

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

January 19, 2011

[Cite as *01/19/2011 Case Announcements, 2011-Ohio-19.*]

MERIT DECISIONS WITHOUT OPINIONS

2010-1400. [State ex rel.] Lundeen v. Ryan.

Franklin App. No. 08AP-601. On appellee's motion to strike the appeal and dismiss the cause and appellant's motion in opposition. Motion to dismiss granted. Cause dismissed.

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

Pfeifer, J., dissents.

2010-1634. State ex rel. Gonzales v. Nadel.

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

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

2010-1835. [State ex rel.] Sudberry v. Supreme Court of Ohio.

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

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

2010-1860. State ex rel. McGrath v. Court of Appeals, Eighth Appellate Dist.

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

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

2010-1890. State ex rel. Perkins v. Huffman.

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

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

2010-1968. [State ex rel.] Qualls v. Crow.

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

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

2010-1979. Lawton v. Hawley.

On petitioner's complaint for review of legal practice and respondent's motion to dismiss. Motion to dismiss granted. Cause dismissed.

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

2010-1987. State ex rel. Williams v. McIntosh.

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

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

2010-2031. Brack v. Bradshaw.

In Habeas Corpus. On petition for writ of habeas corpus of Johnny V. Brack. Sua sponte, cause dismissed.

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

MOTION AND PROCEDURAL RULINGS

2010-2016. State v. Quinn.

Lucas App. No. L-10-1262. On motion for leave to file delayed appeal. Motion denied.

2010-2025. State v. Jones.

Marion App. No. 9-10-09, 2010-Ohio-4823. On motion for leave to file delayed appeal. Motion granted.

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

2010-2026. State v. Russell.

Montgomery App. No. 23454, 2010-Ohio-4765. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Cupp, JJ., dissent.

2010-2040. State v. Brown.

Marion App. No. 9-09-15, 2009-Ohio-5428. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2010-2056. State v. Ingram.

Medina App. No. 10CA0022-M, 2010-Ohio-3546. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2010-2058. State v. King.

Lorain App. No. 10CA009755, 2010-Ohio-4400. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Cupp, JJ., dissent.

2010-2068. State v. Ortiz.

Cuyahoga App. No. 91819, 2010-Ohio-3713. On motion for leave to file delayed appeal. Motion granted.

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

2010-2088. State v. Hughes.

Hamilton App. No. C-090842. On motion for stay of consideration of jurisdiction. Motion denied.

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

2010-2150. State ex rel. Heft v. O'Connor.

Logan App. No. 8-10-10. On motion for stay of court of appeals' judgment. Motion denied.

2010-2179. In re Arnott.

Highland App. No. 09CA25, 2010-Ohio-5392. On motion for stay of court of appeals' judgment. Motion denied.

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

APPEALS ACCEPTED FOR REVIEW

2010-1542. State v. Jackson.

Cuyahoga App. No. 92531, 2010-Ohio-3080. Discretionary appeal accepted.

O'Connor, C.J., and Pfeifer and Cupp, JJ., dissent.

Discretionary cross-appeal not accepted.

2010-1621. Dohme v. Eurand Am., Inc.

Montgomery App. No. 23653, 2010-Ohio-3905.

Pfeifer, J., dissents.

2010-1654. Sanderbeck v. Medina Cty.

Medina App. No. 09CA0051-M, 2010-Ohio-3659. Discretionary appeal accepted on Proposition of Law No. I.

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

Pfeifer, Lanzinger, and Cupp, JJ., dissent.

Discretionary cross-appeal not accepted.

O'Connor, C.J., and McGee Brown, J., dissent.

2010-1705. In re All Cases Against Sager Corp.

Cuyahoga App. No. 93567, 188 Ohio App.3d 796, 2010-Ohio-3872.

Pfeifer, Cupp, and McGee Brown, JJ., dissent.

APPEALS NOT ACCEPTED FOR REVIEW

2010-1106. State v. Parsley.

Franklin App. No. 09AP-612, 2010-Ohio-1689.

2010-1312. In re Monogudis.

