment and emergency motion for injunctive relief from order of unlawful sale of property. Motions denied.

2010-0940. State v. Sabo.

Union App. No. 14-09-33, 2010-Ohio-1261. On motion for leave to file delayed appeal. Motion granted.

2010-0960. State v. Kolb.

Mahoning App. No. 07 MA 80, 2008-Ohio-5048. On motion for leave to file delayed appeal. Motion denied.

2010-0985. Pula v. Pula-Branch.

Cuyahoga App. No. 93460, 2010-Ohio-912. On motion for stay of court of appeals' judgment pending appeal. Motion granted.

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

2010-1012. State v. Jones.

Wood App. No. WD-09-011, 2010-Ohio-1600. On motion for leave to file delayed appeal. Motion granted.

O'Connor, J., dissents.

2010-1013. Hartford Fire Ins. Co. v. Seifert.

Cuyahoga App. No. 93291, 2010-Ohio-2346. On motion for immediate stay of court of appeals' judgment. Motion denied as moot.

Brown, C.J., and Cupp, J., dissent.

2010-1017. State v. Allen.

Cuyahoga App. No. 91107, 2009-Ohio-2572. On motion for leave to file delayed appeal. Motion denied.

Brown, C.J., and Pfeifer, J., dissent.

2010-1025. State v. Neguse.

Franklin App. No. 09AP-843, 2010-Ohio-1387. On motion for leave to file delayed appeal. Motion denied.

Brown, C.J., dissents.

2010-1074. Westbrook v. Swiatek.

Delaware App. No. 2009 CAE 05 0048, 2010-Ohio-2868. On motion for stay of execution of court of appeals' mandate pending discretionary appeal. Motion denied.

Brown, C.J., and Cupp, J., dissent.

APPEALS ACCEPTED FOR REVIEW

2010-0581. State v. Gleckler.

Clermont App. No. CA2009-03-021, 2010-Ohio-496. Discretionary appeal accepted; cause held for the decision in 2009-1997, *State v. Hodge*, Hamilton App. No. C-080968; and briefing schedule stayed.

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

2010-0659. State v. Estrada-Lopez.

Butler App. No. CA2008-12-291, 186 Ohio St.3d 328, 2010-Ohio-732.

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

2010-0670. Sutton v. Tomco Machining, Inc.

Montgomery App. No. 23416, 2010-Ohio-830.

Pfeifer and O'Donnell, JJ., dissent.

2010-0720. Ohio Bur. of Workers' Comp. v. McKinley.

Columbiana App. No. 09 CO 3, 2010-Ohio-1006.
O'Donnell and Cupp, JJ., dissent.

2010-0731. In re C.P.

Athens App. No. 09CA41, 2010-Ohio-1484.
O'Donnell and Cupp, JJ., dissent.

2010-0750. State v. Moore.

Cuyahoga App. No. 92654, 185 Ohio St.3d 772, 2010-Ohio-770. Discretionary appeal accepted; cause held for the decision in 2009-1997, *State v. Hodge*, Hamilton App. No. C-080968; and briefing schedule stayed.
Pfeifer and Lundberg Stratton, JJ., dissent.

APPEALS NOT ACCEPTED FOR REVIEW

2010-0246. State v. Hawkins.

Hamilton App. No. C-090124.

Brown, C.J., dissents and would accept the appeal on Proposition of Law No. III and hold the cause for the decision in 2009-1997, *State v. Hodge*, Hamilton App. No. C-080968.

2010-0592. State v. Stilson.

Mahoning App. No. 08 MA 143, 2010-Ohio-607.

Brown, C.J., dissents and would accept the appeal and hold the cause for the decision in 2009-1997, *State v. Hodge*, Hamilton App. No. C-080968.

2010-0605. State v. O'Neal.

Muskingum App. No. 08 CA 42.

2010-0608. Clements v. Lima Mem. Hosp.

Allen App. No. 1-09-24, 2010-Ohio-602. Discretionary appeal not accepted.

Pfeifer, J., dissents.

Motion for admission pro hac vice of Jeffrey M. Goldberg by Paul W. Flowers granted.

2010-0616. State v. Smith.

Montgomery App. No. 22926, 2010-Ohio-745.

O'Donnell and Cupp, JJ., dissent.

2010-0617. State v. Watkins.

Clark App. No. 08-CA-122, 2010-Ohio-740.

2010-0619. Weddington v. Millenium Mgt., L.L.C.

Cuyahoga App. No. 93644.

2010-0625. State v. Moshos.

Clinton App. No. CA2009-06-008, 2010-Ohio-735.

2010-0626. State v. Phillips.

Mahoning App. Nos. 08 MA 217 and 08 MA 218, 2010-Ohio-752.

