

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

September 29, 2010

[Cite as *09/29/2010 Case Announcements*, 2010-Ohio-4542.]

MERIT DECISIONS WITH OPINIONS

2009-0886. State v. Downour, Slip Opinion No. 2010-Ohio-4503.

Lucas App. No. L-08-1029, 182 Ohio App.3d 12, 2009-Ohio-1812. Judgment of the court of appeals reversed, and cause remanded to the trial court.

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

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

Brown, C.J., not participating.

2009-1816. Hudson v. Petrosurance, Inc., Slip Opinion No. 2010-Ohio-4505.

Franklin App. No. 08AP-1030, 2009-Ohio-4307. Judgment of the court of appeals affirmed, and cause remanded to the trial court.

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

Brown, C.J., concurs separately.

2010-0341. Toledo Bar Assn. v. Ritson, Slip Opinion No. 2010-Ohio-4504.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 09-027. Douglas John Ritson, Attorney Registration No. 0060104, is permanently disbarred from the practice of law in Ohio.

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

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

MERIT DECISIONS WITHOUT OPINIONS

2010-1127. State ex rel. Whitaker v. Scioto Cty. Common Pleas Court.

In Mandamus. On respondent's answer and motion for judgment on the pleadings and relator's motion to amend complaint. Motion to amend complaint denied. Motion for judgment on the pleadings granted. Cause dismissed.

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

Brown, C.J., dissents and would grant the motion to amend complaint and defer ruling on the motion for judgment on the pleadings.

2010-1161. State ex rel. Dowdell v. Mason.

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.

2010-1171. State ex rel. Shepherd v. Mansfield Mun. Court.

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.

2010-1178. [State ex rel.] Beckett v. Clark Cty. Common Pleas Court.

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.

2010-1208. [State ex rel.] Thomas v. Haas.

In Mandamus. 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.

2010-1222. [State ex rel.] Nooks v. Crawford.

In Mandamus. 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.

2010-1267. [State ex rel.] Ushery v. Myers.

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.

2010-1273. [State ex rel.] Nooks v. McIntosh.

In Mandamus. 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.

2010-1280. Turner v. State.

In Habeas Corpus. On petition for writ of habeas corpus of John L. Turner Jr. Sua sponte, cause dismissed.

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

2010-1304. [State ex rel.] Bunting v. Ohio State Hwy. Patrol.

In Mandamus. 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.

2010-1306. State ex rel. Gorrasi v. Hildebrandt.

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.

2010-1314. Barbee v. Allstate Ins. Co.

Lorain App. Nos. 09CA009594 and 09CA009596, 2010-Ohio-2016. On review of order certifying a conflict. The court determines that no conflict exists. This cause is therefore dismissed.

Brown, C.J., and Pfeifer, Lanzinger, and Cupp, JJ., concur.

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

2010-1332. State ex rel. Nash v. Court of Appeals, Eighth Appellate Dist.

In Mandamus. On motion to dismiss. Motion to dismiss granted. Motions for relief under Civ.R. 60(B) and to expedite denied as moot. Cause dismissed.

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

2010-1357. Yancy v. Matia.

In Habeas Corpus. On petition for writ of habeas corpus of Dwight A. Yancy. Sua sponte, cause dismissed.

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

2010-1368. Lichtenwalter v. Santiago.

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

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

2010-1394. [State ex rel.] Messenger v. Goldsberry.

In Mandamus. 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.

2010-1414. Smith v. Santiago.

In Habeas Corpus. On petition for writ of habeas corpus of Rodnie C. Smith. Sua sponte, cause dismissed.

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

2010-1416. State ex rel. Will v. Burge.

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.

MOTION AND PROCEDURAL RULINGS

2009-0863. State v. Omiecinski.

