

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

October 13, 2010

[Cite as *10/13/2010 Case Announcements*, 2010-Ohio-4928.]

MERIT DECISIONS WITHOUT OPINIONS

2010-0425. [State ex rel.] Perez v. Edwards.

In Mandamus. On complaint in mandamus of Harry Perez. 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.

2010-1001. State ex rel. Mason v. McCormick.

In Prohibition. Motion for leave to intervene granted. Motion to dismiss granted. Motions to consolidate denied as moot. Motion for leave to file a response denied as moot. Cause dismissed.

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

2010-1068. State ex rel. Will v. Rothgery.

In Prohibition. Motion for leave to intervene granted. Motion to consolidate denied as moot. Motion for leave to file a response denied as moot. 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.

2010-1111. State ex rel. Mason v. Corrigan.

In Prohibition. Motion for leave to intervene granted. Motion to dismiss granted. Motion to consolidate denied as moot. Cause dismissed.

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

2010-1386. State ex rel. McQueen v. Klatt.

In Procedendo. On motion to dismiss and motion for judgment on the pleadings. Motion to dismiss granted. Motion for judgment on the pleadings denied. Request for findings of fact and conclusions of law denied as moot. Cause dismissed.

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

2010-1421. [State ex rel.] Stewart v. Caine.

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.

MOTION AND PROCEDURAL RULINGS

2009-0950. Mecon, Inc. v. Univ. of Akron.

Franklin App. No. 08AP-727, 182 Ohio App.3d 85, 2009-Ohio-1700. On motion for attorney's fees. Motion denied.

Pfeifer and O'Donnell, JJ., dissent.

2010-0211. State ex rel. Baker v. Coast to Coast Manpower, L.L.C.

Franklin App. No. 09AP-287, 2009-Ohio-6663. On request for oral argument. Request granted.

O'Donnell, J., dissents.

Lanzinger, J., not participating.

2010-0240. In re D.B.

Licking App. No. 2009CA00024, 2009-Ohio-6841. On motion for admission pro hac vice of Marsha L. Levick, Jody Marksamer, Nadia Seeratan, Riya S. Shah, Lourdes M. Rosado, Ilona M. Turner, and Jessica Feierman by Brooke M. Burns. Motion granted.

2010-1484. State v. Huff.

Cuyahoga App. No. 92427, 2009-Ohio-5368. On motion for leave to file delayed appeal. Motion denied.

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

2010-1492. State v. Scott.

Trumbull App. No. 2009-T-0088. On motion for leave to file delayed appeal. Motion denied.

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

2010-1516. State v. Seay.

Hamilton App. No. C-090638. On motion for leave to file delayed appeal. Motion denied.

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

2010-1524. State v. Smith.

Clark App. No. 08CA0060, 2009-Ohio-5048. On motion for leave to file delayed appeal. Motion denied.

Brown, C.J., dissents.

2010-1528. State v. Norris.

Butler App. No. CA2008-09-025. On motion for leave to file delayed appeal. Motion denied.

Brown, C.J., dissents.

APPEALS ACCEPTED FOR REVIEW

2010-1196. Clifton v. Blanchester.

Clinton App. No. CA2009-07-009, 2010-Ohio-2309.

O'Connor, J., would accept the appeal on Proposition of Law No. I only.
Lundberg Stratton and Cupp, JJ., dissent.

2010-1236. King v. ProMedica Health Sys., Inc.

Lucas App. No. L-09-1282, 2010-Ohio-2578. Discretionary appeal accepted on Proposition of Law No. II.

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

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

2010-1325. State v. Everette.

Montgomery App. No. 23585, 2010-Ohio-2832.

Pfeifer and O'Donnell, JJ., dissent.

2010-1378. State v. Mickens.

Franklin App. Nos. 09AP-993 and 09AP-994, 2010-Ohio-2852. Discretionary appeal accepted on Proposition of Law No. I; cause held for the decision in 2009-1997, *State v. Hodge*, Hamilton App. No. C-080968; and briefing schedule stayed.

