

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

July 9, 2014

[Cite as *07/09/2014 Case Announcements*, 2014-Ohio-3012.]

MERIT DECISIONS WITH OPINIONS

2013-1250. Disciplinary Counsel v. Wexler, Slip Opinion No. 2014-Ohio-2952.
On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 2012-085. Ilan Wexler, Attorney Registration No. 0005859, is suspended from the practice of law in Ohio for six months, with the entire suspension stayed on condition.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2013-1623. Disciplinary Counsel v. Oldfield, Slip Opinion No. 2014-Ohio-2963.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 2013-029. Judge Joy Malek Oldfield, Attorney Registration No. 0073065, is publicly reprimanded.

Pfeifer, O'Donnell, Kennedy, French, and O'Neill, JJ., concur.

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

MERIT DECISIONS WITHOUT OPINIONS

2014-0041. State ex rel. Deal v. Ohio State Univ.

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

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2014-0252. State ex rel. Conway v. Franklin Cty. Prosecutor’s Office.

In Mandamus. On answers of respondents and motion to dismiss. Motion to dismiss granted. Cause dismissed.

O’Connor, C.J., and Pfeifer, O’Donnell, Lanzinger, and Kennedy, JJ., concur.

French and O’Neill, JJ., dissent and would grant an alternative writ.

2014-0627. State ex rel. Coleman v. Belfance.

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

O’Connor, C.J., and Pfeifer, O’Donnell, Lanzinger, Kennedy, French, and O’Neill, JJ., concur.

2014-0638. In re Jackson v. State.

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

O’Connor, C.J., and Pfeifer, O’Donnell, Lanzinger, Kennedy, French, and O’Neill, JJ., concur.

2014-0652. State ex rel. Rittner v. [Bectel].

In Mandamus. On answer of respondent. On S.Ct.Prac.R. 12.04 determination, cause dismissed.

Upon consideration of relator’s motions for leave to file all pleadings and documents handwritten according to S.Ct.Prac.R. 3.09(A)(1)(e), to order respondent to provide relator with a copy of the trust account or to waive requirements of R.C. 2969.25(C)(1), for order to waive all service requirements beyond the pleading stage by relator, under threat of physical and irreparable injury by Kevin Jones, Warden, and to order clerk to file S.Ct.Prac.R. 12.04(B)(2) “memorandum” together with relator’s objections, it is ordered by the court that the motions are denied as moot.

O’Connor, C.J., and Pfeifer, O’Donnell, Lanzinger, and French, JJ., concur.

Kennedy and O’Neill, JJ., dissent and would grant an alternative writ.

2014-0661. State ex rel. Berlinger v. Corrigan.

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

O’Connor, C.J., and Pfeifer, O’Donnell, Lanzinger, Kennedy, French, and O’Neill, JJ., concur.

MOTION AND PROCEDURAL RULINGS

2014-0480. Jodka v. Cleveland.

Cuyahoga App. No. 99951, 2014-Ohio-208. On review of order certifying a conflict. The court determines that a conflict exists. Cause held for the decision in 2013-1277, *Walker v. Toledo*, 6th Dist. Lucas No. L-12-1056, 2013-Ohio-2809; cause consolidated with 2014-0636, *Jodka v. Cleveland*, 8th Dist. Cuyahoga No. 99951, 2014-Ohio-208; and briefing schedule stayed.

Kennedy, J., dissents.

French, J., dissents as to the second certified issue.

O'Donnell, J., not participating.

2014-0809. State v. Armstrong.

Mahoning App. No. 09-MA-204, 2011-Ohio-661. On motion for delayed appeal. Motion denied.

2014-0811. State v. Charlton.

Lorain App. No. 12CA010206, 2014-Ohio-1330. On motion for delayed appeal. Motion granted.

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

2014-0821. State v. Walker.

Montgomery App. No. 25741, 2014-Ohio-1287. On motion for delayed appeal. Motion granted.

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

2014-0822. State v. Whatley.

Guernsey App. No. 13CA26, 2014-Ohio-1126. On motion for delayed appeal. Motion denied.

Pfeifer, J., dissents.

2014-0824. State v. Wampler.

Fairfield App. No. 13-CA-3, 2014-Ohio-37. On motion for delayed appeal. Motion denied.

Pfeifer, J., dissents.

2014-0863. State v. Perkins.

Hancock App. No. 5-13-01, 2014-Ohio-752. On motion for delayed appeal. Motion denied.

Pfeifer and O'Neill, JJ., dissent.

2014-0871. State v. Qunnie.

