

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

December 21, 2011

[Cite as *12/21/2011 Case Announcements*, 2011-Ohio-6556.]

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## MERIT DECISIONS WITHOUT OPINIONS

### **2011-1643. State ex rel. Cincinnati Enquirer v. Allen.**

In Mandamus. This cause originated upon the filing of a complaint for a writ of mandamus. Upon the court's S.Ct.Prac.R. 10.5 determination and consideration of the complaint and affidavit, respondent's amended motion to dismiss, respondent's suggestion of mootness, and relator's memorandum in opposition.

It is ordered that the motion is denied, that an alternative writ is granted and that a schedule for the presentation of evidence and briefs is granted. Respondent shall submit under seal as part of her evidence unredacted copies of the requested records for which respondent claims exemptions.

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

Pfeifer and Lundberg Stratton, JJ., dissent and would dismiss the cause.

### **2011-1656. Shoop v. Routson.**

In Procedendo. On answers of respondents and motions to dismiss. Motions to dismiss granted. Motion for default judgment and motion to strike denied as moot. Cause dismissed.

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

### **2011-1662. Zonou v. Mallory.**

In Mandamus. 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.

**2011-1667. Jones v. Bruzzese.**

In Mandamus. 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.

**2011-1685. State ex rel. Williams v. Sieve.**

In Mandamus. On motion to dismiss. Motion to dismiss granted. Motion for stay and continuance denied as moot. Cause dismissed.

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

**2011-1714. State ex rel. Shepherd v. Henson.**

In Mandamus. On consideration of the complaint and respondent's answer and pursuant to S.Ct.Prac.R. 10.5, cause dismissed. Pending motions denied as moot.

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

**2011-1725. Snelling v. O'Donnell.**

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.

**2011-1738. Lenard v. Fuerst.**

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.

**2011-1761. Pierce v. Summit Cty. Clerk.**

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

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

O'Connor, C.J., not participating.

**2011-1767. State ex rel. Buoscio v. DeWeese.**

Richland App. No. 11-CA-63. This cause is pending before the court as an appeal from the Court of Appeals for Richland County. It is ordered by the court that this cause is dismissed.

It is further ordered by the court that the appellant, Samuel L. Buoscio, is found to be a vexatious litigator under S.Ct.Prac.R. XIV(5)(B).

Accordingly, it is ordered by the court that Samuel L. Buoscio is prohibited from continuing or instituting legal proceedings in this court without first obtaining leave. Any request for leave shall be submitted to the Clerk of this court for the court's review.

Pfeifer, Acting C.J., and Lundberg Stratton, Lanzinger, Cupp, and McGee Brown, JJ., concur.

O'Donnell, J., concurs in dismissing the cause but would not find appellant to be a vexatious litigator.

O'Connor, C.J., not participating.

**2011-1771. State ex rel. Trotter v. Henson.**

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.

**2011-1782. Garnett v. Serrott.**

In Mandamus. On answer and motion for judgment on the pleadings of respondent. 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.

**2011-1826. Davis v. Banks.**

In Habeas Corpus. On petition for writ of habeas corpus of Geoffrey Davis. Sua sponte, cause dismissed. On consideration of motion to attach civil affidavit and inmate account statements to petition. Motion denied as moot.

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

**2011-1842. Hawkins v. Cooper.**

In Habeas Corpus. On emergency petition for writ of habeas corpus of Lashawn S. Hawkins. Sua sponte, cause dismissed.

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

**2011-1887. State ex rel. Harrison v. Ohio Dept. of Rehab & Corr.**

In Habeas Corpus. On emergency petition for writ of habeas corpus of Lorenzo Harrison. 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**

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

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

**2011-1207. State ex rel. Hartman v. Haddad.**

In Mandamus and Prohibition. This cause originated in this court upon the filing of a complaint for a writ of mandamus, or alternatively, a writ of prohibition. It appearing to the court that the underlying case, *Smith v. Pierce Twp.*, Clermont C.P. No. 2011 CVH 01138, has been dismissed with prejudice, it is ordered that the parties submit supplemental briefs regarding what impact, if any, this has on this cause, within 20 days of the date of this entry.