Cuyahoga App. No. 90510, 2009-Ohio-1066. On motion to accept Proposition of Law No. I and hold the cause for the decision in 2009-1997, *State v. Hodge*, Hamilton App. No. C-080968. Motion denied. Motion to strike motion to modify denied as moot.

O'Donnell, J., dissents.

2009-0924. Kessler v. Totus Tuus, L.L.C.

Ashtabula App. No. 2008-A-0011, 2009-Ohio-1147. On motion requesting an order that service be provided. Motion denied.

2009-1024. State v. Blanchard.

Cuyahoga App. No. 90935, 2009-Ohio-1357. On motion to accept Proposition of Law No. I and hold the cause for the decision in 2009-1997, *State v. Hodge*, Hamilton App. No. C-080968. Motion denied. Motion to strike motion to modify denied as moot.

O'Donnell, J., dissents.

2009-1622. State v. Aleshire.

Ross App. No. 09CA3093, 2009-Ohio-3921. On motion for award of costs and expenses. Motion denied.

2009-1866. State v. Harmon.

Summit App. No. 24495, 2009-Ohio-4512. On motion to dismiss the appeal, vacate the original judgment, and dismiss the original indictment. Motion granted.

2010-0276. In re Mullen.

Hamilton App. Nos. C-090285 and C-090407, 185 Ohio App.3d 457, 2009-Ohio-6934. On motion for admission pro hac vice of John A. Knight by Carrie L. Davis, motion for admission pro hac vice of Austin R. Nimocks by Matthew J. Burkhart, and motions for admission pro hac vice of Rena M. Lindevaldsen and Mathew D. Staver by Horatio G. Mihet. Motions granted.

2010-0651. State v. King.

Muskingum App. No. CT2009-0047, 2010-Ohio-798. On motion for summary judgment. Motion denied.

2010-1012. State v. Jones.

Wood App. No. WD-09-011, 2010-Ohio-1600. On motion for stay of execution of court of appeals' judgment. Motion denied.

Brown, C.J., and Cupp, J., dissent and would grant the stay conditioned upon bond.

2010-1024. Henderson v. Saffold.

In Habeas Corpus. On motions for stay of proceedings and for judgment. Motion denied.

2010-1203. Cleveland Hts. v. Lewis.

Cuyahoga App. No. 92917, 2010-Ohio-2208. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated in the court of appeals' Journal Entry filed June 10, 2010:

“Whether an appeal is rendered moot when a misdemeanor defendant serves or satisfies his sentence after unsuccessfully moving for a stay of execution in the trial court, but without seeking a stay of execution in the appellate court.”

Pfeifer and O'Donnell, JJ., dissent.

The conflict cases are *Dayton v. Huber*, Montgomery App. No. 20425, 2004-Ohio-7249, and *Carroll Cty. Bur. of Support v. Brill*, Carroll App. No. 05 CA 818, 2005-Ohio-6788.

2010-1275. Ward v. United Foundries, Inc.

Stark App. No. 2009 CA 00019. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated in the court of appeals' Judgment Entry filed June 23, 2010:

“Whether an exclusion in a commercial general liability insurance policy and/or stop gap endorsement form, stating the insurance does not apply to “bodily injury intentionally caused or aggravated by you, or bodily injury resulting from an act which is determined to have been committed by you with the belief that an injury is substantially certain to occur” requires a final determination made by either a judge or a jury before the defense of a claim for a substantial certainty employer intentional tort can be denied.”

O'Donnell, J., dissents.

The conflict case is *Cooper Tire & Rubber Co. v. Travelers Cas. & Sur. Co.*, Hancock App. No. 5-06-40, 2007-Ohio-1905.

Sua sponte, cause consolidated with 2010-1049, *Ward v. United Foundries, Inc.*, Stark App. No. 2009 CA 00019.

2010-1303. State v. Dugger.

Cuyahoga App. No. 94669. On motion for leave to file delayed appeal. Motion denied.

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

2010-1308. State v. Skaggs.