Cuyahoga App. No. 92988, 2010-Ohio-2087. Discretionary appeal not accepted.

Motion to dismiss denied as moot.

2010-1417. State v. Carter.

Clinton App. No. CA2010-01-001.

2010-1443. State v. Williams.
Hamilton App. No. C-090676.

2010-1472. State v. Washington.
Summit App. No. 24997, 2010-Ohio-3389.

2010-1565. Mercer Dev., L.P. v. Mercer Cty. Bd. of Elections.
Mercer App. No. 10-10-08, 2010-Ohio-4071.

Lanzinger, Cupp, and McGee Brown, JJ., dissent and would accept the appeal on Proposition of Law No. I.

2010-1635. State v. Langford.

Franklin App. No. 09AP-1140, 2010-Ohio-3619. Discretionary appeal and cross-appeal not accepted.

O'Connor, C.J., and McGee Brown, J., dissent and would accept the appeal on Proposition of Law No. I.

2010-1684. Frazier v. Am. Family Ins. Co.

Cuyahoga App. No. 94438, 2010-Ohio-3733.

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

O'Donnell, J., dissents.

2010-1694. State v. Lemons.

Trumbull App. No. 2009-T-0032, 2010-Ohio-3807.

2010-1695. Duncan v. Duncan.

Stark App. No. 2010-CA-00017.

2010-1697. State v. Babyak.

Madison App. Nos. CA2009-10-023 and CA2010-03-006, 2010-Ohio-3820.

2010-1699. State v. Green.

Franklin App. No. 09AP-972, 2010-Ohio-3838.

2010-1700. State v. Cardinal.

Franklin App. No. 09AP-623, 2010-Ohio-3836.

2010-1701. State v. Miller.

Warren App. No. CA2009-10-138, 2010-Ohio-3821 and 2010-Ohio-5532.

Pfeifer, J., dissents.

2010-1707. State v. Troiano.

Franklin App. No. 09AP-862, 2010-Ohio-3019.

O'Donnell, J., dissents.

Cupp, J., dissents and would accept the appeal on Proposition of Law No. I and hold the cause for the decision in 2010-1448, *State v. Barker*, Lucas App. No. L-09-1139, 2010-Ohio-3067.

2010-1708. State v. Schleiger.

Preble App. No. CA2009-09-026, 2010-Ohio-4080.

O'Connor, C.J., dissents.

2010-1709. Trans Rail Am., Inc. v. Enyeart.

Franklin App. Nos. 07AP-273 and 07AP-284, 187 Ohio App.3d 703, 2010-Ohio-3012.

2010-1710. Delaware Cty. Bank & Trust Co. v. AHI Land Dev. Group, Inc.

Delaware App. No. 09CAE120105, 2010-Ohio-3890.

Pfeifer and O'Donnell, JJ., dissent.

2010-1711. State v. Clellan.

Franklin App. No. 09AP-1043, 2010-Ohio-3841.

2010-1712. Barlow v. Ohio Dept. of Commerce.

Franklin App. No. 09AP-1050, 2010-Ohio-3842.

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

2010-1717. State v. Reddy.

Cuyahoga App. No. 92924, 2010-Ohio-5759. Discretionary appeal not accepted. Motion to withdraw appeal denied as moot.

2010-1720. Countrywide Home Loans, Inc. v. Swayne.

Greene App. No. 2009 CA 65, 2010-Ohio-3903.

2010-1722. State v. Wombles.

Greene App. No. 2010 CA 12, 2010-Ohio-4050.

2010-1724. Zindroski v. Parma City School Dist. Bd. of Edn.

Cuyahoga App. No. 93583, 2010-Ohio-3188.

2010-1726. Broadview Hts. v. Stovall.

Cuyahoga App. No. 93322, 2010-Ohio-3867.
Pfeifer and O'Donnell, JJ., dissent.

2010-1727. State v. Hill.

Fulton App. No. F-09-018, 2010-Ohio-4052.

2010-1732. Hoover v. Norfolk S. Ry. Co.

Cuyahoga App. Nos. 93479 and 93689, 2010-Ohio-2894.
O'Donnell and Cupp, JJ., dissent.