Lundberg Stratton and Lanzinger, JJ., dissent.

2010-1379. State v. Jenkins.

Franklin App. No. 09AP-1029, 2010-Ohio-2853. Discretionary appeal accepted on Proposition of Law No. I; cause held for the decision in 2009-1997, *State v. Hodge*, Hamilton App. No. C-080968; and briefing schedule stayed.

Lundberg Stratton and Lanzinger, JJ., dissent.

APPEALS NOT ACCEPTED FOR REVIEW

2009-2220. State v. English.

Montgomery App. No. 22810, 2009-Ohio-5300.

2010-0920. State v. Reed.

Mahoning App. No. 09 MA 53, 2010-Ohio-1096.

2010-0962. State v. Reid.

Montgomery App. No. 23409, 2010-Ohio-1686. Discretionary appeal and cross-appeal not accepted.

Lanzinger, J., dissents and would accept the cross-appeal.

2010-1041. Foland v. Englewood.

Montgomery App. No. 22940, 2010-Ohio-1905.

2010-1092. Shepard v. Grand Trunk W. RR., Inc.

Cuyahoga App. No. 92711, 2010-Ohio-1853. Discretionary appeal not accepted.

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

Motion for admission pro hac vice of Michael L. Torcello by Christopher M. Murphy granted.

2010-1108. State v. Smith.

Highland App. No. 09CA29.

2010-1112. State v. Pariscoff.

Franklin App. No. 09AP-848, 2010-Ohio-2070.

2010-1117. State v. Valsadi.

Wood App. No. WD-10-014.

2010-1122. Gen. Elec. Capital Corp. v. Golf Club of Dublin, L.L.C.

Delaware App. No. 09 CAE 12 0107, 187 Ohio App.3d 420, 2010-Ohio-2143.
Brown, C.J., and Pfeifer, J., dissent.

2010-1126. Snell v. Snell.

Richland App. No. 09-CA-134, 2010-Ohio-2245.

2010-1129. State v. Morgan.

Shelby App. No. 17-10-03.
Cupp, J., not participating.

2010-1130. Barron v. Barron.

Ottawa App. No. OT-08-055, 2010-Ohio-2118.

2010-1136. State v. Cramer.

Licking App. No. 2009-CA-00099, 2010-Ohio-2591.

2010-1138. State v. Rollison.

Marion App. No. 9-09-51, 2010-Ohio-2162.
Pfeifer, J., dissents.

2010-1147. In re Guardianship of Miller.

Logan App. No. 8-09-20, 187 Ohio App.3d 445, 2010-Ohio-2159.

2010-1148. Estate of Thompson v. Club Car, Inc.

Richland App. No. 2009-CA-0120, 2010-Ohio-2593.

2010-1152. Dahlhausen v. Aldred.

Clermont App. Nos. CA2009-08-049 and CA2009-08-053, 187 Ohio App.3d 536,
2010-Ohio-2172.
Pfeifer, J., dissents.

2010-1153. State v. Lopez.

Cuyahoga App. No. 95126.

2010-1154. State v. Scandrick.

Montgomery App. No. 23406, 2010-Ohio-2270.
Lundberg Stratton, O'Donnell, and Lanzinger, JJ., dissent.

2010-1162. State v. Bloom

Fairfield App. No. 09 CA 63, 2010-Ohio-2302.

O'Donnell, J., dissents.

2010-1163. State ex rel. Newpart Ltd. Partnership v. Donofrio.

Summit App. No. 25009, 2010-Ohio-2199.

Brown, C.J., dissents.

2010-1168. State v. Norman.

Hamilton App. No. C-090515.

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

2010-1172. State v. Douthat.

Franklin App. No. 09AP-870, 2010-Ohio-2225.

2010-1179. State v. Morrar.

Madison App. Nos. CA2009-10-021 and CA2009-10-022, 2010-Ohio-2310.

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

2010-1181. State v. Wilson.