2010-0631. Bechtol v. Winhusen.

Hamilton App. No. C-090164.

2010-0633. In re N.R.

Mahoning App. No. 09 MA 85, 2010-Ohio-753.

2010-0639. State v. Hazel.

Franklin App. No. 09AP-1132. Discretionary appeal and cross-appeal not accepted.

2010-0640. State v. Thomas.

Cuyahoga App. No. 94773.

2010-0641. State v. Sowell.

Cuyahoga App. No. 94772.

2010-0645. State v. Taylor.

Mahoning App. No. 08 MA 122, 2010-Ohio-1551.

2010-0650. Ruthrauff v. Ruthrauff.

Stark App. No. 2009CA00191, 2010-Ohio-887.

Lundberg Stratton, J., dissents.

2010-0651. State v. King.

Morrow App. No. CT2009-0047, 2010-Ohio-798.

2010-0654. In re Henson.

Trumbull App. No. 2009-T-0028, 2010-Ohio-704.

Lanzinger, J., not participating.

2010-0655. In re A.R.

Cuyahoga App. No. 93964, 2010-Ohio-526. Discretionary appeal not accepted. Motion to modify certificate of service denied as moot. Motion to seal file denied.

2010-0658. DiPasquale v. Costas.

Montgomery App. No. 23436, 186 Ohio App.3d 121, 2010-Ohio-832.

2010-0660. Walls v. Travel Ctrs. of Am., L.L.C.

Wood App. No. WD-09-060, 2010-Ohio-801.

2010-0663. State v. Cockrell.

Hamilton App. No. C-090254.

2010-0665. State v. Dunkle.

Williams App. No. WM-08-024, 2010-Ohio-938.

2010-0667. Med. Assur. Co., Inc. v. Dillaplain.

Greene App. No. 2009 CA 6, 2010-Ohio-841.

O'Donnell and Cupp, JJ., dissent.

2010-0671. Ebbing v. New Miami.

Butler App. No. CA2009-09-237.

2010-0673. State v. Jones.

Trumbull App. No. 2009-T-0115, 2010-Ohio-974.

2010-0675. Michaels v. Michaels.

Medina App. No. 09CA0047-M, 2010-Ohio-963.

2010-0681. State v. Hawkins.

Hamilton App. Nos. C-090332 and C-090343.

2010-0686. Hoffman v. Invent Help/I.S.C.

Hamilton App. No. C-090242.

2010-0687. State v. Jackson.

Ashtabula App. No. 2007-A-0079, 2010-Ohio-820.

Lanzinger, J., not participating.

2010-0689. State v. McGhee.
Montgomery App. No. 23226, 2010-Ohio-977.

2010-0690. State v. Wolford.
Cuyahoga App. No. 92607, 2010-Ohio-434.
Lundberg Stratton and O'Donnell, JJ., dissent.

2010-0691. Tucker v. Pope.
Miami App. No. 2009 CA 30, 2010-Ohio-995.

2010-0696. State v. Seay.
Hamilton App. No. C-090233, 2010-Ohio-896.
Brown, C.J., and Lundberg Stratton, J., dissent and would accept the appeal on Proposition of Law No. II and hold the cause for the decision in 2009-0311, *State v. Horner*, Lucas App. No. L-07-1224, 2008-Ohio-6169.

2010-0699. Schultz v. Wurdlow.
Franklin App. No. 09AP-301, 2010-Ohio-1140.

2010-0700. State v. Pintner.
Lorain App. No. 09CA009630, 2010-Ohio-818.

2010-0701. Blue Heron Nurseries, L.L.C. v. Funk.
Summit App. No. 24745, 2010-Ohio-876. Discretionary appeal not accepted. Motion for stay of court of appeals judgment denied as moot.
Pfeifer, J., dissents.

2010-0702. Mike McGarry & Sons, Inc. v. Marous Bros. Constr. Inc.
Lake App. No. 2009-L-056, 2010-Ohio-823.

2010-0706. State v. Book.
Ross App. No. 09CA3107.

2010-0709. Summit Cty. Metro Parks v. Kinnett.
Summit App. No. 24875, 2010-Ohio-881.
O'Donnell, J., dissents.

2010-0710. State v. Turner.
Hamilton App. No. C-081027. Discretionary appeal not accepted. Motion to dismiss memorandum in support of jurisdiction denied as moot.

2010-0713. State v. Henrick.

Summit App. No. 24771, 2010-Ohio-877.

Lundberg Stratton, J., dissents.

2010-0719. Topazio v. Acme Co.

Mahoning App. No. 09 MA 124, 2010-Ohio-1002.

2010-0721. Carr v. Hamilton Cty.