Clark App. No. 08CA0074, 185 Ohio App.3d 752, 2010-Ohio-302. On motion for leave to file delayed appeal. Motion denied.

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

2010-1319. State v. Ponce.

Cuyahoga App. No. 91329, 2010-Ohio-1741. On motion for leave to file delayed appeal. Motion granted.

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

2010-1320. State v. Wallace.

Hamilton App. No. C-090272. On motion for leave to file delayed appeal. Motion denied.

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

2010-1372. State v. Lester.

Auglaize App. No. 2-10-20. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated in the court of appeals' Judgment Entry filed July 12, 2010:

“Is a *nunc pro tunc* judgment filed for the purpose of correcting a clerical omission in a prior sentencing judgment by adding “means of conviction” language, which was readily apparent throughout the record and to the parties but not originally included as required by Crim.R. 32(C), a final order subject to appeal?”

O'Connor, J., would answer the question on the authority of *State v. Baker*, 119 Ohio St.3d 197, 2008-Ohio-3330, 893 N.E.2d 163, and reverse the judgment of the court of appeals.

Pfeifer and O'Donnell, JJ., dissent.

The conflict case is *State v. Lamkin*, Lucas App. No. L-09-1270, 2010-Ohio-1971.

Sua sponte, cause consolidated with 2010-1007, *State v. Lester*, Auglaize App. No. 2-10-20.

2010-1380. State v. Thomas.

Hamilton App. No. C-090508. On motion for leave to file delayed appeal. Motion denied. Motion to file enclosures denied as moot.

Pfeifer, J., dissents.

2010-1382. State v. Rose.

Hamilton App. No. C-090609. On motion for leave to file delayed appeal. Motion denied.

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

2010-1383. State v. Key.

Cuyahoga App. No. 92846, 2010-Ohio-775. On motion for leave to file delayed appeal. Motion denied.

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

2010-1384. State v. Hawk.

Knox App. No. 2009 CA 000028, 2009-Ohio-6965. On motion for leave to file delayed appeal. Motion denied.

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

2010-1387. State v. Scandrick.

Montgomery App. No. 23406, 2010-Ohio-2270. On motion for leave to file delayed appeal. Motion granted.

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

2010-1397. State v. Rice.

Ashtabula App. No. 2009-A-0034, 2010-Ohio-1638. On motion for leave to file delayed appeal. Motion denied.

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

Lanzinger, J., not participating.

2010-1398. State v. Sanders.

Portage App. No. 2009-P-0053, 2010-Ohio-2525. On motion for leave to file delayed appeal. Motion granted.

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

2010-1403. State v. Evankovich.

Mahoning App. No. 09 MA 168, 2010-Ohio-3157. On motion for stay of court of appeals' decision. Motion granted.

Pfeifer and Lundberg Stratton, JJ., dissent.

2010-1407. State v. Strunk.

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

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

2010-1434. State v. Griffin.

Coshocton App. No. 09CA21, 2010-Ohio-3517. On motion for stay of court of appeals' decision. Motion granted.

Pfeifer and O'Donnell, JJ., dissent.

2010-1443. State v. Williams.

Hamilton App. No. C-090676. On motion for leave to file delayed appeal. Motion granted.

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

2010-1448. State v. Barker.

Lucas App. No. L-09-1139, 2010-Ohio-3067. On motion for immediate stay of court of appeals' judgment. Motion granted.

Pfeifer and O'Donnell, JJ., dissent.

2010-1456. State v. Williams.

Cuyahoga App. No. 89566, 2008-Ohio-1095. On motion for leave to file delayed appeal. Motion denied.

2010-1475. Middleton v. Meijer, Inc.

Montgomery App. No. 23789, 2010-Ohio-3244. On motion for stay of court of appeals' decision. Motion denied.

Brown, C.J., dissents.