O'Donnell, J., dissents and would dismiss the cause as moot.

**2011-1208. B.W. v. D.B.-B.**

Lucas App. No. L-10-1212, 193 Ohio App.3d 637, 2011-Ohio-2813. On motion for sanctions for frivolous action. Motion denied.

Pfeifer, J., dissents.

**2011-1694. Washington Mut. Bank, F.A. v. Wallace.**

Warren App. No. CA2010-10-103. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte cause held for the decision in 2011-1201 and 2011-1362, *Fed. Home Loan Mtge. Corp. v. Schwartzwald*, Greene App. No. 2010 CA 41, 2011-Ohio-2681; cause consolidated with 2011-1693, *Washington Mut. Bank, F.A. v. Wallace*, Warren App. No. CA2010-10-103, 194 Ohio App.3d 549, 2011-Ohio-4174; and briefing schedule stayed.

**2011-1810. State v. Franklin.**

Cuyahoga App. No. 95316, 2011-Ohio-3052. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Cupp, JJ., dissent.

**2011-1812. State v. Black.**

Hamilton App. Nos. C-100357 and C-100358, 2011-Ohio-1330. On motion for leave to file delayed appeal. Motion denied.

Lundberg Stratton, J., dissents.

**2011-1820. State v. Jeffers.**

Gallia App. No. 08CA7, 2009-Ohio-1672. On motion for leave to file delayed appeal. Motion denied.

Lundberg Stratton, J., dissents.

**2011-1829. State v. Cook.**

Summit App. No. 25573, 2011-Ohio-4391. On motion for leave to file delayed appeal. Motion denied.

McGee Brown, J., dissents.

O'Connor, C.J., not participating.

**2011-1884. State v. Tyler.**

Ross App. No. 10CA3183, 2011-Ohio-3937. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

**2011-1886. State v. Pennington.**

Montgomery App. No. 24090, 2011-Ohio-4445. On motion for leave to file delayed appeal. Motion granted.

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

**2011-1896. State v. Broderdorp.**

Seneca App. No. 13-11-11, 2011-Ohio-4894. On motion for leave to file delayed appeal. Motion denied.

**2011-1900. State v. Williams.**

Franklin App. No. 10AP-674, 2011-Ohio-4653. On motion for leave to file delayed appeal. Motion denied.

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

**2011-1985. Liming v. Damos.**

Athens App. No. 10CA39. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated at page 4 of the court of appeals' entry filed November 22, 2011:

“Is a purge hearing to impose a suspended sentence for failing to pay child

support a civil or criminal proceeding?”

The conflict case is *Samantha N. v. Lee A.R.*, Erie App. Nos. E-00-036 and E-00-037.

Sua sponte, cause consolidated with 2011-1170, *Liming v. Damos*, Athens App. No. 10CA39, 2011-Ohio-2726.

O'Donnell, J., dissents.

## **APPEALS ACCEPTED FOR REVIEW**

### **2011-1170. Liming v. Damos.**

Athens App. No. 10CA39, 2011-Ohio-2726. Discretionary appeal accepted and cause consolidated with 2011-1985, *Liming v. Damos*, Athens App. No. 10CA39, 2011-Ohio-2726.

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

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

### **2011-1526. PHH Mtge. Corp. v. Prater.**

Clermont App. No. CA2010-12-095, 2011-Ohio-3640. Discretionary appeal accepted on Propositions of Law Nos. II and III.

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

Pfeifer and McGee Brown, JJ., dissent.

### **2011-1536. Beaver Excavating Co. v. Testa.**

Franklin App. No. 10AP-581, 2011-Ohio-3649.

### **2011-1569. State v. Dibble.**

Franklin App. No. 10AP-648, 2011-Ohio-3817.

