

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

August 24, 2011

[Cite as *08/24/2011 Case Announcements*, 2011-Ohio-4217.]

MERIT DECISIONS WITH OPINIONS

2007-0619. State ex rel. Angelo Benedetti, Inc. v. Indus. Comm., Slip Opinion No. 2011-Ohio-4131.

Franklin App. No. 06AP-165. Judgment affirmed.

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

Lanzinger, J., concurs in judgment only.

2010-1073. In re Application of Columbus S. Power Co., Slip Opinion No. 2011-Ohio-4129.

Public Utilities Comm., No. 10-154-EL-RDR. Order affirmed.

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

2010-1448. State v. Barker, Slip Opinion No. 2011-Ohio-4130.

Lucas App. No. L-09-1139, 2010-Ohio-3067. Judgment reversed and trial court judgment reinstated.

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

MERIT DECISIONS WITHOUT OPINIONS

2011-0739. Cotton v. Zmuda.

In Procedendo. On motion for judgment on the pleadings. Motion granted. Cause dismissed.

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

2011-0807. Reed v. Rastatter.

In Mandamus and Procedendo. On motions to dismiss. Motions to dismiss granted. Cause dismissed.

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

2011-0840. In re Greensburg Collection Dist.

On answer of respondents and on motions to dismiss. Motions to dismiss granted. Cause dismissed.

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

2011-0849. State ex rel. Shaffer v. Ohio Adult Parole Authority.

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

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

2011-0863. Waler v. Ambrose.

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.

2011-0882. Bevins v. Cooper.

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.

2011-0888. State ex rel. Rinaldi v. Sinclair.

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

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

O'Donnell, J., dissents and would deny the motion to dismiss and grant the writ.

2011-0907. State ex rel. Lundeen v. Whitehouse.

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.

2011-0916. In re Zander.

In Habeas Corpus. On petition for writ of habeas corpus of David. J. Zander. Sua sponte, cause dismissed. On motion for order of service of process or for issuance of writ granting relief. Motion denied as moot.

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

2011-0953. Blair v. State.

In Habeas Corpus. On petition for writ of habeas corpus of Delfon Blair. Sua sponte, cause dismissed. On consideration of motion for dismissal, motion to expedite dismissal, motion to certify conflict, motion for judgment on the pleadings, motion to vacate, motion for entry of judgment, and motion for notices of determination. Motions denied as moot.

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

2011-0957. Anderson v. Davidson.

In Procedendo. On motion to dismiss. Motion to dismiss granted. Cause dismissed. On motion for judgment on the pleadings, motion for judicial notice and motion to prohibit untimely filing. Motions denied as moot.

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

2011-0958. Netter v. Schneider.

In Mandamus. On amended motion to dismiss. Amended motion to dismiss granted. Cause dismissed.

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

2011-0961. State v. Gaines.

Clinton App. No. CA2010-07-010 and CA2010-07-011. On review of order certifying a conflict. The court determines that no conflict exists. The cause is

therefore dismissed. On motion to dismiss and motion to strike motion to dismiss. Motions denied as moot.

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

2011-0973. Reed v. Lorig.

In Procedendo. On motion to dismiss and motion to appoint counsel. Motion to dismiss granted. Cause dismissed. Motion to appoint counsel denied as moot.

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

2011-0976. State ex rel. Billiter v. Tuscarawas Cty. Clerk.

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.

2011-0999. Legg v. Ambrose.

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.

2011-1020. State ex rel. Akemon v. Hildebrandt.

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.

2011-1032. In re Gibson.

In Procedendo. On motions to dismiss. Motions to dismiss granted. Cause dismissed.

Pfeifer, Lundberg Stratton, O'Donnell, Lanzinger, Cupp, and McGee Brown, JJ., concur. O'Connor, C.J., not participating.

2011-1048. Fields vs. Kasich.

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.

2011-1052. Brown v. Hamilton Cty. Common Pleas Judge.

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.

2011-1094. Kolb v. Russo.

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.

2011-1104. Chapman v. Santiago.

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

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

2011-1107. Duffin v. McCafferty.

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.

2011-1110. White v. Donnely.

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.

2011-1111. Vance v. Jeffreys.

In Habeas Corpus. On petition for writ of habeas corpus of Joseph P. Vance. Sua sponte, cause dismissed.

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

2011-1115. Wolfe v. Phelan.

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

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

2011-1119. Pegg v. Mausser.

In Habeas Corpus. On petition for writ of habeas corpus of Maurice S. Pegg. Sua sponte, cause dismissed. On consideration of motion asking for release. Motion denied as moot.

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

2011-1124. State ex rel. Quinn v. Lorain Cty. Bd. of Elections.

In Mandamus. On answer of respondents, motion for expedited consideration, and motion for judgment on the pleadings. Motion for judgment on the pleadings granted. Cause dismissed.