APPEALS ACCEPTED FOR REVIEW

2010-0943. State ex rel. N. Ohio Chapter of Associated Builders & Constrs., Inc. v. Barberton City School Bd. of Edn.

Summit App. No. 24898, 2010-Ohio-1826. Discretionary appeal accepted on Proposition of Law No. I.

Lundberg Stratton and O'Donnell, JJ., would also accept the appeal on Proposition of Law Nos. II, III, and IV.

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

2010-0963. Rhodes v. New Philadelphia.

Tuscarawas App. No. 2009AP020013, 2010-Ohio-1730.

2010-0985. Pula v. Pula-Branch.

Cuyahoga App. No. 93460, 2010-Ohio-912. Discretionary appeal accepted. Motion to consolidate denied.

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

2010-0988. White v. Leimbach.

Franklin App. No. 09AP-674, 2010-Ohio-1726. Discretionary appeal accepted on Proposition of Law No. I.

Lundberg Stratton, O'Donnell, and Lanzinger, JJ., would also accept the appeal on Proposition of Law No. II.

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

2010-1007. State v. Lester.

Auglaize App. No. 2-10-20. Discretionary appeal accepted and cause consolidated with 2010-1372, *State v. Lester*, Auglaize App. No. 2-10-20.

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

2010-1049. Ward v. United Foundries, Inc.

Stark App. No. 2009 CA 00019. Discretionary appeal accepted and cause consolidated with 2010-1275, *Ward v. United Foundries, Inc.*, Stark App. No. 2009 CA 00019.

O'Donnell, J., dissents.

Motion for admission pro hac vice of Michael R. Cashman by Ronald B. Lee granted.

2010-1061. State v. Ferrell.

Cuyahoga App. No. 92573. 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.

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

O'Donnell and Lanzinger, JJ., would also accept the appeal on Proposition of Law Nos. I and II without holding.

Pfeifer and Lundberg Stratton, JJ., dissent.

2010-1091. Barbee v. Allstate Ins. Co.

Lorain App. Nos. 09CA009594 and 09CA009596, 2010-Ohio-2016.

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

2010-1166. Williams v. Ohio Dept. of Job & Family Servs.

Cuyahoga App. No. 93594, 2010-Ohio-2222. Discretionary appeal accepted on Proposition of Law No. I.

Lundberg Stratton, O'Donnell, and Cupp, JJ., would also accept the appeal on Proposition of Law No. II.

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

2010-1266. State v. Cooper.

Cuyahoga App. No. 93308, 2010-Ohio-1983. Discretionary appeal accepted on Proposition of Law No. VI; 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.

2010-1340. Pendergraft v. Watts.

Cuyahoga App. No. 93808, 2010-Ohio-3196. Discretionary appeal accepted; cause held for the decision in 2010-0985, *Pula v. Pula-Branch*, Cuyahoga App. No. 93460, 2010-Ohio-912; and briefing schedule stayed. Motion to consolidate denied. Motion for stay granted.

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

APPEALS NOT ACCEPTED FOR REVIEW

2009-0773. State v. Noling.

Portage C.P. No. 95CR220. Discretionary appeal not accepted.

Brown, C.J., and Lanzinger and Cupp, JJ., would order additional briefing before deciding the jurisdictional question.

Motion for admission pro hac vice of Ralph I. Miller, Stephen A. Gibbons, and Jennifer Wine by Kelly L. Schneider granted.

2010-0296. Moss v. Lorain Cty. Bd. of Mental Retardation.

Lorain App. No. 09CA009550, 185 Ohio App.3d 395, 2009-Ohio-6931.

2010-0609. State v. Ulery.

Clark App. No. 2009-CA-5, 2010-Ohio-376.

2010-0703. State v. Frashuer.

Summit App. No. 24769, 2010-Ohio-634.

2010-0961. State v. Almashni.

Cuyahoga App. No. 92237, 2010-Ohio-898.

2010-0965. State v. Thompson.