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

### **2011-1581. IndyMac Fed. Bank, FSB v. OTM Invests., Inc.**

Medina App. No. 10CA0056-M, 2011-Ohio-3742. Warren App. No. CA2010-10-103, 194 Ohio App.3d 549, 2011-Ohio-4174. Discretionary appeal accepted. Sua sponte cause held for the decision in 2011-1201 and 2011-1362, *Fed. Home Loan Mtge. Corp. v. Schwartzwald*, Greene App. No. 2010 CA 41, 2011-Ohio-2681; and briefing schedule stayed.

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

### **2011-1588. Hawsman v. Cuyahoga Falls.**

Summit App. No. 25582, 2011-Ohio-3795.

Pfeifer, J., dissents.

**2011-1605. Davis v. Wooster Orthopaedics & Sports Medicine, Inc.**

Summit App. No. 25337, 193 Ohio App.3d 581, 2011-Ohio-3199. Discretionary appeal accepted on Proposition of Law No. I.

O'Donnell, J., would also accept the appeal on Propositions of Law Nos. II and III.

Pfeifer and McGee Brown, JJ., dissent.

**2011-1677. State v. Warner.**

Cuyahoga App. No. 95750, 2011-Ohio-4096.

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

**2011-1693. Washington Mut. Bank, F.A. v. Wallace.**

Warren App. No. CA2010-10-103, 194 Ohio App.3d 549, 2011-Ohio-4174. Discretionary appeal accepted. Sua sponte cause held for the decision in 2011-1201 and 2011-1362, *Fed. Home Loan Mtge. Corp. v. Schwartzwald*, Greene App. No. 2010 CA 41, 2011-Ohio-2681; cause consolidated with 2011-1694, *Washington Mut. Bank, F.A. v. Wallace*, Warren App. No. CA2010-10-103, 194 Ohio App.3d 549, 2011-Ohio-4174; and briefing schedule stayed.

Pfeifer and Cupp, JJ., dissent.

**APPEALS NOT ACCEPTED FOR REVIEW**

**2011-1209. Fifth Third Bank v. Ohio Farmers Ins. Co.**

Stark App. No. 2010CA00286.

Pfeifer, J., dissents.

McGee Brown, J., not participating.

**2011-1251. State v. Ervin.**

Lake App. No. 2010-L-113, 2011-Ohio-3121.

**2011-1254. State v. Coleman.**

Franklin App. Nos. 10AP-265 and 10AP-266, 2011-Ohio-1889.

**2011-1268. State v. Williams.**

Lucas App. No. L-10-1019, 2011-Ohio-2702.

**2011-1306. Heslet v. Artz.**

Sandusky App. Nos. S-10-046 and S-10-047, 2011-Ohio-2961.

**2011-1383. State v. Raber.**

Wayne App. No. 10CA0020, 2011-Ohio-3888.  
Lanzinger and McGee Brown, JJ., dissent.

**2011-1461. State v. Abdi.**

Athens App. No. 09CA35, 2011-Ohio-3550.  
Pfeifer, J., dissents.

**2011-1511. State v. Soueidi.**

Cuyahoga App. No. 95353, 2011-Ohio-3579.

**2011-1512. State v. Daley.**

Cuyahoga App. No. 95689, 2011-Ohio-3584.  
Lundberg Stratton, J., dissents.

**2011-1514. State v. Wright.**

Cuyahoga App. No. 93068, 2011-Ohio-3575.  
O'Donnell and Lundberg Stratton, JJ., dissent.

**2011-1515. State v. Holloway.**

Cuyahoga App. No. 95703, 2011-Ohio-3586.

**2011-1519. Cobb v. Shipman.**

Trumbull App. No. 2011-T-0049.

**2011-1523. State v. Monroe.**

Cuyahoga App. No. 94768, 2011-Ohio-3045.

Lanzinger and Cupp, JJ., dissent and would accept the appeal on Proposition of Law No. IV and hold the cause for the decision in 2006-1806, *State v. Craig*, Summit C.P. No. CR2006010340.

**2011-1524. State v. Crutcher.**

Lorain App. No. 10CA009911, 2011-Ohio-3621.  
O'Connor, C.J., dissents.

**2011-1525. State v. Allen.**

Lorain App. No. 10CA009910, 2011-Ohio-3621.  
O'Connor, C.J., dissents.