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

2011-1204. Townsend v. Cuyahoga Cty. Court of Common Pleas.

In Habeas Corpus. On petition for writ of habeas corpus of Albert J. Townsend. Sua sponte, cause dismissed.

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

2011-1205. State ex rel. Lowe v. Pienda.

In Habeas Corpus. On petition for writ of habeas corpus of Dennis Raye Lowe. Sua sponte, cause dismissed. On consideration of motion for default judgment. Motion denied as moot.

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

2011-1226. State ex rel. Roland v. Roland.

In Habeas Corpus. On petition for writ of habeas corpus of Robin Roland. Sua sponte, cause dismissed. On consideration of motion for change of venue. Motion denied as moot.

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

MOTION AND PROCEDURAL RULINGS

2009-1292. State ex rel. Doner v. Logan.

In Mandamus. On motion for leave to supplement the evidence and motion to file reduced number of copies. Motions denied.

Cupp, J., not participating.

2009-2040. State v. Huber.

Clark App. No. 07-CA-88, 2009-Ohio-1636. On motion for relief from judgment. Motion denied.

2010-0636. State ex rel. Akron Paint & Varnish, Inc. v. Gullotta.

Franklin App. No. 09AP-492, 2010-Ohio-1321. On request for oral argument. Request granted.

O'Donnell, J., dissents.

2010-0659. State v. Estrada-Lopez.

Butler App. No. CA2008-122-91, 186 Ohio App.3d 328, 2010-Ohio-732. On motion for stay of briefing. Motion granted.

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

2010-0672. State ex rel. Smith v. Cincinnati Schools.

Franklin App. No. 09AP-504, 2010-Ohio-1221. On request for oral argument. Request denied.

2010-1642. State ex rel. McCaffrey v. Mahoning Cty. Prosecutor's Office.

In Mandamus. On motion to take judicial notice or, in the alternative, to supplement the record. Motion is granted. The court takes judicial notice of the specified filings in the underlying criminal case.

In addition, whereas the court finds that supplemental briefing is necessary, it is ordered that the parties brief the issue of the impact of the dismissal of the underlying criminal cases, see *State v. Cafaro*, Mahoning C.P. Case Nos. 2010 CR 800 (and A-I), on relator's mandamus claim. Relator shall file his supplemental brief within 20 days of this order, and respondents shall file their supplemental brief within 20 days of the filing of relator's supplemental brief.

2010-1696. State ex rel. Hillman v. Holbrook.

Franklin App. No. 10AP-552. On motion for findings pursuant to Civ.R. 52. Motion denied.

2010-1808. State ex rel. Bruggeman v. Willamowski.

In Mandamus and Prohibition. On motion for relief from judgment. Motion denied.

Pfeifer, J., dissents.

2010-2260. State v. Hood.

Cuyahoga App. No. 93854, 2010-Ohio-5477. On motion to dismiss. Motion denied.

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

2011-0108. Cincinnati v. Su.

Hamilton App. No. C-100609. On motion to suspend warrant. Motion denied.

2011-0132. State ex rel. Vindicator Printing Co. v. Wolff.

In Mandamus and Prohibition. On notice of court order and motion for leave to file supplemental brief. Motion granted and supplemental briefing ordered. The parties shall brief the issue of the impact of the dismissal of the underlying criminal cases, see *State v. Cafaro*, Mahoning C.P. No. 2010 CR 800 (and A-I), on relator's prohibition and mandamus claim. Relators shall file their supplemental brief within 20 days of this order, and respondents shall file their supplemental briefs within 20 days of the filing of relators' supplemental brief.

2011-0146. State v. Huber.

Clark App. No. 07-CA-88, 2009-Ohio-1636. On motion for relief from judgment. Motion denied.

Pfeifer, J., dissents.

2011-0454. Countrywide-Home Loans, Inc. v. Reece.

Warren App. No. CA2010-08-078, 2011-Ohio-541. On motion for relief from judgment. Motion denied.

2011-0853. Helfrich v. State ex rel. Markus.

Licking App. No. 11CA0037. On motion to dismiss. Motion granted. Cause dismissed.

2011-0854. Helfrich v. State ex rel. Markus.

Licking App. No. 11-CA-0037. On motion to dismiss. Motion granted. Cause dismissed.

2011-0868. Goldshtein v. Bradshaw.

In Habeas Corpus. On motion for leave to amend petition. Motion denied.

2011-0890. State ex rel. DeWine v. GMAC Mtge. L.L.C.

Certified Question of State Law, United States District Court, Northern District of Ohio, Western Division, Case Nos. 3:10-cv-02537-JZ and 1:10-cv-02709-JZ. On review of preliminary memoranda pursuant to S.Ct.Prac.R. 18.6. The court will answer the following questions:

1. “Does the servicing of a borrower’s residential mortgage loan constitute a ‘consumer transaction’ as defined in the Ohio Consumer Sales Practices Act., R.C. 1345.01(A)?”