Montgomery App. No. 22984, 2010-Ohio-1680.

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

2010-0966. State v. Brown.

Wood App. No. WD-09-058, 2010-Ohio-1698.

2010-0967. Krukrubo v. Fifth Third Bank.

Franklin App. No. 09AP-933, 2010-Ohio-1691.

2010-0969. State v. Barnett.

Muskingum App. No. CT2009-0025, 2010-Ohio-1695.

2010-0974. State v. Soldier.

Guernsey App. No. 09CA000012.

2010-0977. State v. Broyles.

Richland App. No. 2009 CA 0072, 2010-Ohio-1837.

Pfeifer and Lundberg Stratton, JJ., dissent.

2010-0978. State v. Bradford.

Adams App. No. 09CA880, 2010-Ohio-1784.

2010-0981. Niemeyer v. W. Res. Mut. Cas. Co.

Putnam App. No. 12-09-03, 2010-Ohio-1710.

Pfeifer and Lanzinger, JJ., dissent.

2010-0983. Lyndhurst v. Di Fiore.

Cuyahoga App. No. 93270, 2010-Ohio-1578.

2010-0984. Cleveland v. Abrams.

Cuyahoga App. Nos. 92843 and 92844, 2010-Ohio-662.

2010-0987. State v. Jones.

Sandusky App. No. S-08-034, 2010-Ohio-1780.

2010-0989. State v. Roseborough.

Ashland App. No. 09 COA 003, 2010-Ohio-1832.

O'Donnell, J., dissents.

2010-0990. D'Ambrosio v. Hensinger.

Franklin App. No. 09AP-496, 2010-Ohio-1767.

Pfeifer and Cupp, JJ., dissent.

2010-0991. State v. Dixon.

Montgomery App. No. 23910. Discretionary appeal not accepted. Related motion denied as moot.

O'Donnell, J., dissents.

2010-0993. Northeast Ohio Neighborhood Health Servs. v. Bikkani.

Cuyahoga App. No. 94159. Discretionary appeal not accepted. Motions to dismiss appeal denied as moot.

2010-0994. Batten v. Batten.

Fairfield App. No. 09-CA-33, 2010-Ohio-1912. Discretionary appeal and cross-appeal not accepted.

2010-0995. State v. English.

Hamilton App. No. C-080872, 2010-Ohio-1759.

2010-1000. Pierson v. Rion.

Montgomery App. No. 23498, 2010-Ohio-1793.

2010-1002. Miller v. Cass.

Crawford App. No. 3-09-15, 2010-Ohio-1930.

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

2010-1009. State v. Christopher.

Clermont App. No. CA2009-08-041, 2010-Ohio-1816.

2010-1011. Johnson-Hebb v. Clinton Cty. Pub. Defender.

Clinton App. No. CA2009-06-007, 187 Ohio App.3d 17, 2010-Ohio-1817. Discretionary appeal not accepted. Motion to review decisions and motion to strike denied as moot.

2010-1018. Merrill Lynch Mtge. Lending, Inc. v. Wheeling & Lake Erie Ry. Co.

Summit App. No. 24943, 2010-Ohio-1827.

2010-1019. Cleveland Constr., Inc. v. Cincinnati.

Hamilton App. No. C-090419.

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

2010-1021. Parma v. Pratts.

Cuyahoga App. No. 94990.

2010-1029. State v. Deleon.

Erie App. No. E-09-037, 2010-Ohio-2001.

2010-1030. State v. Johnstone.

Cuyahoga App. No. 92885, 2010-Ohio-1854.

2010-1032. State v. Marshall.

Gallia App. No. 09CA13, 2010-Ohio-1958.

2010-1033. State v. Boles.

Lucas App. No. L-08-1352, 2010-Ohio-1885.

2010-1034. Wedgewood Ltd. Partnership I v. Liberty Twp. Bd. of Zoning Appeals.