2010-1734. Jeffries Bros. Excavating & Paving, Inc. v. Wheeling & Lake Erie Ry. Co.

Stark App. No. 2009 CA 00252, 2010-Ohio-4057.
Pfeifer, J., dissents.

2010-1737. State v. Bowling.

Cuyahoga App. No. 93052, 2010-Ohio-3595.
O'Donnell, J., dissents.

2010-1738. Mann v. Cincinnati Enquirer.

Hamilton App. No. C-090747, 2010-Ohio-3963.

2010-1739. Kelley v. Ferraro.

Cuyahoga App. No. 92446, 188 Ohio App.3d 734, 2010-Ohio-2771.

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

2010-1741. Bluford v. Wells Fargo Financial Ohio 1, Inc.

Cuyahoga App. No. 95494.

Lundberg Stratton, J., dissents.

O'Donnell, J., dissents and would accept the appeal and remand the cause for application of *Alexander v. Wells Fargo Financial Ohio 1, Inc.*, 122 Ohio St.3d 341, 2009-Ohio-2962, 911 N.E.2d 286.

2010-1742. Mandzak v. Mersfelder.

Hamilton App. No. C-090649.

2010-1744. State v. Mapes.

Champaign App. No. 09CA19.

2010-1746. State v. Powers.

Montgomery App. No. 23696, 2010-Ohio-4044.

2010-1747. State v. Hohenberger.

Wood App. No. WD-10-17, 2010-Ohio-4053.

O'Donnell, J., dissents.

2010-1749. Namreh, Inc. v. Cleveland.

Cuyahoga App. No. 93365, 2010-Ohio-3185.

2010-1750. Mtge. Electronic Registration Sys., Inc. v. Mosley.

Cuyahoga App. No. 93170, 2010-Ohio-2886.

Pfeifer, J., dissents.

2010-1751. State v. Hooper.

Montgomery App. No. 22883, 2010-Ohio-4041.

2010-1753. In re Moore.

Hamilton App. No. C-090576, 2010-Ohio-3991.

2010-1755. First Fed. Sav. & Loan Assn. of Newark v. Community Hous. Dev., Inc.

Fairfield App. No. 10-CA-10, 2010-Ohio-4280.

O'Donnell, J., dissents.

2010-1756. Ruggiero v. Kavlich.

Cuyahoga App. No. 92909, 2010-Ohio-3995.

2010-1757. R&S Distrib., Inc. v. Hartge Smith Nonwovens, L.L.C.

Hamilton App. No. C-090100, 2010-Ohio-3992.

Pfeifer, J., dissents.

2010-1758. Ingrassia v. Ganley Mgt. Co.

Cuyahoga App. No. 94266, 2010-Ohio-3883.

2010-1759. Sopp v. Turner.

Franklin App. No. 10AP-25, 2010-Ohio-4021.

2010-1761. State v. Wilson.

Hamilton App. No. C-100565.

2010-1765. State v. Notestine.

Ottawa App. No. OT-10-015, 2010-Ohio-4167.

2010-1766. State v. Fields.

Hamilton App. No. C-090648, 2010-Ohio-4114.

2010-1795. State v. Lewis.

Lake App. No. 2009-L-138, 2010-Ohio-4288. Discretionary appeal not accepted.
Motion for additional litigation denied as moot.

2010-1854. State v. Scott.

Hamilton App. No. C-090869.

2010-1937. State v. Dunford.

Ashtabula App. No. 2009-A-0027.

2010-1947. State v. Pratt.

Cuyahoga App. No. 93123, 2010-Ohio-4998.

2010-2013. State v. Rose.

Hamilton App. No. C-090609.

2010-2053. State v. Williams.

Hamilton App. No. C-090676.

2010-2077. In re O.W.

Stark App. No. 2010-CA-00191, 2010-Ohio-5100.

2010-2096. State v. Simms.

Butler App. No. CA2009-08-206.

DISCIPLINARY CASES

2010-1805. Disciplinary Counsel v. Hoppel.

On motion to supplement record. Motion granted.

O'Connor, C.J., dissents.