2. “Does the prosecution of a foreclosure action by a mortgage servicer constitute a ‘consumer transaction’ as defined in the Ohio Consumer Sales Practices Act., R.C. 1345.01(A)?”

3. “Is an entity that services a residential mortgage loan, and prosecutes a foreclosure action, a ‘supplier . . . engaged in the business of effecting or soliciting consumer transactions’ as defined in the Ohio Consumer Sales Practices Act., R.C. 1345.01(C)?”

O’Donnell, J., dissents.

2011-0897. State v. Sims.

Cuyahoga App. No. 96283. On motion for delayed appeal. Motion granted.

O’Connor, C.J., and Lundberg Stratton and O’Donnell, JJ., dissent.

2011-908. Anderson v. Barclays Capital Estate, Inc.

Certified Question of State Law, United States District Court, Northern District of Ohio, Western Division, Case Nos. 3:09-cv-02335-JGC. On review of preliminary memoranda pursuant to S.Ct.Prac.R. 18.6. The court accepts the following questions:

1. “Does the servicing of a borrower’s residential mortgage loan constitute a ‘consumer transaction’ as defined in the Ohio Consumer Sales Practices Act., R.C. 1345.01(A)?”

2. “Are entities that service residential mortgage loans ‘suppliers . . . engaged in the business of effecting or soliciting consumer transactions’ within the meaning of the Ohio Consumer Sales Practices Act., R.C. 1345.01(C)?”

This cause is held for the decision in 2011-0890, *State ex rel. DeWine v. GMAC Mtge. L.L.C.*

O’Donnell, J., dissents.

2011-0914. State v. King.

Cuyahoga App. No. 95233, 2011-Ohio-1079. On motion for delayed appeal. Motion denied.

Pfeifer and McGee Brown, JJ., dissent.

2011-0934. State ex rel. Jean-Baptiste v. Kirsch.

Scioto App. No. 10CA3338, 2011-Ohio-3368. On second motion for stay. Motion denied.

Lanzinger, J., dissents.

2011-0949. State v. Oke.

Franklin App. No. 04AP-1362. On motion for delayed appeal. Motion denied.

Pfeifer, J., dissents.

2011-0954. State v. Frost.

Mahoning App. No. 08 MA 44, 2010-Ohio-3281. On motion for delayed appeal. Motion denied.

Pfeifer, J., dissents.

2011-0955. State v. Brooks.

Cuyahoga App. No. 94978, 2011-Ohio-1679. On motion for delayed appeal. Motion denied.

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

2011-0959. State ex rel. Williams v. Sieve.

Hamilton App. No. C-110179. On motion for stay. Motion denied.

2011-0960. Blair v. Sugarcreek Twp. Bd. of Trustees.

Greene App. No. 2010 CA 3, 2011-Ohio-1725. The court determines that a conflict exists. The parties are to brief the following issue set forth in the court of appeals' entry dated May 27, 2011:

“A certified township police officer who is appointed chief and then is terminated as chief, other than for cause in a township where R.C. 505.49(C) is not applicable, does not have the automatic right to return to the position he held prior to his appointment as chief.”

O'Donnell, Cupp, and McGee Brown, JJ., dissent.

The conflict case is *Staley v. St. Clair Township Board of Trustees*, (Dec. 15, 1987), Columbiana App. No.87-C-44.

2011-0963. State v. Palmer.

Montgomery App. No. 24216. On motion for delayed appeal. Motion denied.

Pfeifer, J., dissents.

2011-0968. State v. Paquette.

Clark App. No. 08-CA-29, 2009-Ohio-1961. On motion for delayed appeal. Motion denied.

O'Donnell, J., dissents.

2011-0979. State v. Anderson.

Franklin App. No. 10AP-302, 2010-Ohio-5561. On motion for delayed appeal. Motion denied.

Pfeifer, J., dissents.

2011-0980. State v. Gray.

Cuyahoga App. No. 94611, 2011-Ohio-101. On motion for delayed appeal. Motion denied.

Pfeifer, J., dissents.

2011-0981. State v. Strong.

Auglaize App. No. 21033. On motion for delayed appeal. Motion denied.

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

2011-0989. State v. Blevins.

Scioto App. No. 10CA3353, 2011-Ohio-3367. On motion for delayed appeal. Motion granted.

O'Connor, C.J., dissents.

2011-0998. State v. Randolph.

Lucas App. No. L-09-1234, 2011-Ohio-488. On motion for delayed appeal. Motion denied.

Pfeifer and Cupp, JJ., dissent.

2011-1018. State v. Wilson.

Franklin App. No. 10AP-251, 2011-Ohio-430. On motion for delayed appeal. Motion denied.