Delaware App. No. 09 CAH 07 0064, 187 Ohio App.3d 24, 2010-Ohio-2068.
Pfeifer, J., dissents.

2010-1036. Ezerski v. Mendenhall.

Montgomery App. No. 23528, 2010-Ohio-1904.
Lundberg Stratton and O'Donnell, JJ., dissent.

2010-1037. Williams v. Time Warner Cable.

Summit App. No. 25014, 2010-Ohio-1828.

2010-1039. Byers v. Dearth.

Ross App. No. 09CA3117, 2010-Ohio-1988.

2010-1040. State v. Scott.

Montgomery App. No. 22745, 2010-Ohio-1919.

2010-1044. State v. Bangs.

Franklin App. Nos. 09AP-1207, 09AP-1208, 09AP-1209, and 09AP-1210, 2010-Ohio-2195.

2010-1047. State v. Johnson.

Montgomery App. No. 23297, 2010-Ohio-2010.

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

O'Donnell, J., dissents.

2010-1048. Dunson v. Home-Owners Ins. Co.

Hancock App. No. 5-09-37, 2010-Ohio-1928.

Pfeifer, J., dissents.

2010-1051. Columbus v. Thomas.

Franklin App. No. 09AP-935, 2010-Ohio-1997.

2010-1052. State v. Dailey.

Cuyahoga App. No. 93214, 2010-Ohio-1981.

2010-1053. Dublin v. Bansek.

Franklin App. No. 10AP-14, 2010-Ohio-2372.

2010-1055. State v. Gooden.

Summit App. No. 24896, 2010-Ohio-1961.

2010-1058. State v. Parker.

Cuyahoga App. No. 94787.

2010-1059. Meaney v. Meaney.

Lake App. No. 2009-L-050, 2010-Ohio-1969.

Lanzinger, J., not participating.

2010-1060. State v. Rodriguez.

Preble App. No. CA2009-09-024, 2010-Ohio-1944.

2010-1064. State v. Knapik.

Summit App. No. 25180.

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

2010-1067. State v. McCord.

Cuyahoga App. No. 93127, 2010-Ohio-1979. Discretionary appeal not accepted.

Lundberg Stratton, J., dissents.

Second motion for bail denied.

2010-1070. Walker v. Hodge.

Hamilton App. No. C-090535, 2010-Ohio-1989.

2010-1071. U.S. Bank N.A. v. Lehman.

Lorain App. No. 09CA009716.

2010-1076. State v. Waugh.

Cuyahoga App. No. 92896, 2010-Ohio-1976.

2010-1077. State v. Tincher.

Clermont App. No. CA2009-12-079.

2010-1078. State v. Williams.

Hamilton App. No. C-090225.

2010-1079. State v. Sawyer.

Hamilton App. No. C-080433, 2010-Ohio-1990.

2010-1086. In re T.D.

Clinton App. No. CA2010-04-005.

Lundberg Stratton, J., dissents.

2010-1087. State v. Coffman.

Franklin App. No. 09AP-727, 2010-Ohio-1995.

Pfeifer and Lundberg Stratton, JJ., dissent.

2010-1088. Cook v. Newman Motor Sales.

Erie App. No. E-09-028, 2010-Ohio-2000.

2010-1093. State v. Pirkel.

Cuyahoga App. No. 93305, 2010-Ohio-1858.

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

2010-1095. State v. Kerr.

Wood App. No. WD-09-084, 2010-Ohio-2255.

2010-1097. Pankey v. State.

Richland App. No. 10-CA-34.

2010-1099. Schultz v. Univ. of Cincinnati College of Medicine.

Franklin App. No. 09AP-900, 2010-Ohio-2071.

Pfeifer, J., dissents.

2010-1100. McBride v. Gabriel.

Pickaway App. No. 10CA1, 2010-Ohio-2209.

2010-1101. State v. Reed.