Hamilton App. No. C-090918.

2010-0724. Gallagher v. Alliance Hospitality Mgt.

Stark App. No. 2009CA00164, 2010-Ohio-1882.

2010-0736. Duquette v. Huebner.

Hamilton App. No. C-090522.

2010-0741. State v. Sherrod.

Lake App. No. 2009-L-086, 2010-Ohio-1273.

Lanzinger, J., not participating.

2010-0744. State v. Ball.

Trumbull App. No. 2009-T-0013, 2010-Ohio-714.

2010-0745. Shank v. Charger, Inc.

Darke App. No. 09-CA-03, 2010-Ohio-1129.

2010-0746. State v. Cooper.

Montgomery App. No. 23719, 2010-Ohio-1120.

2010-0747. State v. Courtney.

Cuyahoga App. No. 92830, 2010-Ohio-774.

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

2010-0748. Pro Se Commercial Properties v. Illuminating Co.

Cuyahoga App. No. 92961, 2010-Ohio-516.

2010-0749. In re Guardianship of Nyerges.

Cuyahoga App. No. 93631.

2010-0751. State v. Maddox.

Lucas App. No. L-09-1237, 2010-Ohio-1476.

2010-0752. State v. Nickelson.

Lawrence App. No. 09CA8.

2010-0753. State v. Taylor.

Lorain App. No. 09CA009570, 2010-Ohio-962.

2010-0755. State v. Duncan.

Richland App. No. 2009CA028, 2009-Ohio-5668.

2010-0756. Sellers v. Union Twp. Trustees.

Licking App. No. 2009 CA 00073, 2010-Ohio-1138.

2010-0766. State v. Lake.

Richland App. No. 2009-CA-0011, 2010-Ohio-1113.

2010-0770. Wigglesworth v. Mettler Toledo Internatl., Inc.

Franklin App. No. 09AP-411, 2010-Ohio-1019.

2010-0772. State v. Samilton.

Cuyahoga App. No. 92823, 2010-Ohio-439.

2010-0773. Francis David Corp. v. Chris' Place.

Cuyahoga App. No. 93531, 2010-Ohio-678.

2010-0774. State v. Long.

Hamilton App. Nos. C-090248 and C-090249, 2010-Ohio-1062.

Brown, C.J., dissents and would accept the appeal on Proposition of Law No. I and hold the cause for the decision in 2009-1997, *State v. Hodge*, Hamilton App. No. C-080968.

2010-0779. State v. Stoutamire.

Trumbull App. No. 2009-T-0073, 2010-Ohio-1166.

Lanzinger, J., not participating.

2010-0781. State v. Jackson.

Greene App. No. 2009 CA 21, 2010-Ohio-1127.

2010-0782. State v. Sappington.

Franklin App. No. 09AP-988, 2010-Ohio-1783.

2010-0793. State v. Carpenter.

Scioto App. No. 06CA3108.

2010-0795. State v. Ellison.

Hamilton App. No. C-090207.

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

2010-0798. State v. Maxberry.

Hamilton App. No. C-090204.

2010-0799. State v. Poling.

Ashtabula App. No. 2008-A-0071, 2010-Ohio-1155.

2010-0804. Columbus v. Williams.

Franklin App. No. 09AP-619, 2010-Ohio-1224.

2010-0807. Clifford v. Licking Baptist Church.

Licking App. No. 09 CA 0082, 2010-Ohio-1464.

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

2010-0811. State v. Pruitt.

Cuyahoga App. No. 91205, 2010-Ohio-1573.

2010-0813. Bailey v. Beasley.

Franklin App. No. 09AP-682, 2010-Ohio-1146.

2010-0819. State v. Mbodji.

Hamilton App. No. C-090384.

Brown, C.J., and O'Connor and O'Donnell, JJ., dissent.

2010-0826. State v. Lopp.

Cuyahoga App. No. 93247, 2010-Ohio-1432.

Brown, C.J., dissents and would accept the appeal on Proposition of Law Nos. I-IV.

2010-0828. Deer Park Inn v. Ohio Dept. of Health.

Franklin App. No. 09AP-974, 2010-Ohio-1392.

O'Donnell, J., dissents.

2010-0830. Elam v. Ohio Dept. of Rehab. & Corr.

Franklin App. No. 09AP-714, 2010-Ohio-1225.

2010-0836. State v. Valentin.

Portage App. No. 2009-P-0010.

2010-0838. State v. Prim.

Cuyahoga App. No. 93955, 2010-Ohio-1580.

2010-0848. State v. Dixon.

Montgomery App. No. 23592, 2010-Ohio-2635.

2010-0855. State v. Tyler.