Pfeifer and Cupp, JJ., dissent.

2011-1025. State v. Lozada.

Cuyahoga App. No. 94902, 2011-Ohio-823. On motion for delayed appeal. Motion denied.

Pfeifer and McGee Brown, JJ., dissent.

2011-1031. State v. Sohrabi.

Cuyahoga App. No. 95358, 2011-Ohio-1935. On motion for delayed appeal. Motion granted.

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

2011-1053. Rowell v. Smith.

Franklin App. Nos. 10AP-675 and 10AP-708, 2011-Ohio-3386. On motion to vacate, motion to clarify, and motion to dismiss. Motion to vacate denied.

Cupp, J., dissents.

Motion to clarify denied.

Lundberg Stratton, J., dissents.

Motion to dismiss denied.

2011-1077. State v. Kronenberg.

Cuyahoga App. No. 94961, 2011-Ohio-1069. On motion for delayed appeal. Motion denied.

Pfeifer, J., dissents.

2011-1079. Bank of Am., N.A. v. Omega Design/Build Group, L.L.C.

Hamilton App. No. C-100018, 2011-Ohio-1650. On motion for stay. Motion denied.

2011-1096. State v. Newman.

Hamilton App. No. C-090735. On motion for delayed appeal. Motion denied.

2011-1131. State v. Woods.

Summit App. No. 25236, 2011-Ohio-562. On motion for delayed appeal. Motion denied.

Pfeifer, J., dissents.

2011-1136. State v. Gutierrez.

Putnam App. No. 12-10-01, 2010-Ohio-4549. On motion for delayed appeal. Motion denied.

Pfeifer, J., dissents.

2011-1153. Litigation Mgt., Inc. v. Bourgeois.

Cuyahoga App. No. 95730, 2011-Ohio-2794. On motion for stay. Motion denied.

Pfeifer, Lundberg Stratton, and Cupp, JJ., dissent and would grant the stay on the condition that appellants post bond in the amount of the judgment.

2011-1192. State v. Hoffmeyer.

Summit App. No. 25151, 2011-Ohio-915. On motion for delayed appeal. Motion denied.

Pfeifer, J., dissents.

2011-1195. State v. Redman.

Franklin App. No. 10AP-654, 2011-Ohio-1894. On motion for delayed appeal. Motion denied.

Pfeifer, J., dissents.

2011-1196. State v. Pate.

Cuyahoga App. No. 95382, 2011-Ohio-1692. On motion for delayed appeal. Motion denied.

Pfeifer and Cupp, JJ., dissent.

2011-1247. Ohio Farmers Ins. Co. v. Akron.

Summit App. No. 25642, 2011-Ohio-3569. On motion for immediate stay. Motion granted.

Pfeifer and Lundberg Stratton, JJ., dissent.

2011-1252. Sapienza v. Material Eng. & Technical Support Servs. Corp.

Delaware App. No. 10CAE110092, 2011-Ohio-3559. On motion for emergency stay. Motion granted.

Pfeifer, J., dissents.

2011-1371. State ex rel. Coble v. Lucas Cty. Bd. of Elections

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus involving an expedited election matter. On motion for leave to intervene of Secretary of State John Husted. Motion granted. The secretary of state's evidence and briefs are due on the same date as respondent's evidence and briefs.

2011-1386. State ex rel. Neal Mahoney v. Lucas Cty. Bd. of Elections

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus involving an expedited election matter. On motion for leave to intervene of Secretary of State John Husted. Motion granted. The secretary of state's evidence and briefs are due on the same date as respondent's evidence and briefs.

APPEALS ACCEPTED FOR REVIEW

2011-0673. Cincinnati City School Dist. Bd. of Edn. v. Conners.

Hamilton App. No. C-100399, 2011-Ohio-1084.

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

2011-0685. State v. Davis.

Montgomery App. No. 23858, 2011-Ohio-1280.

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

2011-0742. Burlingame v. Estate of Burlingame.

Stark App. No. 2010 CA 00124, 2011-Ohio-1325. Discretionary appeal accepted on Proposition of Law Nos. I and II.

O'Donnell, J., would also accept Proposition of Law No. III.

Pfeifer and McGee Brown, JJ., dissent.

2011-0743. Anderson v. Massillon.

Stark App. No. 2010 CA 00196, 2011-Ohio-1328.

Cupp, J., would accept the appeal on Proposition of Law No. II only.

Pfeifer and McGee Brown, JJ., dissent.

APPEALS NOT ACCEPTED FOR REVIEW

2010-2091. State v. Murphy.

Ashland App. No. 10-COA-001, 2010-Ohio-4523.

2010-2225. State v. Miller.

Clark App. No. 08CA0090, 2010-Ohio-4760.

2011-0271. State v. McCoy.

Hamilton App. No. C-090599, 2010-Ohio-5810.