Cuyahoga App. No. 100317, 2014-Ohio-1435. On motion for delayed appeal. Motion granted.

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

APPEALS ACCEPTED FOR REVIEW

2014-0574. MacDonald v. Shaker Hts. Income Tax Bd. of Rev.

Franklin App. No. 13AP-71, 2014-Ohio-708. Discretionary appeal accepted on Proposition of Law No. II.

Kennedy, J., would also accept the appeal on Proposition of Law No. I.

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

2014-0601. Kuhn v. Kuhn.

Guernsey App. No. 13-CA-24, 2014-Ohio-126.

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

2014-0636. Jodka v. Cleveland.

Cuyahoga App. No. 99951, 2014-Ohio-208. Discretionary appeal, second appeal, and cross-appeal accepted. Cause held for the decision in 2013-1277, *Walker v. Toledo*, 6th Dist. Lucas No. L-12-1056, 2013-Ohio-2809; cause consolidated with 2014-0480, *Jodka v. Cleveland*, 8th Dist. Cuyahoga No. 99951, 2014-Ohio-208; and briefing schedule stayed.

O'Donnell, J., not participating.

APPEALS NOT ACCEPTED FOR REVIEW

2012-1383. State v. Hunter.

Hamilton App. No. C090569, 2012-Ohio-2859.

2014-0186. State v. Ratliff.

Union App. No. 14-13-10.

2014-0213. State v. Springer.

Hamilton App. No. C-130147.

2014-0556. Sandor v. Marks.

Summit App. No. 26951, 2014-Ohio-685.

2014-0560. Murphy v. Murphy.

Hamilton App. No. C-130229, 2014-Ohio-656.

2014-0566. Wojanowski v. Wojanowski.

Cuyahoga App. No. 99751, 2014-Ohio-697.

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

2014-0567. Roberts v. Mike's Trucking, Ltd.

Madison App. Nos. CA2013-04-011 and CA2013-04-014, 2014-Ohio-766.

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

O'Neill, J., dissents.

2014-0568. Martin v. Lambert.

Meigs App. No. 12CA7, 2014-Ohio-715.

2014-0571. State v. Taylor.

Lucas App. No. L-11-1202, 2013-Ohio-5182.

O'Neill, J., dissents.

2014-0587. State v. Kish.

Cuyahoga App. No. 99895, 2014-Ohio-699.

2014-0588. King v. Malone.

Hamilton App. No. C-130304. Discretionary appeal not accepted. Motion to dismiss denied as moot.

2014-0589. U.S. Bank Natl. Assn. v. Green Meadow SWS, L.L.C.

Delaware App. No. 13 CAE 08 0063, 2014-Ohio-738.

Pfeifer, J., dissents.

2014-0594. State v. Warmus.

Cuyahoga App. No. 99962, 2014-Ohio-928.

O'Donnell, J., dissents.

2014-0598. State v. Clark.

Clark App. No. 2013 CA 52, 2014-Ohio-855.

O'Donnell, J., dissents.

2014-0603. State v. Ragland.

Franklin App. No. 13AP-451, 2014-Ohio-798.

2014-0605. State v. Estes.

Preble App. No. CA2013-04-001, 2014-Ohio-767.

2014-0608. Paramount Farms Internatl., L.L.C. v. Ventilex B.V.

Butler App. No. CA2013-04-060, 2014-Ohio-986.

O'Connor, C.J., and French, J., dissent and would accept the appeal on Proposition of Law No. I and hold the cause for the decision in 2013-0118, *Jarvis v. First Resolution Invest. Corp.*, 9th Dist. Summit No. 26042, 2012-Ohio-5653.

Kennedy, J., dissents.

2014-0610. Wetli v. Denny.

Lucas App. No. L-13-1043, 2014-Ohio-1009.

O'Donnell, J., dissents.

2014-0611. State v. Stephens.

Hamilton App. Nos. C-130285, C-130286, and C-130287.

2014-0612. State v. Mowler.

Cuyahoga App. No. 100019, 2014-Ohio-831.

2014-0617. Cantie v. Hillside Plaza.

Cuyahoga App. No. 99850, 2014-Ohio-822.

O'Donnell, J., dissents.

2014-0624. State v. D.M.J.

Franklin App. No. 13AP-57, 2014-Ohio-1377.

French and O'Neill, JJ., dissent and would accept the appeal and hold the cause for the decision in 2013-0167, *State v. Bonnell*, 5th Dist. Delaware No. 12CAA030022, 2012-Ohio-5150.

2014-0625. State v. Phipps.

Franklin App. No. 13AP-351, 2013-Ohio-5546.

