

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

April 4, 2012

[Cite as *04/04/2012 Case Announcements*, 2012-Ohio-1501.]

MERIT DECISIONS WITH OPINIONS

2011-0438. Schwering v. TRW Vehicle Safety Sys., Inc., Slip Opinion No. 2012-Ohio-1481.

Certified Question of State Law, United States District Court, Southern District of Ohio, Western Division, No. 1:10-CV-679. Certified question answered in the negative.

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

Pfeifer, J., concurs in judgment only.

2011-0716. State ex rel. Carna v. Teays Valley Local School Dist. Bd. of Edn., Slip Opinion No. 2012-Ohio-1484.

Pickaway App. No. 10CA18, 2011-Ohio-1522. Judgment reversed and cause remanded.

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

MERIT DECISIONS WITHOUT OPINIONS

2012-0035. State ex rel. Pankey v. DeWine.

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

2012-0060. State ex rel. Payne v. Travis.

In Procedendo. On respondent's answer 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

2012-0095. Lenard v. Ohio Adult Parole Auth.

In Mandamus. On answer and motion to amend complaint. On S.Ct.Prac.R. 10.5 determination, cause dismissed. Motion to amend complaint denied.

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

2012-0159. State ex rel. Cunningham v. Lucci.

In Prohibition. 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

2012-0186. State ex rel. Ott v. Pittman.

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

MOTION AND PROCEDURAL RULINGS

2011-0683. State ex rel. Wasserman v. Fremont.

Sandusky App. No. S-10-031, 2011-Ohio-1269. On motion for clarification. Motion denied.

O'Donnell, J., dissents.

2012-0195. State v. Darmond.

Cuyahoga App. Nos. 96373 and 96374. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated in the court of appeals' entry filed January 30, 2012:

"Does the holding in *Lakewood v. Papadelis*, 32 Ohio St.3d 1, 511 N.E.2d 1138 (1987), apply equally to instances where the state has committed a discovery violation?"

The conflict cases are, *State v. Engle*, 166 Ohio App.3d 252, 2006-Ohio-1884, 850 N.E.2d 123 and *State v. Siemer*, Hamilton App. Nos. C-060604, C-060605, 2007-Ohio-4600.

Sua Sponte, cause consolidated with 2012-0081, *State v. Darmond*, Cuyahoga App. Nos. 96373 and 96374, 2011-Ohio-6160.

Pfeifer and Cupp, JJ., dissent.

2012-0261. State v. Dillingham.

Butler App. No. CA2011-03-043, 2011-Ohio-6348. On motion for leave to file delayed appeal. Motion granted.

O'Connor, C.J., dissents.

2012-0267. State v. Rowe.

Pike App. No. 10CA816, 2011-Ohio-6614. On motion for leave to file delayed appeal. Motion denied.

Lundberg Stratton and Cupp, JJ., dissent.

2012-0273. State v. Nooks.

Montgomery App. No. 23591. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2012-0291. State v. Glass.

Franklin App. No. 10AP-558, 2011-Ohio-6287. On motion for leave to file delayed appeal. Motion granted.

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

2012-0304. State v. Garr.

Hamilton App. No. C-110041. On motion for leave to file delayed appeal. Motion denied.

Lundberg Stratton, J., dissents.

2012-0311. State v. Osler.

Licking App. No. 10-CA-31, 2011-Ohio-3219. On motion for leave to file delayed appeal. Motion denied.

2012-0312. State v. Ruehlmann.

Hamilton App. No. C-100784, 2011-Ohio-6717. On motion for leave to file delayed appeal. Motion granted.

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

2012-0324. State v. Ashworth.

Champaign App. No. 2011 CA 1, 2012-Ohio-108. On motion for stay of court of appeals' and trial court's rulings. Motion denied.

Lanzinger, J., dissents.

2012-0343. State v. Blocker.

Montgomery App. No. 24535, 2012-Ohio-633. On motion for stay and for expedited decision. Motion denied.

O'Donnell, J., dissents.

2012-0398. State v. Montgomery.

Montgomery App. No. 24450, 2012-Ohio-391. On motion for stay and for expedited decision. Motion denied.

O'Donnell, J., dissents.