2011-0375. State v. Ector.

Lucas App. No. L-10-1002, 2010-Ohio-6515.

2011-0489. State v. Russell.

Cuyahoga App. No. 94345, 2011-Ohio-592. Discretionary appeal and cross-appeal not accepted.

Cupp, J., dissents and would accept the appeal.

2011-0661. Deutsche Bank Natl. Trust Co. v. Richardson.

Darke App. No. 2010-CA-03, 2011-Ohio-1123.

2011-0665. State v. Johnson.

Montgomery App. No. 23508, 2011-Ohio-1133.

Lanzinger, J., dissents.

2011-0667. Vaughn Industries, L.L.C. v. Lake Erie Elec., Inc.

Richland App. No. 2010CA0043, 2011-Ohio-1146.

2011-0668. State v. McWhorter.

Cuyahoga App. No. 95108, 2011-Ohio-1074.

2011-0670. Wolk. v. Paino.

Cuyahoga App. No. 94850, 2011-Ohio-1065.

2011-0671. Buckeye Retirement Co., L.L.C., Ltd. v. Busch.

Greene App. No. 2010-CA-51, 2011-Ohio-1125.

2011-0675. State v. Brown.

Hamilton App. Nos. C-100309 and C-100310, 2011-Ohio-1029.

2011-0681. State v. Bunn.

Mahoning App. No. 10 MA 10, 2011-Ohio-1344.

2011-0689. State v. Jones.

Wayne App. No. 10CA0022, 2011-Ohio-1450.

2011-0691. Dawson Ins., Inc. v. Freund.

Cuyahoga App. No. 94660, 2011-Ohio-1552.

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

Cupp, J., dissents and would accept the appeal and hold the cause for the decision in 2010-2180, *Arnott v. Arnott*, Highland App. No. 09-CA-25, 2010-Ohio-5392.

McGee Brown, J., dissents and would accept the appeal on Proposition of Law II.

2011-0701. State v. Miller.

Portage App. No. 2009-P-0090, 2011-Ohio-1161.

2011-0702. State v. Kiley.

Lorain App. No. 10CA009757, 2011-Ohio-1156.
O'Donnell, J., dissents.

2011-0705. State ex rel. Davila v. E. Liverpool.
Columbiana App. No. 10 CO 16, 2011-Ohio-1347.
O'Donnell, J., dissents.

2011-0708. Wallace v. Halder.
Cuyahoga App. Nos. 95324 and 95341, 2011-Ohio-850.
O'Donnell, J., dissents.

2011-0709. State v. Nickelson.
Lawrence App. No. 10CA21, 2011-Ohio-1352.

2011-0710. State v. Ponce.
Cuyahoga App. No. 96432.

2011-0711. Stanley v. Community Hosp.
Clark App. No. 2010 CA 53, 2011-Ohio-1292.
Lundberg Stratton, J., dissents

2011-0713. Bykova v. Cuyahoga Cty. Dept. of Children & Family Servs.
Cuyahoga App. No. 95484, 2011-Ohio-1250.

2011-0714. State v. Thomas.
Franklin App. No. 10AP-557, 2011-Ohio-1291.

2011-0715. Davis v. Marcotte.
Franklin App. No. 10AP-361, 2011-Ohio-1189.
O'Connor, C.J., dissents and would accept the appeal on Proposition of Law
No. I only.
Pfeifer and O'Donnell, JJ., dissent.

2011-0718. State v. Askew.
Stark App. No. 2010CA00069, 2011-Ohio-687.

2011-0720. State v. Chambers.
Hancock App. No. 5-10-29, 2011-Ohio-1305.

2011-0722. State v. Mullins.

Franklin App. No. 09AP-1185, 2011-Ohio-1256.

2011-0724. State v. Vanbuskirk.

Marion App. No. 91045.

2011-0726. Wells Fargo v. Phillabaum.

Highland App. No. 10CA10, 192 Ohio App.3d 712, 2011-Ohio-1311.
Lundberg Stratton, J., dissents.

2011-0727. State v. Walz.

Montgomery App. No. 23783, 2011-Ohio-1270.

2011-0728. Bagley v. Bagley.

Greene App. No. 2010-CA-17, 2011-Ohio-1272.
O'Donnell, J., dissents.

2011-0729. State v. Dent.

Cuyahoga App. No. 94823, 2011-Ohio-1235.

Lundberg Stratton, J., dissents and would accept the appeal on Proposition of Law No. II and hold the cause for the decision in 2010-1315, *State v. Gould*, Lucas App. No. L-08-1383, 2010-Ohio-3437.

Lanzinger J., dissents and would accept the appeal on all Propositions of Law and hold the cause for the decision in for 2010-1315, *State v. Gould*, Lucas App. No. L-08-1383, 2010-Ohio-3437.

2011-0730. State v. Hudson.