Lucas App. No. L-06-1326, 2010-Ohio-1368.

2010-0861. M&M Excavating & Demolition, Inc. v. Taneyhill.

Trumbull App. No. 2009-T-0097, 2010-Ohio-1280.

2010-0870. Harper v. Ohio Dept. of Rehab. & Corr.

Mahoning App. No. 08 MA 259, 2010-Ohio-1540.

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

2010-0872. State v. Caldwell.

Franklin App. No. 09AP-685, 2010-Ohio-1324.

2010-0877. State v. Krug.

Lake App. No. 2008-L-085.

Lanzinger, J., not participating.

2010-0879. State v. Rozier.

Trumbull App. No. 2009-T-0074, 2010-Ohio-1454.

O'Connor, J., dissents.

2010-0883. State v. Riley.

Summit App. No. 24789, 2010-Ohio-1350.

Brown, C.J., dissents.

2010-0892. State v. Orr.

Cuyahoga App. No. 92005, 2010-Ohio-1657.

2010-0904. State v. Houston.

Montgomery App. No. 22847.

2010-0907. State v. Moore.

Lucas App. No. L-08-1435.

2010-0910. Matteo v. Principe.

Cuyahoga App. No. 92894, 2010-Ohio-1204.

2010-0916. State v. Bonham.

Licking App. No. 96CA121.

2010-0932. Gessner v. Schroeder.

Montgomery App. No. 22617.

RECONSIDERATION OF PRIOR DECISIONS

2009-0580. Erwin v. Bryan.

Tuscarawas App. No. 08-CA-28, 2009-Ohio-758. Reported at ___ Ohio St.3d ___, 2010-Ohio-2202, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

Brown, C.J., and Pfeifer, J., dissent.

Diane V. Grendell, J., of the Eleventh Appellate District, sitting for Cupp, J.

2009-2218. State v. Pilgrim.

Franklin App. No. 08AP-993, 184 Ohio St.3d 675, 2009-Ohio-5357. Reported at 125 Ohio St.3d 1437, 2010-Ohio-2212, 927 N.E.2d 10. On motion for reconsideration. Motion denied.

2009-2295. State ex rel. Williams v. Bessey.

Franklin App. No. 08AP-158, 2009-Ohio-5852. Reported at 125 Ohio St.3d 447, 2010-Ohio-2113, 928 N.E.2d 1091. On motion for reconsideration. Motion denied. Motions for equitable estoppel and for stay denied as moot.

2009-2309. State ex rel. Hazel v. Bender.

Franklin App. No. 09AP-288, 2009-Ohio-6326. Reported at 125 Ohio St.3d 448, 2010-Ohio-2112, 928 N.E.2d 1092. On motion for reconsideration. Motion denied.

2010-0005. State ex rel. Pruitt v. Cuyahoga Cty. Court of Common Pleas.

Cuyahoga App. No. 94155, 2009-Ohio-6657. Reported at 125 Ohio St.3d 402, 2010-Ohio-1808, 928 N.E.2d 722. On motion for leave to amend motion for reconsideration and amended motion for reconsideration. Motion for leave to amend motion for reconsideration granted. Amended motion for reconsideration denied.

Lanzinger, J., dissents.

2010-0306. Lavery v. Akron Dept. of Pub. Serv.

Summit App. No. 24760, 2009-Ohio-6946. Reported at 125 Ohio St.3d 1439, 2010-Ohio-2212, 927 N.E.2d 11. On motion for reconsideration. Motion denied.

2010-0333. Brooklyn v. Kushlak.

Cuyahoga App. No. 94124. Reported at 125 Ohio St.3d 1439, 2010-Ohio-2212, 927 N.E.2d 11. On motion for reconsideration. Motion denied.

2010-0347. State v. Bunting.

Stark App. No. 2009CA00172. Reported at 125 Ohio St.3d 1440, 2010-Ohio-2212, 927 N.E.2d 11. On motion for reconsideration. Motion denied.

2010-0388. State v. Smith.

Hamilton App. No. C-090911. Reported at 125 Ohio St.3d 1441, 2010-Ohio-2212, 927 N.E.2d 12. On motion for reconsideration. Motion denied.

2010-0409. Davis v. CNG Financial Corp.

Hamilton App. No. C-090182. Reported at 125 Ohio St.3d 1441, 2010-Ohio-2212, 927 N.E.2d 12. On motion for reconsideration. Motion denied.

2010-0583. In re C.C.

Cuyahoga App. No. 94011, 2010-Ohio-779. Reported at 125 Ohio St.3d 1442, 2010-Ohio-2212, 927 N.E.2d 12. On motion for reconsideration. Motion denied.

Pfeifer, J., dissents.