APPEALS ACCEPTED FOR REVIEW

2012-0081. State v. Darmond.

Cuyahoga App. Nos. 96373 and 96374, 2011-Ohio-6160. Discretionary appeal accepted and cause consolidated with *2012-0195, State v. Darmond*, Cuyahoga App. Nos. 96373 and 96374.

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

2012-0162. Doss v. State.

Cuyahoga App. No. 96452, 2011-Ohio-6429.

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

APPEALS NOT ACCEPTED FOR REVIEW

2011-0439. Johnson v. Johnson.

Miami App. No. 2010 CA 2, 2011-Ohio-500. Discretionary appeal not accepted.

O'Donnell, J., dissents.

On motion to enforce settlement. Motion denied.

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

On motion for fees and sanctions under R.C. 2323.51. Motion denied.

2011-1886. State v. Pennington.

Montgomery App. No. 24090, 2011-Ohio-4445.

2011-1996. Griffin v. State Med. Bd. of Ohio.

Franklin App. No. 11AP-174, 2011-Ohio-6089.

O'Donnell, J., dissents.

2011-2123. State v. Hawkins.

Hamilton App. No. C-110291, 2011-Ohio-5645.

2012-0022. State v. O'Neill.

Wood App. No. WD-10-029.

2012-0024. State v. Graves.

Lorain App. No. 08CA009397, 2011-Ohio-5997.

Lundberg Stratton, Cupp, and McGee Brown, JJ., dissent.

2012-0031. State v. Williams.

Hamilton App. No. C-110069, 2011-Ohio-6032.

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

2012-0039. Cleveland v. Dobrowski.

Cuyahoga App. No. 96113, 2011-Ohio-6071.

O'Donnell, J., dissents.

2012-0041. Bank of New York Mellon v. Calhoun.

Cuyahoga App. No. 97489. Discretionary appeal not accepted. Motion to strike memorandum in response denied.

2012-0045. State v. Bohannon.

Hamilton App. No. C-110025.

2012-0047. State v. Morris.

Hamilton App. No. C-110393.

2012-0048. Hoerig v. Tiffin Scenic Studios, Inc.

Seneca App. No. 13-11-18, 2011-Ohio-6103.

2012-0050. State v. Petefish.

Mahoning App. No. 10 MA 78, 2011-Ohio-6367.

2012-0051. State v. Copsey.

Huron App. No. H-11-007, 2011-Ohio-6188.

2012-0055. State v. Blanton.

Ottawa App. No. OT-11-030.

2012-0057. In re Contempt of Feng.

Cuyahoga App. No. 95749.

Pfeifer, J., dissents.

2012-0062. Largent v. Sticker Corp.

Lake App. No. 2010-L-061, 2011-Ohio-6094.

Pfeifer and O'Donnell, JJ., dissent.

2012-0064. State v. Boddie.

Summit App. No. 25904, 2011-Ohio-6240.

2012-0067. Discover Property & Cas. Co. v. Progressive Cas.

Cuyahoga App. No. 96125.

O'Donnell, J., dissents.

2012-0068. State v. Holloman.

Franklin App. No. 11AP-454, 2011-Ohio-6138.

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

2012-0075. Kent v. Atkinson.

Portage App. No. 2010-P-0084, 2011-Ohio-6204.

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

2012-0076. Scherpenberg v. Mason.

Warren App. No. CA2011-02-017.

O'Donnell, J., dissents.

2012-0077. Roberts v. RMB Ents., Inc.

Butler App. No. CA2011-03-060, 2011-Ohio-6223.

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

2012-0078. Lyons v. Teamhealth Midwest Cleveland.

Cuyahoga App. No. 96336, 2011-Ohio-5501.

O'Donnell and Cupp, JJ., dissent and would accept the appeal and hold the cause for the decision in 2011-0743, *Anderson v. Massillon*, Stark App. No. 2010 CA 00196, 2011-Ohio-1328.

2012-0082. Bayview Loan Servicing, L.L.C. v. Alex Solomon Family Ltd. Partnership.

Cuyahoga App. No. 96992, 2011-Ohio-6168.

O'Donnell, J., dissents.

2012-0083. Monus v. Day.

Mahoning App. No. 10 MA 70, 2011-Ohio-6219.