Mahoning App. No. 09 MA 89, 2011-Ohio-1343.

2011-0731. Intercity Auto Sales, Inc. v. Evans.

Cuyahoga App. No. 95778, 2011-Ohio-1378.

2011-0733. State v. Daniel.

Montgomery App. No. 24267, 2011-Ohio-1278.

2011-0734. Cleveland Constr., Inc. v. Roetzel & Andress, L.P.A.

Cuyahoga App. No. 94973, 2011-Ohio-1237.

2011-0735. Cleveland v. Simpkins.

Cuyahoga App. No. 95361, 2011-Ohio-1249.

2011-0736. State v. Taylor.

Highland App. No. 10CA7, 2011-Ohio-1391.

2011-0740. State v. Smith.

Warren App. No. CA2010-05-047, 2011-Ohio-1476.

O'Donnell, J., dissents and would accept the appeal on Proposition of Law I.

McGee Brown, J., dissent and would accept the appeal on Propositions of Law I, II, III, VII, and VIII.

2011-0746. Columbus v. Montgomery.

Franklin App. No. 09AP-537, 2011-Ohio-1332.

2011-0748. State v. Sherman.

Cuyahoga App. No. 95716, 2011-Ohio-1810.

2011-0752. State v. Mayer.

Mercer App. No. 10-11-02.

2011-0754. State v. Cox.

Knox App. No. 10-CA-0016, 2011-Ohio-1316.

2011-0755. Abel v. ADP/UC Express AS Am., Inc.

Columbiana App. No. 10-CO-11, 2011-Ohio-1649.

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

2011-0757. In re W.Y.

Montgomery App. No. 24247.

Lundberg Stratton and McGee Brown, JJ., dissent and would accept the appeal and remand the cause on the authority of 2010-1203, *Cleveland Hts. v. Lewis*, __ Ohio St.3d ___, 2011-Ohio-2673, ___ N.E.2d ___.

2011-0762. State v. Mynatt.

Hamilton App. Nos. C-100298 and C-100319, 2011-Ohio-1358.

2011-0763. Hosom v. State.

Franklin App. No. 10AP-671, 2011-Ohio-1494.

O'Donnell and Lanzinger JJ., dissent and would accept the appeal and hold the cause for the decision in 2010-1660, *State v. Palmer*, Franklin App. Nos. 09AP-956 and 09AP-957, 2010-Ohio-2421.

2011-0764. Powell v. State.

Franklin App. No. 10AP-640, 2011-Ohio-1382.

O'Donnell and Lanzinger, JJ., dissent and would accept the appeal and hold the cause for the decision in 2010-1660, *State v. Palmer*, Franklin App. Nos. 09AP-956 and 09AP-957, 2010-Ohio-2421.

2011-0766. Malagisi v. Mahoning Cty. Bd. of Commrs.

Mahoning App. No. 09 MA 150, 2011-Ohio-1464.

Lundberg Stratton, J., dissents.

2011-0769. State v. Dudley.

Montgomery App. No. 22931, 2010-Ohio-3240.

2011-0770. State v. Horton.

Franklin App. No. 10AP-466, 2011-Ohio-1387.

2011-0774. State v. Gaines.

Clinton App. No. CA2010-07-010 and CA2010-07-011.

Pfeifer, J., dissents.

Lanzinger, J., dissents and would accept the appeal on Proposition of law III.

2011-0777. State v. Parker.

Clark App. No. 10CA0074, 2011-Ohio-1418.

2011-0784. Hemphill v. Dayton.

Montgomery App. No. 23782, 2011-Ohio-1613.

2011-0785. Consol. Church Fin. Co. v. Geauga Savings Bank.

Cuyahoga App. No. 94715, 2011-Ohio-1360.

2011-0787. State v. McBride.

Franklin App. No. 10AP-585, 2011-Ohio-1490.

2011-0788. State v. Marrero.

Franklin App. No. 10AP-344, 2011-Ohio-1390.

2011-0789. State v. Godfrey.

Licking App. No. 10-CA-47.

Motion to strike denied as moot.

2011-0791. State v. Jones.
Licking App. No. 10-CA-46.

2011-0824. In re Change of Name of J.W.B.
Muskingum App. No. CT10-0038, 2011-Ohio-1640.

2011-0829. Garner v. Robart.
Summit App. No. 25427, 2011-Ohio-1519.
O'Connor, C.J., dissents and would accept the appeal on Proposition of Law No. I.

2011-0834. State v. Thompson.
Franklin App. No. 10AP-695, 2011-Ohio-1606.
Lundberg Stratton, J., dissent and would clarify *State v. Brooks*, 103 Ohio St.3d 134, 2004-Ohio-4746, on the need to state a specific prison term.

2011-0835. State v. Blankenship.
Franklin App. No. 10AP-651, 2011-Ohio-1601.
Lanzinger, J., dissents.