**2011-1530. State v. Johnson.**

Medina App. No. 09CA0054-M, 2011-Ohio-3623.

**2011-1533. In re Estate of Derickson.**

Warren App. No. CA2010-11-111, 2011-Ohio-3639.

**2011-1538. State v. From.**

Perry App. No. 10-CA-15, 2011-Ohio-1254.

O'Donnell, J., dissents.

**2011-1539. Hummer v. Hummer.**

Cuyahoga App. No. 96132, 2011-Ohio-3767.

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

O'Connor, C.J., not participating.

**2011-1541. State v. Lowe.**

Hamilton App. No. C-100524.

**2011-1544. In re Guardianship of Soltesz.**

Erie App. Nos. E-11-021 and E-11-022.

**2011-1545. Schmucker v. Kurzenberger.**

Wayne App. No. 10CA0045, 2011-Ohio-3741.

O'Donnell, J., dissents.

**2011-1548. State v. Greenlee.**

Cuyahoga App. No. 96002, 2011-Ohio-3692.

Lanzinger, J., dissents and would accept the appeal on Proposition of Law No. V and hold the cause for the decision in 2011-1066, *State v. Brunning*, Cuyahoga App. No. 95376, 2011-Ohio-1936.

Pfeifer and O'Donnell, JJ., dissent.

**2011-1549. CitiMortgage, Inc. v. Hoge.**

Cuyahoga App. No. 96054, 2011-Ohio-3839.

**2011-1550. State v. Banks.**

Fairfield App. No. 10-CA-36, 2011-Ohio-3801.

**2011-1551. HSBC Bank, N.A. v. Lee.**

Hamilton App. No. C-100385.

**2011-1554. State v. Board.**

Cuyahoga App. No. 96981.

**2011-1555. Janis v. Janis.**

Montgomery App. No. 23898, 2011-Ohio-3731.

**2011-1557. State v. Flugga.**

Licking App. No. 11-CA-25, 2011-Ohio-3807.

O'Donnell, J., dissents.

**2011-1560. State v. Alexander.**

Wood App. No. WD-02-047.

Lanzinger, J., not participating.

**2011-1565. State v. Latham.**

Hamilton App. No. C-100442.

**2011-1566. State v. Grier.**

Stark App. No. 2010 CA 00246, 2011-Ohio-3815.

**2011-1571. State v. Leopard.**

Clark App. No. 2010-CA-87, 194 Ohio App.3d 500, 2011-Ohio-3864.

**2011-1576. State v. Spencer.**

Franklin App. No. 10AP-792, 2011-Ohio-3820.

**2011-1579. Discover Property & Cas. Co. v. Progressive Cas. Ins. Co.**

Cuyahoga App. No. 96125, 2011-Ohio-3841.

O'Connor, C.J., dissents.

**2011-1580. Covenant Dove Holding Co., L.L.C. v. Mariner Health Care, Inc.**

Hamilton App. No. C-100009.

**2011-1584. Hayes Mem. United Methodist Church v. Artz.**

Sandusky App. No. S-10-033, 2011-Ohio-3847.

**2011-1586. Saha v. Ohio State Univ.**

Franklin App. No. 10AP-1139, 2011-Ohio-3824.

**2011-1587. Bansal v. Mt. Carmel Health Sys.**  
Franklin App. No. 10AP-1207, 2011-Ohio-3827.

**2011-1589. Wells Fargo Bank, N.A. v. Neal.**  
Fairfield App. Nos. 11CA19, 11CA16, and 11CA17, 2011-Ohio-3952.  
O'Connor, C.J., and O'Donnell, J., dissent.

**2011-1590. Gomez v. Gomez.**  
Noble App. No. 10-NO-375, 2011-Ohio-2843.

**2011-1596. State v. Garner.**  
Lake App. No. 2010-L-111, 2011-Ohio-3426.

**2011-1599. State v. Burns.**  
Brown App. No. CA2011-02-005.

McGee Brown, J., dissents and would accept the appeal on Propositions of Law Nos. I and II and hold the cause for the decision in 2011-0202, *State v. Qualls*, Meigs App. No. 10CA8, 2010-Ohio-5316.