O'Connor, C.J., dissents and would accept the appeal on Proposition of Law No. I and hold the cause for the decision in 2013-0167, *State v. Bonnell*, 5th Dist. Delaware No. 12CAA030022, 2012-Ohio-5150.

French and O'Neill, JJ., dissent and would accept the appeal and hold the cause for the decision in 2013-0167, *State v. Bonnell*, 5th Dist. Delaware No. 12CAA030022, 2012-Ohio-5150.

2014-0626. State v. Lawson.

Mahoning App. No. 12 MA 194, 2014-Ohio-879.

Kennedy, J., dissents and would accept the appeal on Proposition of Law No. III.

2014-0631. State v. Rogers.

Cuyahoga App. No. 100075, 2014-Ohio-1236.

2014-0639. Deutsche Bank Natl. Trust Co. v. Green.

Licking App. No. 13 CA 50, 2014-Ohio-408.

2014-0640. State ex rel. Budgake v. Canton.

Stark App. No. 2013CA00111, 2014-Ohio-903.

Pfeifer, J., dissents.

2014-0642. Baldwin v. Cusma.

Stark App. No. 2013CA00145, 2014-Ohio-905. Discretionary appeal not accepted. Motion to strike denied.

2014-0648. State v. Ingersoll.

Ashland App. No. 13-COA-003, 2013-Ohio-4135.

O'Donnell, J., dissents.

2014-0649. Templeman v. Kindred Healthcare, Inc.

Cuyahoga App. No. 101028.

2014-0651. Somasundaram v. Kent State Univ.

Franklin App. No. 13AP-785, 2014-Ohio-1029.

O'Connor, C.J., dissents.

2014-0665. Holtkamp v. Joint Bd. of Cty. Commrs.

Richland App. No. 13CA117.

2014-0668. State v. Jirousek.

Geauga App. Nos. 2013-G-3128 and 2013-G-3130, 2013-Ohio-5267.

2014-0675. Scott v. Ohio Dept. of Rehab. & Corr.

Franklin App. Nos. 12AP-755, 12AP-756, 12AP-757, 12AP-758, 12AP-760, 12AP-761, 12AP-762, 12AP-763, 12AP-764, and 12AP-765, 2013-Ohio-4383.

O'Neill, J., dissents.

2014-0677. Guerrieri v. Brys.

Mahoning App. No. 13 MA 7, 2014-Ohio-1178.

2014-0683. Toland v. Ohio State Univ.

Franklin App. No. 14AP-205.

2014-0694. Hannon v. Ohio Dept. of Job & Family Servs.

Cuyahoga App. No. 100963.

O'Donnell, J., not participating.

2014-0697. State v. Whites Landing Fisheries.

Erie App. No. E-13-021, 2014-Ohio-1314.

2014-0710. State v. Barker.

Montgomery App. No. 25732, 2014-Ohio-1269.

2014-0728. Burns v. Ohio State Univ. College of Veterinary Medicine.

Franklin App. No. 13AP-633, 2014-Ohio-1190.

Pfeifer and O'Neill, JJ., dissent.

2014-0729. State v. Hayes.

Hamilton App. No. C-130450, 2014-Ohio-1263.

2014-0742. State v. Williams.

Cuyahoga App. No. 100135, 2014-Ohio-1239.

2014-0753. State v. Humphries.

Cuyahoga App. No. 99924, 2014-Ohio-1230.

2014-0763. State v. Lowe.

Summit App. No. 27199, 2014-Ohio-1817.

2014-0767. State v. Sullivan.

Franklin App. No. 13AP-861, 2014-Ohio-1260.

French, J., not participating.

2014-0785. Congo v. Testa.
Franklin App. No. 14AP-210.

2014-0797. State v. Kline.
Montgomery App. No. 26137.

2014-0805. State v. Russell.
Clark App. No. 2011-CA-10, 2012-Ohio-4316.

2014-0810. State v. Chavis.
Franklin App. No. 08AP-435.

2014-0830. In re C.T.L.A.
Hocking App. No. 13CA24, 2014-Ohio-1550.
Kennedy and O’Neill, JJ., dissent.

RECONSIDERATION OF PRIOR DECISIONS

2011-0538. State v. Davis.
Butler App. No. CA2009-10-263, 2011-Ohio-787. Reported at 139 Ohio St.3d 122, 2014-Ohio-1615, 9 N.E.3d 1031. On motion for reconsideration. Motion denied.