2011-0845. State v. Parker.
Lucas App. No. L-09-1298, 2010-Ohio-5892.

2011-0848. State v. Cooper.
Butler App. No. CA2010-05-113, 2011-Ohio-1630.

2011-0851. State v. Triplett.
Lucas App. No. L-10-1158, 2011-Ohio-1713.
O'Connor, C.J., and Lanzinger and Cupp, JJ., dissent and would accept the appeal and hold the cause for the decision in 2010-1007 and 2010-1372, *State v. Lester*, Auglaize App. No. 2-10-20.

2011-0862. State v. Knowles.
Cuyahoga App. No. 95239, 2011-Ohio-1685.

2011-0864. Blair v. Sugarcreek Twp. Bd. of Trustees.
Greene App. No. 2010 CA 3, 2011-Ohio-1725.
Lanzinger, J., would accept the appeal on Proposition of Law No. I only.
O'Connor, C.J., and Lundberg Stratton, J., dissent.

2011-0865. State v. McCrary.

Montgomery App. No. 23932, 2011-Ohio-1736.

2011-0869. State v. Aleshire.

Licking App. No. 11CA0029.

2011-0879. Franklin Mgt. Industries, Inc. v. Motorcars Infiniti, Inc.

Cuyahoga App. No. 95391, 2011-Ohio-1693.

Pfeifer and Lundberg Stratton, JJ., dissent.

2011-0880. State v. Robinson.

Champaign App. No. 2010 CA 30, 2010-Ohio-1737.

2011-0887. State v. King.

Lorain App. No. 10CA009755, 2010-Ohio-4400.

2011-0892. State v. Cooper.

Montgomery App. No. 23143, 2011-Ohio-1822.

2011-0896. State v. White.

Hamilton App. No. C-100605, ____.

2011-0898. State v. Tayse.

Summit App. No. 23978, ____.

2011-0909. State v. Davis.

Mahoning App. No. 05 MA 3, 2011-Ohio-2001.

2011-0911. State v. Huber.

Clark App. No. 07-CA-88, 2009-Ohio-1636.

2011-0912. State v. Obasogie.

Hamilton App. No. C-100368.

2011-0917. Sizemore v. Ohio Veterinary Med. Licensing Bd.

Franklin App. No. 10AP-841, 2011-Ohio-2273.

2011-0923. State v. Geter-Gray.

Summit App. No. 25374, 2011-Ohio-1779.

2011-0924. State v. Reives-Bey.
Summit App. No. 25138, 2011-Ohio-1778.

2011-0933. State v. Boyce.
Clark App. Nos. 2009 CA 30, 2009 CA 31, 2009 CA 44, and 2009 CA 70, 2010-Ohio-2127.

2011-0964. State v. Grant.
Cuyahoga App. No. 94101, 2011-Ohio-2254.

2011-0974. State v. Grissom.
Erie App. Nos. E-10-017 and E-10-037, 2011-Ohio-153.

2011-0992. State v. Crowell.
Wayne App. No. 10CA0005, 2010-Ohio-6245.

2011-1004. State v. Kulyk.
Guernsey App. No. 10-AP-08, 2010-Ohio-6411.

2011-1030. In re N.B.
Fairfield App. No. 2011-CA-6, 2011-Ohio-2170.

2011-1150. State v. Hough.
Cuyahoga App. No. 91691, 2011-Ohio-2656.

RECONSIDERATION OF PRIOR DECISIONS

2010-0180. In re C.B.
Cuyahoga App. No. 92775. Reported at __ Ohio St.3d __, 2011-Ohio-2899, __ N.E.2d __. On motion for reconsideration. Motion denied.
Pfeifer, and O'Donnell, JJ., dissent.

2010-0433. State ex rel. Striker v. Smith.
Richland App. No. 2008-CA-0336, 2010-Ohio-457. Reported at 129 Ohio St.3d 168, 2011-Ohio-2878, 950 N.E.2d 952. On motion for reconsideration. Motion denied.

2010-0819. State v. Mbodji.
Hamilton App. No. C-090384. Reported at __ Ohio St.3d __, 2011-Ohio-2880, __ N.E.2d __. On motion for reconsideration. Motion denied.

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

2010-1570. State ex rel. Zeigler v. Zumbar.

In Quo Warranto. Reported at __ Ohio St.3d __, 2011-Ohio-2939, __ N.E.2d __. On motion for reconsideration. Motion denied.

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

2010-1907. State ex rel. Gambill v. Opperman.

In Mandamus. Reported at 128 Ohio St.3d 1519, 2011-Ohio-2805, 948 N.E.2d 961. On motion for reconsideration. Motion denied.

Lanzinger J., dissents.

2011-0020. State v. Slider.