**2011-1603. York v. Cincinnati.**  
Hamilton App. No. C-100614, 194 Ohio App.3d 517, 2011-Ohio-3921.

**2011-1607. State v. Cunigan.**  
Montgomery App. No. 23872, 2011-Ohio-4010.

**2011-1609. McGuire v. Lorain.**  
Lorain App. No. 10CA009893, 2011-Ohio-3887.

Lundberg Stratton, J., dissents and would accept the appeal on Proposition of Law No. IV.

O'Donnell, J., dissents.

**2011-1611. Suffield Twp. Bd. of Trustees v. Rufener.**  
Portage App. No. 2010-P-0061, 2011-Ohio-3294.  
Pfeifer, J., dissents.

**2011-1613. State v. Jones.**  
Licking App. No. 10 CA 50, 2011-Ohio-2306.

**2011-1614. Kenwood Gardens Assn., L.L.C. v. Shorter.**  
Lucas App. No. L-10-1315, 2011-Ohio-4135.

**2011-1617. In re Feaster.**

Summit App. No. 25395, 2011-Ohio-4222.

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

**2011-1618. State ex rel. Bell v. London.**

Madison App. Nos. CA2010-11-027 and CA2010-11-029, 2011-Ohio-3914.

**2011-1623. Tarquinio v. Estate of Zadnik.**

Cuyahoga App. Nos. 95767 and 96246, 2011-Ohio-3980.

**2011-1624. Medina v. Medina Gen. Hosp.**

Cuyahoga App. No. 96171, 2011-Ohio-3990.

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

**2011-1628. State v. Thomas.**

Erie App. No. E-10-049, 2011-Ohio-4145.

**2011-1629. State ex rel. River City Capital v. Clermont Cty. Bd. of Comms.**

Clermont App. No. CA2010-07-051, 2011-Ohio-4039.

**2011-1633. State v. Adams.**

Montgomery App. No. 24184, 2011-Ohio-4008.

**2011-1636. Davis v. Geyan.**

Hamilton App. No. C-100621.

**2011-1639. State v. Petrik.**

Crawford App. No. 3-10-06.

**2011-1642. State v. Griffin.**

Summit App. No. 25308, 2011-Ohio-3939.

**2011-1650. State v. Pittman.**

Delaware App. No. 10CAA110087, 2011-Ohio-4085.

**2011-1661. Terry v. Kellstone, Inc.**

Erie App. No. E-11-050.

**2011-1666. Williams v. State.**

Cuyahoga App. Nos. 96039 and 96040, 2011-Ohio-4118.  
Pfeifer, O'Donnell, and Cupp, JJ., dissent.

**2011-1670. State v. Burns.**

Cuyahoga App. No. 95465, 2011-Ohio-4230.  
Lanzinger, J., dissents and would accept the appeal on Proposition of Law No. I.

**2011-1671. In re R.B.**

Muskingum App. No. CT2011-0026.  
Pfeifer, J., dissents.

**2011-1674. State v. White.**

Cuyahoga App. No. 95066, 2011-Ohio-4089.

**2011-1675. State v. Calloway.**

Mahoning App. No. 10 MA 147, 2011-Ohio-4257.  
O'Connor, C.J., dissents and would accept the appeal on Proposition of Law No. II.

**2011-1676. State v. Becker.**

Cuyahoga App. No. 95901, 2011-Ohio-4100.  
O'Connor, C.J., and Lundberg Stratton, J., dissent.

**2011-1686. State v. Varholick.**

Cuyahoga App. No. 94187, 2011-Ohio-4402.

**2011-1736. Conley v. Faurecia Exhaust Sys., Inc.**

Miami App. No. 2009 CA 26, 2011-Ohio-4452.  
O'Donnell, J., dissents.

**2011-1764. State v. Hurst.**

Licking App. No. 08-CA-0104.

**2011-1765. State v. Yates.**

Cuyahoga App. No. 96664, 2011-Ohio-4962.