Cuyahoga App. No. 93346, 2010-Ohio-1866.

Pfeifer, J., dissents and would accept the appeal and reverse the judgment of the court of appeals.

2010-1109. State v. Dixon.

Montgomery App. No. 23592, 2010-Ohio-2635. Discretionary appeal not accepted. Motions to review memorandum and for production of evidence denied as moot.

2010-1110. 5455 Clarkins Drive, Inc. v. Ohio Liquor Control Comm.

Franklin App. No. 10AP-339.

2010-1113. State v. Carter.

Hamilton App. No. C-090211.

2010-1115. State v. Tholmer.

Hamilton App. No. C-090250.

2010-1120. State v. Engle.

Montgomery App. No. 23645, 2010-Ohio-2636.

2010-1121. State v. Harry.

Butler App. No. CA2009-09-238, 2010-Ohio-2306.

2010-1124. State v. Harrison.

Montgomery App. No. 23431, 2010-Ohio-2135.

Brown, C.J., dissents.

2010-1132. State v. Otis.

Erie App. No. E-09-018, 2010-Ohio-2258.

2010-1133. State v. Shaffer.

Cuyahoga App. No. 93948, 2010-Ohio-1744.

2010-1137. Amadasu v. O'Neal.

Hamilton App. No. C-090351.

2010-1140. State v. Jones.

Cuyahoga App. No. 93478, 2010-Ohio-1985.

2010-1142. State v. Jackson.

Hamilton App. No. C-090435.

2010-1145. State v. Darden.

Erie App. No. E-01-047, 2002-Ohio-6184.

O'Donnell, J., dissents.

2010-1158. State v. Burnside.

Mahoning App. No. 09-MA-133, 2010-Ohio-869.

2010-1159. Marchant v. Gouge.

Richland App. No. 2009-CA-0143, 2010-Ohio-2273.

O'Donnell, J., dissents.

2010-1167. State v. Hamilton.

Hamilton App. Nos. C-090298, C-090299, and C-090300.

2010-1174. Ochs v. Bur. of Workers' Comp.

Cuyahoga App. No. 93824, 2010-Ohio-2103.

Pfeifer, J., dissents.

2010-1175. Ford v. Ford.

Franklin App. No. 09AP-1123, 2010-Ohio-2226.

2010-1176. State v. Gaiter.

Summit App. No. 24758, 2010-Ohio-2205.

2010-1180. State v. Bowshier.

Clark App. No. 2008CA101.

2010-1182. State v. Scales.

Cuyahoga App. No. 92559, 2010-Ohio-2084.

O'Donnell, J., dissents.

2010-1186. State v. Thompson.

Hamilton App. No. C-090450, 2010-Ohio-2366.

2010-1193. State v. Dunaway.

Butler App. Nos. CA2009-05-141 and CA2009-06-164, 2010-Ohio-2304.
Discretionary appeal not accepted. Pro se motions denied as moot.

O'Connor, O'Donnell, and Cupp, JJ., dissent and would accept the appeal and hold the cause for the decision in 2009-1997, *State v. Hodge*, Hamilton App. No. C-080968.

2010-1194. State v. Anderson.

Cuyahoga App. No. 92576, 2010-Ohio-2085.

2010-1200. State v. Perkins.

Montgomery App. No. 22956, 2010-Ohio-2640.

2010-1204. McKinney v. Ohio Dept. of Rehab. & Corr.

Franklin App. No. 09AP-960, 2010-Ohio-2323.

Brown, C.J., and Lanzinger, J., dissent.

2010-1225. State v. Scales.

Cuyahoga App. No. 92558, 2010-Ohio-2338.

O'Donnell, J., dissents.

2010-1226. Mayle v. Ohio Dept. of Rehab. & Corr.

Franklin App. No. 09AP-541, 2010-Ohio-2774.

2010-1232. State v. Kight.

Ross App. No. 08CA3038, 2010-Ohio-2574.