2012-0084. Brown v. Karam Managed Properties, L.L.C.

Hamilton App. No. C-110334.

2012-0088. Boston v. A & B Sales, Inc.

Belmont App. No. 11 BE 2, 2011-Ohio-6427.

2012-0090. State v. Clinkscale.

Franklin App. No. 10AP-1123, 2011-Ohio-6385.

2012-0103. State v. Baatin.

Franklin App. No. 11AP-286, 2011-Ohio-6294.

2012-0107. Parkview Fed. Sav. Bank v. Grimm.

Cuyahoga App. No. 97704.

2012-0113. State v. Boles.

Montgomery App. No. 24860.

2012-0115. State v. Eads.

Montgomery App. No. 24696, 2011-Ohio-6307.

Lanzinger, J., dissents.

2012-0122. Thompson v. Thompson.

Franklin App. No. 11AP-212, 2011-Ohio-6286.

2012-0123. State v. Silguero.

Franklin App. No. 11AP-274, 2011-Ohio-6293.

2012-0146. State v. Saur.

Franklin App. No. 10AP-1195, 2011-Ohio-6662.

2012-0148. BAC Home Loans Servicing, L.P. v. Devoll.

Delaware App. No. 11CAE080075, 2011-Ohio-6607.

2012-0150. State v. Semer.

Fulton App. No. F-11-005, 2011-Ohio-6502.

O'Donnell, J., dissents

2012-0152. State v. Palmer.

Hamilton App. No. C-100633.

Pfeifer, J., dissents.

2012-0157. State v. Moore.

Cuyahoga App. No. 96206, 2011-Ohio-5830.

2012-0164. State v. Caulton.

Mahoning App. No. 09 MA 140, 2011-Ohio-6636.

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

2012-0168. Neinast v. Fairfield Cty. Dist. Library Bd. of Trustees.

Fairfield App. No. 11-CA-26, 2011-Ohio-6492.

2012-0173. State v. James.

Franklin App. No. 11AP-246, 2011-Ohio-6457.

2012-0177. State v. Simmons.

Cuyahoga App. No. 96208, 2011-Ohio-6074.

2012-0182. State v. Porter.

Summit App. No. 26169.

2012-0190. State v. Wilfong.

Lake App. No. 2010-L-074, 2011-Ohio-6512.

2012-0198. State v. Truitt.

Summit App. No. 25527, 2011-Ohio-6599.

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

2012-0199. State v. Frohmiller.

Hamilton App. No. C-110220.

2012-0201. State v. Crangle.

Summit App. No. 25735, 2011-Ohio-5776.

Cupp, J., dissents.

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

2012-0211. State v. Reynolds.

Hamilton App. No. C-110821.

2012-0222. Green v. Clair.

Summit App. No. 26032.

Lundberg Stratton, J., dissents.

2012-0231. State v. McDuffie.

Cuyahoga App. No. 96721, 2011-Ohio-6436.

2012-0271. State v. Hall.

Cuyahoga App. No. 96791, 2011-Ohio-6441.

2012-0272. In re R.H.

Lorain App. Nos. 11CA010002 and 11CA010003, 2011-Ohio-6749.

RECONSIDERATION OF PRIOR DECISIONS

2011-1414. State ex rel. Varnau v. Wenninger.

Brown App. No. CA2009-02-010, 2011-Ohio-3904. Reported at 131 Ohio St.3d 169, 2012-Ohio-224, __ N.E.2d __. On motion for reconsideration. Motion denied.

2011-1841. State v. Quintanilla.

Franklin App. No. 10AP-703, 2011-Ohio-4593. Reported at 131 Ohio St.3d 1439, 2012-Ohio-331, 960 N.E.2d 988. On motion for reconsideration. Motion denied.

Pfeifer, J., dissents.

2011-1947. Isaacs v. Tibbals.

Richland App. No. 11-CA-82. Reported at 131 Ohio St.3d 1443, 2012-Ohio-336, 960 N.E.2d 990. On motion for reconsideration. Motion denied.

2011-2163. State v. Palmer.

Franklin App. No. 10AP-998. Reported at 131 Ohio St.3d 1437, 2012-Ohio-331, 960 N.E.2d 986. On motion for reconsideration. Motion denied.