**2011-1779. State v. Rarden.**

Butler App. No. CA2010-04-095.

**2011-1818. State v. Robertson.**

Cuyahoga App. No. 94527, 2011-Ohio-4806.

**2011-1834. State v. Gaiter.**

Summit App. No. 24758.

**2011-1852. State v. Waltzer.**

Cuyahoga App. No. 94444, 2011-Ohio-5147.

**2011-1856. In re C.W.**

Hamilton App. No. C-110342, 2011-Ohio-4756.

**2011-1897. In re L.B.**

Mercer App. No. 10-11-06, 2011-Ohio-4892.

**2011-1898. In re R.B.**

Mercer App. No. 10-11-07, 2011-Ohio-4892.

**RECONSIDERATION OF PRIOR DECISIONS**

**2008-1624. In re D.J.S.**

Allen App. No. 1-07-58, 2008-Ohio-3234. Reported at 130 Ohio St.3d 257, 2011-Ohio-5342, 957 N.E.2d 291. On motion for reconsideration or, in the alternative, motion to stay this court's October 20, 2011 mandate. Motion for reconsideration denied. Motion to stay mandate granted. The issuance of the mandate in this case is held for the decision in 2011-0107, *In re J.V.*, Cuyahoga App. No. 94820, 2010-Ohio-5490.

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

**2008-1926. In re G.E.S.**

Summit App. No. 24079, 2008-Ohio-4076. Reported at 130 Ohio St.3d 253, 2011-Ohio-5349, 957 N.E.2d 288. On motion for reconsideration or, in the alternative, motion to stay this court's October 20, 2011 mandate. Motion for reconsideration denied. Motion to stay mandate granted. The issuance of the mandate in this case is held for the decision in 2011-0107, *In re J.V.*, Cuyahoga App. No. 94820, 2010-Ohio-5490.

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

**2008-2257. In re M.D.G.**

Allen App. No. 1-08-11, 2008-Ohio-5198. Reported at 130 Ohio St.3d 253, 2011-Ohio-5349, 957 N.E.2d 288. On motion for reconsideration or, in the alternative, motion to stay this court's October 20, 2011 mandate. Motion for reconsideration denied. Motion to stay mandate granted. The issuance of the mandate in this case is held for the decision in 2011-0107, *In re J.V.*, Cuyahoga App. No. 94820, 2010-Ohio-5490.

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

**2009-0189. In re A.R.**

Licking App. No. 08-CA-17, 2008-Ohio-6581. Reported at 130 Ohio St.3d 258, 2011-Ohio-5344, 957 N.E.2d 291. On motion for reconsideration or, in the alternative, motion to stay this court's October 20, 2011 mandate. Motion for reconsideration denied. Motion to stay mandate granted. The issuance of the mandate in this case is held for the decision in 2011-0107, *In re J.V.*, Cuyahoga App. No. 94820, 2010-Ohio-5490.

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

**2009-0223. In re A.R.**

Warren App. No. CA2008-03-036, 2008-Ohio-6566. Reported at 130 Ohio St.3d 253, 2011-Ohio-5349, 957 N.E.2d 288. On motion for reconsideration or, in the alternative, motion to stay this court's October 20, 2011 mandate. Motion for reconsideration denied. Motion to stay mandate granted. The issuance of the mandate in this case is held for the decision in 2011-0107, *In re J.V.*, Cuyahoga App. No. 94820, 2010-Ohio-5490.

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

**2009-0243. In re T.C.H.**

Summit App. Nos. 24130 and 24131, 2008-Ohio-6614. Reported at 130 Ohio St.3d 253, 2011-Ohio-5349, 957 N.E.2d 288. On motion for reconsideration or, in the alternative, motion to stay this court's October 20, 2011 mandate. Motion denied.

Lundberg Stratton, J., dissents and would grant the motion to stay mandate and hold this case for the decision in 2011-0107, *In re J.V.*, Cuyahoga App. No. 94820, 2010-Ohio-5490.