Lucas App. No. L-08-1380, 2010-Ohio-2247.

2010-1183. Mercedes-Benz of W. Chester v. Am. Family Ins.

Butler App. Nos. CA2009-09-244, CA2009-09-245, and CA2009-09-246, 2010-Ohio-2307.

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

2010-1184. Convenient Food Mart, Inc. v. Levin.

Cuyahoga App. No. 94842.

Brown, C.J., dissents.

2010-1189. State v. Wagers.

Preble App. No. CA2009-06-018, 2010-Ohio-2311.

2010-1190. State v. Lukacs.

Hamilton App. Nos. C-090309 and C-090310, 2010-Ohio-2364.

Lundberg Stratton and O'Connor, JJ., dissent and would accept the appeal on Proposition of Law Nos. I, II, and X.

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

2010-1191. McMillen v. McMillen.

Ashland App. No. 2009-COA-033, 2010-Ohio-2415.

Pfeifer, J., dissents.

2010-1197. State v. Holt.

Marion App. No. 9-09-39, 2010-Ohio-2298.

2010-1202. State v. Smith.

Hamilton App. No. C-100344.

2010-1205. State v. Masters.

Gallia App. No. 09CA15, 2010-Ohio-3365.

O'Donnell, J., dissents.

2010-1206. Minneapolis Flour Co. v. Cleveland.

Cuyahoga App. No. 93767, 2010-Ohio-2607.

Pfeifer, J., dissents.

2010-1207. State v. Culgan.

Medina App. No. 09CA0060-M, 2010-Ohio-2992.

2010-1210. State v. Helms.

Summit App. No. 25034, 2010-Ohio-2327.

2010-1211. Haney v. Nationwide Ins. Co.

Harrison App. No. 09 HA 6, 2010-Ohio-3149.

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

2010-1212. State v. Roberts.

Guernsey App. No. 09 CA 11, 2010-Ohio-2935.

2010-1213. Global Country of World Peace v. Mayfield Hts. Planning Comm.

Cuyahoga App. No. 92848, 2010-Ohio-2213.

Pfeifer and O'Donnell, JJ., dissent.

2010-1219. State v. Chatfield.

Perry App. No. 09-CA-11, 2010-Ohio-2414.

2010-1227. N. Shore Auto Financing, Inc. v. Block.

Cuyahoga App. No. 92316, 2010-Ohio-2447.

2010-1228. State v. Heft.

Logan App. No. 8-10-05.

O'Connor and Cupp, JJ., dissent and would accept the appeal on Proposition of Law No. VII and hold the cause for the decision in 2010-1007 and 2010-1372, *State v. Lester*, Auglaize App. No. 2-10-20.

2010-1230. State v. Brooks.

Scioto App. No. 09CA2239, 2010-Ohio-3262.

2010-1231. Blake v. Home S. & L.

Columbiana App. No. 09 CO 14, 2010-Ohio-2689.

2010-1233. State v. Black.

Columbiana App. No. 09 CO 15, 2010-Ohio-2701.

2010-1235. State v. Gandy.

Hamilton App. No. C-070152, 2010-Ohio-2873.

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

2010-1237. Sites v. Sites.

Lawrence App. No. 09CA19, 2010-Ohio-2748.

2010-1238. State v. Rothe.

Fairfield App. No. 2009 CA 00060, 2010-Ohio-2498.

O'Connor and Cupp, JJ., dissent and would accept the appeal and hold the cause for the decision in 2009-1481, *State v. Johnson*, Hamilton App. Nos. C-080156 and C-080158, 2009-Ohio-2568.

2010-1244. State v. Payne.

Cuyahoga App. No. 92976, 2010-Ohio-2459.

2010-1245. Egli v. Congress Lake Club.

Stark App. No. 2009CA00216, 2010-Ohio-2444.

O'Donnell, J., dissents.

2010-1246. State v. Alford.

Montgomery App. No. 23332, 2010-Ohio-2493.