2010-1251. State v. Webster.

Hamilton App. No. C-090589.

2010-1254. State v. Bush.

Hamilton App. No. C-090291, 2010-Ohio-2874.

2010-1271. State v. Smith.

Hamilton App. No. C-090611.

2010-1278. State v. Thomas.

Hamilton App. No. C-090229.

2010-1338. State v. Sosnoskie.

Montgomery App. No. 22713.

2010-1360. In re Z.N.

Franklin App. No. 10AP-85, 2010-Ohio-2910.
Pfeifer, J., dissents.

RECONSIDERATION OF PRIOR DECISIONS

2009-1484. Whitley v. River's Bend Health Care.

Lawrence App. No. 08CA30, 183 Ohio App.3d 145, 2009-Ohio-3366. Reported at 126 Ohio St.3d 1217, 2010-Ohio-3269, 931 N.E.2d 583. On motion for reconsideration. Motion denied.

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

2009-1552. State v. Johnson.

Franklin App. No. 08AP-990, 2009-Ohio-3436. Reported at 126 Ohio St.3d 1211, 2010-Ohio-3214, 930 N.E.2d 812. On motion for reconsideration. Motion denied.

2009-2302. Cincinnati Bar Assn. v. Kellogg.

Board of Commissioners on Grievances and Discipline, No. 08-092. Reported at ___ Ohio St.3d ___, 2010-Ohio-3285, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

2010-0391. State v. Adams.

Franklin App. No. 09AP-141, 2010-Ohio-171. Reported at 126 Ohio St.3d 1535, 2010-Ohio-3825, 931 N.E.2d 1099. On motion for reconsideration. Motion denied.

O'Donnell, J., dissents.

2010-0506. State v. Paul.

Franklin App. No. 09AP-593. Reported at 126 Ohio St.3d 1536, 2010-Ohio-3825, 931 N.E.2d 1099. On motion for reconsideration. Motion denied.

O'Donnell, J., dissents.

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

Allen App. No. 1-09-24, 2010-Ohio-602. Reported at 126 Ohio St.3d 1513, 2010-Ohio-3331, 930 N.E.2d 331. On motion for reconsideration. Motion denied.

Pfeifer, J., dissents.

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

Hamilton App. No. C-090242. Reported at 126 Ohio St.3d 1514, 2010-Ohio-3331, 930 N.E.2d 332. On amended motion for reconsideration. Motion denied.

2010-0691. Tucker v. Pope.

Miami App. No. 2009 CA 30, 2010-Ohio-995. Reported at 126 Ohio St.3d 1514, 2010-Ohio-3331, 930 N.E.2d 332. On motion for reconsideration. Motion denied. Motion to strike memorandum in opposition denied as moot.

2010-0709. Summit Cty. Metro Parks v. Kinnett.

Summit App. No. 24875, 2010-Ohio-881. Reported at 126 Ohio St.3d 1514, 2010-Ohio-3331, 930 N.E.2d 332. On motion for reconsideration. Motion denied. Motion for stay denied as moot.

O'Donnell, J., dissents.

2010-0724. Gallagher v. Alliance Hospitality Mgt.

Stark App. No. 2009CA00164, 2010-Ohio-1882. Reported at 126 Ohio St.3d 1515, 2010-Ohio-3331, 930 N.E.2d 332. On motion for reconsideration. Motion denied.

2010-0813. Bailey v. Beasley.

Franklin App. No. 09AP-682, 2010-Ohio-1146. Reported at 126 Ohio St.3d 1516, 2010-Ohio-3331, 930 N.E.2d 333. On motion for reconsideration. Motion denied.

2010-0968. Richard v. Shewalter.

In Habeas Corpus. Reported at 126 Ohio St.3d 1510, 2010-Ohio-3331, 930 N.E.2d 329. On motion for reconsideration. Motion denied. All other motions denied as moot.