**2009-0358. In re S.R.P.**

Preble App. No. CA2007-11-027, 2009-Ohio-11. Reported at 130 Ohio St.3d 253, 2011-Ohio-5349, 957 N.E.2d 288. On motion for reconsideration or, in the alternative, motion to stay this court's October 20, 2011 mandate. Motion for

reconsideration denied. Motion to stay mandate granted. The issuance of the mandate in this case is held for the decision in 2011-0107, *In re J.V.*, Cuyahoga App. No. 94820, 2010-Ohio-5490.

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

**2009-0826. In re J.C.**

Summit App. No. 24354, 2009-Ohio-1213. Reported at 130 Ohio St.3d 253, 2011-Ohio-5349, 957 N.E.2d 288. On motion for reconsideration or, in the alternative, motion to stay this court's October 20, 2011 mandate. Motion for reconsideration denied. Motion to stay mandate granted. The issuance of the mandate in this case is held for the decision in 2011-0107, *In re J.V.*, Cuyahoga App. No. 94820, 2010-Ohio-5490.

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

**2009-0845. In re J.L.T.**

Geauga App. No. 2008-G-2813, 2009-Ohio-1314. Reported at 130 Ohio St.3d 253, 2011-Ohio-5349, 957 N.E.2d 288. On motion for reconsideration or, in the alternative, motion to stay this court's October 20, 2011 mandate. Motion denied.

Lundberg Stratton, J., dissents and would grant the motion to stay mandate and hold this case for the decision in 2011-0107, *In re J.V.*, Cuyahoga App. No. 94820, 2010-Ohio-5490.

**2009-1049. Toney v. State.**

Cuyahoga App. Nos. 91582, 91583, 91584, 91585, 91588, 91589, 91590, 91591, 91592, 91593, 91594, 91595, 91596, 91870, 91871, and 91872, 182 Ohio App.3d 331, 2009-Ohio-1881. Reported at 130 Ohio St.3d 254, 2011-Ohio-5348, 957 N.E.2d 289. On motion for reconsideration. Motion denied.

Cupp., dissents.

**2009-1929. In re A.K.**

Medina App. No. 09CA0025-M, 2009-Ohio-4941. Reported at 130 Ohio St.3d 253, 2011-Ohio-5349, 957 N.E.2d 288. On motion for reconsideration or, in the alternative, motion to stay this court's October 20, 2011 mandate. Motion denied.

Lundberg Stratton, Lanzinger and McGee Brown, JJ., dissent and would grant the motion to stay mandate and hold this case for the decision in 2011-0107, *In re J.V.*, Cuyahoga App. No. 94820, 2010-Ohio-5490.



**2011-0257. In re J.B.A.**

Licking App. No. 10-CA-30, 2010-Ohio-6564. Reported at 130 Ohio St.3d 253, 2011-Ohio-5349, 957 N.E.2d 288. On motion for reconsideration or, in the alternative, motion to stay this court's October 20, 2011 mandate. Motion denied.

Lundberg Stratton, Lanzinger and McGee Brown, JJ., dissent and would grant the motion to stay mandate and hold this case for the decision in 2011-0107, *In re J.V.*, Cuyahoga App. No. 94820, 2010-Ohio-5490.

**2011-0325. In re A.C.**

Hamilton App. No. C-100136. Reported at 130 Ohio St.3d 253, 2011-Ohio-5349, 957 N.E.2d 288. On motion for reconsideration or, in the alternative, motion to stay this court's October 20, 2011 mandate. Motion for reconsideration denied. Motion to stay mandate granted. The issuance of the mandate in this case is held for the decision in 2011-0107, *In re J.V.*, Cuyahoga App. No. 94820, 2010-Ohio-5490.

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

**2011-0515. In re T.D.**

Clinton App. No. CA2010-01-002, 2011-Ohio-671. Reported at 130 Ohio St.3d 253, 2011-Ohio-5349, 957 N.E.2d 288. On motion for reconsideration or, in the alternative, motion to stay this court's October 20, 2011 mandate. Motion for reconsideration denied. Motion to stay mandate granted. The issuance of the mandate in this case is held for the decision in 2011-0107, *In re J.V.*, Cuyahoga App. No. 94820, 2010-Ohio-5490.