Lundberg Stratton, O'Connor, and Lanzinger, JJ., dissent and would accept the appeal and hold the cause for the decision in 2009-1481, *State v. Johnson*, Hamilton App. Nos. C-080156 and C-080158, 2009-Ohio-2568.

2010-1247. State v. Hancher.

Montgomery App. No. 23515, 2010-Ohio-2507.

2010-1250. State v. Creech.

Scioto App. No. 09CA3291, 2010-Ohio-2553.

Lundberg Stratton, J., dissents and would accept the appeal and hold the cause for the decision in 2009-1481, *State v. Johnson*, Hamilton App. Nos. C-080156 and C-080158, 2009-Ohio-2568.

O'Connor, J., dissents and would accept the appeal on Proposition of Law Nos. I and II and hold the cause for the decision in 2009-1481, *State v. Johnson*.

2010-1252. State v. Blacker.

Warren App. No. CA2010-06-051.

2010-1253. State v. Thrasher.

Hamilton App. No. C-090455.

2010-1256. Enertech Electrical, Inc. v. Ashtabula Area City School Dist. Bd. of Edn.

Ashtabula App. No. 2009-A-0046, 2010-Ohio-2815.

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

2010-1259. State v. Rupp.

Mahoning App. No. 09-MA-149, 2010-Ohio-2532.

2010-1260. State v. Rose.

Hamilton App. No. C-090609.

2010-1262. Gill v. Ryan.

Franklin App. No. 10AP-283.

2010-1264. Mondi v. Stan Hywet Hall & Gardens, Inc.

Summit App. No. 25059, 2010-Ohio-2740.

2010-1270. State v. Alexander.

Franklin App. No. 10AP-124. Discretionary appeal not accepted. Motion to notify court of decision denied as moot.

2010-1272. Hanna v. Hanna.

Knox App. No. 09CA037, 2010-Ohio-2548.

2010-1276. State v. Honaker.

Lorain App. No. 09CA009687, 2010-Ohio-2515.

2010-1281. Cornelison v. Colosimo.

Trumbull App. No. 2009-T-0099, 2010-Ohio-2527.
Pfeifer and O'Donnell, JJ., dissent.

2010-1286. State v. Brown.

Richland App. No. 09 CA 137, 2010-Ohio-2757.

2010-1287. He v. Zeng.

Licking App. No. 2009-CA-00060, 2010-Ohio-2095.

2010-1288. State v. Hough.

Cuyahoga App. No. 91691, 2010-Ohio-2770.

2010-1290. State v. Brown.

Cuyahoga App. No. 93007, 2010-Ohio-2460.

2010-1292. Black v. Richards.

Perry App. Nos. 08 CA 19, 09 CA 4, 09 CA 12, and 09 CA 13, 2010-Ohio-2938.

Pfeifer, J., dissents and would accept the appeal and hold the cause for the decision in 2009-2358, *Allstate Ins. Co. v. Campbell*, Franklin App. Nos. 09AP-306, 09AP-307, 09AP-308, 09AP-309, 09AP-318, 09AP-319, 09AP-320, and 09AP-321, 2009-Ohio-6055.

2010-1294. Christiansen v. Pricer.

Licking App. No. 09-CA-126, 2010-Ohio-2718. Discretionary appeal not accepted. Motion for admission pro hac vice of Mark J. Prak and Elizabeth E. Spainhour by W. Prentice Snow granted.

2010-1295. Zupp v. Mun. Civ. Serv. Comm. of Columbus.

Franklin App. Nos. 09AP-895 and 09AP-897, 2010-Ohio-2614.

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

2010-1299. State v. Stephens.

Hamilton App. No. C-090358.

2010-1300. State v. King.

Montgomery App. No. 23325, 2010-Ohio-2839.

2010-1301. State v. Grinnell.

Franklin App. No. 09AP-1048, 2010-Ohio-3028.

2010-1305. State v. Pattin.

Lucas App. No. L-09-1177, 2010-Ohio-2628.