Washington App. No. 09CA41, 2010-Ohio-5952. Reported at 128 Ohio St.3d 1514, 2011-Ohio-2686, 948 N.E.2d 450. On motion for reconsideration. Motion denied.

2011-0137. State ex rel. Brown v. Wauford.

Hancock App. No. 5-10-24. Reported at 129 Ohio St.3d 17, 2011-Ohio-2858, 949 N.E.2d 999. On motion for reconsideration. Motion denied.

2011-0138. State ex rel. Brown v. Oliver.

Seneca App. No. 13-10-31. Reported at 129 Ohio St.3d 17, 2011-Ohio-2858, 949 N.E.2d 999. On motion for reconsideration. Motion denied.

2011-0305. State v. Page.

Cuyahoga App. No. 94369, 2011-Ohio-83. Reported at 128 Ohio St.3d 1500, 2011-Ohio-2420, 947 N.E.2d 683. On motion for reconsideration. Motion denied.

McGee Brown, JJ., dissents.

2011-0328. Sogg v. Goodman.

Franklin App. No. 10AP-358, 2011-Ohio-81. Reported at 128 Ohio St.3d 1500, 2011-Ohio-2420, 947 N.E.2d 683. On motion for reconsideration. Motion denied.

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

2011-0351. In re K.K.

Fairfield App. No. 10-CA-30, 2011-Ohio-192. Reported at 128 Ohio St.3d 1501, 2011-Ohio-2420, 947 N.E.2d 683. On motion for reconsideration. Motion denied.

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

2011-0380. Opaczewski v. Port Lawrence Title & Trust Co.

Lucas App. No. L-09-1323, 2011-Ohio-360. Reported at 128 Ohio St.3d 1502, 2011-Ohio-2420, 947 N.E.2d 684. On motion for reconsideration. Motion denied.

2011-0427. State ex rel. Hillman v. Holbrook.

Franklin App. No. 10AP-552. Reported at 129 Ohio St.3d 126, 2011-Ohio-3090, 950 N.E.2d 549. On motion for reconsideration. Motion denied.

2011-0437. Deutsche Bank Natl. Trust Co. v. Taylor.

Summit App. No. 25281, 2011-Ohio-435. Reported at 128 Ohio St.3d 1514, 2011-Ohio-2686, 948 N.E.2d 450. On motion for reconsideration. Motion denied.

2011-0562. Shepherd v. Richland Cty. Child Support Enforcement Agency.

Richland App. No. 10CA38, 2010-Ohio-4780. Reported at 128 Ohio St.3d 1516, 2011-Ohio-2686, 948 N.E.2d 451. On motion for reconsideration. Motion denied.

2011-0566. Holt v. State.

Franklin App. No. 10AP-214, 2010-Ohio-6529. Reported at 128 Ohio St.3d 1558, 2011-Ohio-2905, 949 N.E.2d 44. On motion for reconsideration. Motion denied.

O'Donnell, J., dissents.

2011-0572. State ex rel. Harsh v. Knab.

In Habeas Corpus. Reported at 128 Ohio St.3d 1498, 2011-Ohio-2420, 947 N.E.2d 681. On motion for reconsideration. Motion denied. On motion to invoke the illegal sentence doctrine, void judgment doctrine, and stare decisis doctrine. Motion denied.

2011-0594. Cook v. State.

Franklin App. No. 10AP-641, 2011-Ohio-9060. Reported at 129 Ohio St.3d 1409, 2011-Ohio-3244, 949 N.E.2d 1004. On motion for reconsideration. Motion denied.

O'Donnell and Cupp, JJ., dissent.

Lanzinger, J., dissents and would hold the cause for the decision in 2010-1660, *State v. Palmer*, Franklin App. Nos. 09AP956 and 09AP957, 2010-Ohio-2421.

2011-0620. State v. Fears.

Cuyahoga App. No. 94997, 2011-Ohio-930. Reported at 129 Ohio St.3d 1410, 2011-Ohio-3244, 949 N.E.2d 1004. On motion for reconsideration. Motion denied.

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

2011-0650. Carson v. Second Baptist Church.

Franklin App. No. 09AP-922, 2011-Ohio-1025. Reported at 128 Ohio St.3d 1559, 2011-Ohio-2905, 949 N.E.2d 45. On motion for reconsideration. Motion denied.

2011-0663. Rak-Ree Ents., Inc. v. Timmons.

Franklin App. Nos. 10AP-476 and 10AP-556, 2011-Ohio-1090. Reported at 128 Ohio St.3d 1559, 2011-Ohio-2905, 949 N.E.2d 45. On motion for reconsideration. Motion denied.

2011-0698. State v. Alexander.

Cuyahoga App. No. 95995, 2011-Ohio-1380. Reported at 128 Ohio St.3d 1559, 2011-Ohio-2905, 949 N.E.2d 45. On motion for reconsideration. Motion denied.