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

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

Hamilton App. No. C-110179. Reported at 130 Ohio St.3d 207, 2011-Ohio-5258, 957 N.E.2d 12. On motion for reconsideration. Motion denied.

**2011-1027. In re A.R.R.**

Ross App. No. 10CA3159, 2011-Ohio-1186. Reported at 130 Ohio St.3d 261, 2011-Ohio-5346, 957 N.E.2d 293. On motion for reconsideration or, in the alternative, motion to stay this court's October 20, 2011 mandate. Motion for reconsideration denied. Motion to stay mandate granted. The issuance of the mandate in this case is held for the decision in 2011-0107, *In re J.V.*, Cuyahoga App. No. 94820, 2010-Ohio-5490.

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

**2011-1051. State v. McGrath.**

Cuyahoga App. No. 93445, 2010-Ohio-4477. Reported at 129 Ohio St.3d 1504, 2011-Ohio-5358, 955 N.E.2d 386. On motion for reconsideration. Motion denied. Lanzinger, J., dissents.

**2011-1073. Young v. Cuyahoga Cty. Bd. of Mental Retardation & Dev. Disabilities.**

Cuyahoga App. No. 95955, 2011-Ohio-2291. Reported at 129 Ohio St.3d 1504, 2011-Ohio-5358, 955 N.E.2d 386. On motion for reconsideration. Motion granted. The discretionary appeal is accepted on Proposition of Law No. I and briefing is stayed. Appellant shall immediately file a notice of the decision in *DiGiorgio v. Cleveland*, Cuyahoga App. No. 95945, when the court of appeals issues its en banc decision.

Lundberg Stratton, J., would also accept Proposition of Law No. II. Pfeifer, O'Donnell, and McGee Brown, JJ., dissent.

**2011-1076. Houdek v. ThyssenKrupp Materials N.A., Inc.**

Cuyahoga App. No. 95399, 2011-Ohio-1694. Reported at 129 Ohio St.3d 1504, 2011-Ohio-5358, 955 N.E.2d 386. On motion for reconsideration. Motion granted and the appeal is accepted.

The clerk shall issue an order for the transmittal of the record from the Court of Appeals for Cuyahoga County, and the parties shall brief this case in accordance with the Rules of Practice of the Supreme Court of Ohio.

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

**2011-1090. In re G.S.**

Cuyahoga App. Nos. 96158, 96159, and 96160, 2011-Ohio-2158. Reported at 129 Ohio St.3d 1505, 2011-Ohio-5358, 955 N.E.2d 387. On motion for reconsideration. Motion denied.

**2011-1169. State v. Ortega-Martinez.**

Cuyahoga App. No. 95656, 2011-Ohio-2540. Reported at 129 Ohio St.3d 1507, 2011-Ohio-5358, 955 N.E.2d 388. On motion for reconsideration. Motion denied. O'Donnell and Cupp, JJ., dissent.

**2011-1171. Ortega-Martinez v. State.**

Cuyahoga App. No. 95930, 2011-Ohio-3069. Reported at 129 Ohio St.3d 1507, 2011-Ohio-5358, 955 N.E.2d 388. On motion for reconsideration. Motion denied. O'Donnell and Cupp, JJ., dissent.

**2011-1234. Monus v. Day.**

Mahoning App. No. 10 MA 35, 2011-Ohio-3170. Reported at 130 Ohio St.3d 1417, 2011-Ohio-5605, 956 N.E.2d 309. On motion for reconsideration. Motion denied.

**2011-1673. State v. Fisk.**

Summit App. No. 25610, 2011-Ohio-4064. Reported at 130 Ohio St.3d 1409, 2011-Ohio-5509, 956 N.E.2d 302. On motion for reconsideration. Motion granted.

Counsel for appellant shall present the filing fee of \$100.00 in the form of a money order within ten days of the date of this entry.

Pfeifer, Acting C.J., and McGee Brown, JJ., dissent.

O'Connor, C.J., not participating.