2010-1307. Gilbert v. Norfolk S. Ry. Co.

Lucas App. No. L-09-1062, 2010-Ohio-2618.

Pfeifer, J., dissents.

2010-1309. State v. Baldwin.

Stark App. No. 09-CA-262, 2010-Ohio-2867.

2010-1316. Hutton v. Estes.

Ottawa App. No. OT-09-039, 2010-Ohio-2793.

2010-1323. State v. North.

Hamilton App. No. C-090406, 2010-Ohio-2766.

2010-1328. State v. White.

Franklin App. No. 09AP-1168, 2010-Ohio-3033.

2010-1333. State v. Roark.

Montgomery App. No. 23559, 2010-Ohio-2841.

2010-1337. State v. Nichols.

Richland App. No. 2009-CA-0111, 2010-Ohio-3104.

Lundberg Stratton and O'Donnell, JJ., dissent and would accept the appeal on Proposition of Law No. II and hold the cause for the decision in 2009-0897, *State v. Fischer*, Summit App. No. 24406, 2009-Ohio-1491.

2010-1347. State v. Skidmore.

Mahoning App. No. 08 MA 165, 2010-Ohio-2846.

2010-1348. State v. Smith.

Trumbull App. No. 2008-T-0023.

2010-1350. State v. Harrison.

Cuyahoga App. No. 93132, 2010-Ohio-2778.

2010-1352. Klem v. Consol. Rail Corp.

Lucas App. No. L-09-1223, 2010-Ohio-3330.

Lundberg Stratton, J., dissents.

2010-1353. Am. Family Ins. Co. v. Taylor.

Muskingum App. No. CT2010-0014, 2010-Ohio-2756.

Lundberg Stratton, J., dissents.

2010-1362. State v. Gripper.

Franklin App. No. 10AP-398.

2010-1385. State v. Poling.

Stark App. No. 2009-CA-00264, 2010-Ohio-3108.

2010-1399. State v. Young.

Cuyahoga App. No. 92127, 2010-Ohio-3059.

2010-1410. State v. Roberts.

Cuyahoga App. No. 89453, 2010-Ohio-3302.

2010-1450. State v. Keeton.

Richland App. No. 09CA0126, 2010-Ohio-3173.

2010-1471. State v. Garcia.

Butler App. No. CA2008-01-015.

2010-1480. State v. Woodrick.

Franklin App. Nos. 08AP-730 and 08AP-731.

2010-1489. State v. Wright.

Summit App. No. 25106, 2010-Ohio-3295.

2010-1522. In re D.K.

Cuyahoga App. No. 94441, 2010-Ohio-3203.
O'Donnell, J., dissents.

RECONSIDERATION OF PRIOR DECISIONS

2009-1086. Gildersleeve v. State.

Cuyahoga App. Nos. 91515, 91516, 91517, 91518, 91519, 91521, 91522, 91523, 91524, 91525, 91526, 91527, 91528, 91529, 91530, 91531, and 91532, 2009-Ohio-2031. Reported at 126 Ohio St.3d 322, 2010-Ohio-3753, 933 N.E.2d 801. On motion for reconsideration. Motion denied.

O'Donnell and Cupp, JJ., dissent.

2010-0083. State ex rel. Rohr v. Indus. Comm.

Franklin App. No. 09AP-94, 2009-Ohio-6416. Reported at 126 Ohio St.3d 259, 2010-Ohio-3756, 933 N.E.2d 254. On motion for reconsideration. Motion denied.

2010-0950. State v. Garcia.

Butler App. No. CA2009-11-275. Reported at 126 Ohio St.3d 1549, 2010-Ohio-3855, 932 N.E.2d 341. On motion for reconsideration. Motion denied.

2010-1098. Henderson v. Saffold.

In Habeas Corpus. Reported at 126 Ohio St.3d 1540, 2010-Ohio-3855, 932 N.E.2d 336. On motion for reconsideration. Motion denied.