2012-1499. State ex rel. Honda of Am. Mfg., Inc. v. Indus. Comm.
Franklin App. No. 11AP-528, 2012-Ohio-3335. Reported at ___ Ohio St.3d ___, 2014-Ohio-1894, ___ N.E.3d ___. On motion for reconsideration. Motion denied.
O’Donnell, Kennedy, and French, JJ., dissent.

2012-2110. CitiMortgage, Inc. v. Roznowski.
Stark App. No. 2012-CA-93, 2012-Ohio-4901. Reported at ___ Ohio St.3d ___, 2014-Ohio-1984, ___ N.E.3d ___. On motion for reconsideration. Motion denied.
O’Neill, J., dissents.

2013-0830. State v. Hamon.
Delaware App. No. 12 CAA 12 0089. Reported at ___ Ohio St.3d ___, 2014-Ohio-1927, ___ N.E.3d ___. On motion for reconsideration. Motion denied.

2013-1787. Deutsche Bank Natl. Trust Co. v. Taylor.

Summit App. No. 26626, 2013-Ohio-4278. Reported at 138 Ohio St.3d 1493, 2014-Ohio-2021, 8 N.E.3d 963. On motion for reconsideration. Motion denied.

2014-0049. State v. Hartman.

Medina App. No. 12CA0057-M, 2013-Ohio-4407. Reported at 138 Ohio St.3d 1493, 2014-Ohio-2021, 8 N.E.3d 963. On motion for reconsideration. Motion denied.

Pfeifer, J., dissents.

2014-0127. Assn. of Cleveland Firefighters v. Cleveland.

Cuyahoga App. No. 99999, 2013-Ohio-5439. Reported at 138 Ohio St.3d 1493, 2014-Ohio-2021, 8 N.E.3d 963. On motion for reconsideration. Motion fails for want of four votes.

Lanzinger and French, JJ., would grant the motion and accept the appeal on Proposition of Law Nos. I and II.

O'Neill, J., would grant the motion and accept the appeal on all Propositions of Law.

Pfeifer, O'Donnell, and Kennedy, JJ., would deny the motion.

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

2014-0147. Paasewe v. Wendy Thomas 4 Ltd.

Franklin App. No. 09AP-510, 2009-Ohio-6852. Reported at 138 Ohio St.3d 1494, 2014-Ohio-2021, 8 N.E.3d 964. On motion for reconsideration. Motion denied.

2014-0154. Robinette v. Bryant.

Lawrence App. No. 13CA9, 2013-Ohio-5887. Reported at 138 Ohio St.3d 1494, 2014-Ohio-2021, 8 N.E.3d 964. On motion for reconsideration. Motion denied.

2014-0161. Ohio Kentucky Oil Corp. v. Nolfi.

Stark App. No. 2013CA00084, 2013-Ohio-5519. Reported at 138 Ohio St.3d 1494, 2014-Ohio-2021, 8 N.E.3d 964. On motion for reconsideration. Motion denied.

Lanzinger, Kennedy, and O'Neill, JJ., dissent.

2014-0191. State v. Verdi.

Erie App. No. E-13-025, 2013-Ohio-5630. Reported at 138 Ohio St.3d 1495, 2014-Ohio-2021, 8 N.E.3d 964. On motion for reconsideration. Motion denied.

O'Neill, J., dissents.

2014-0211. In re A.I.

Cuyahoga App. No. 100074. Reported at 138 Ohio St.3d 1495, 2014-Ohio-2021, 8 N.E.3d 964. On motion for reconsideration. Motion denied.

2014-0223. Cuyahoga Cty. Bd. of Health v. Lipson O’Shea Legal Group.

Cuyahoga App. No. 99832, 2013-Ohio-5736. Reported at 138 Ohio St.3d 1496, 2014-Ohio-2021, 8 N.E.3d 965. On motion for reconsideration. Motion granted and appeal accepted on Proposition of Law No. I.

O’Donnell, J., would grant the motion, accept the appeal on both Propositions of Law, and hold the cause for the decision in 2013-1809, *State ex rel. Quolke v. Strongsville City School Dist. Bd. of Edn.*, 8th Dist. Cuyahoga No. 99733, 2013-Ohio-4481.

Kennedy and French, JJ., would grant the motion and accept the appeal on both Propositions of Law.

Pfeifer, Lanzinger, and O’Neill, JJ., dissent.

2014-0228. State v. Clemons.

Cuyahoga App. No. 99754, 2013-Ohio-5131. Reported at 138 Ohio St.3d 1496, 2014-Ohio-2021, 8 N.E.3d 965. On motion for reconsideration. Motion granted. The discretionary appeal is accepted.

Pfeifer, Lanzinger, and O’Neill, JJ., dissent.