

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

September 3, 2014

[Cite as *09/03/2014 Case Announcements*, 2014-Ohio-3785.]

MERIT DECISIONS WITH OPINIONS

2012-1484. In re Fuel Adjustment Clauses for Columbus S. Power Co. & Ohio Power Co., Slip Opinion No. 2014-Ohio-3764.

Public Utilities Commission, Nos. 09-872-EL-FAC and 09-873-EL-FAC. Orders affirmed.

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

2013-0580. Burkhart v. H.J. Heinz Co., Slip Opinion No. 2014-Ohio-3766.

Wood App. No. WD-12-008, 2013-Ohio-723. Judgment reversed and cause remanded.

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

Pfeifer, J., dissents.

Melody J. Stewart, J., of the Eighth Appellate District, sitting for Lanzinger, J.

2013-0761. Renfrow v. Norfolk S. Ry. Co., Slip Opinion No. 2014-Ohio-3666.

Cuyahoga App. No. 98715, 2013-Ohio-1189. Judgment reversed.

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

Lanzinger, J., concurs in judgment only.

2013-1257. Disciplinary Counsel v. Becker, Slip Opinion No. 2014-Ohio-3665.
On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 2011-116. Stephen Leslie Becker, Attorney Registration No. 0002829, is permanently disbarred from the practice of law in Ohio.

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

2013-1984. Cincinnati Bar Assn. v. Damon, Slip Opinion No. 2014-Ohio-3765.
On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 2011-046. Geoffrey Parker Damon, Attorney Registration No. 0029397, is permanently disbarred from the practice of law in Ohio.

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

MERIT DECISIONS WITHOUT OPINIONS

2011-0122. State v. Hardin.

Pike App. No. 10CA803, 2010-Ohio-6304. This cause, here on appeal from the Court of Appeals for Pike County, was considered in the manner prescribed by law. On consideration thereof, the judgment of the court of appeals is affirmed on the authority of *State v. Maxwell*, 139 Ohio St.3d 12, 2014-Ohio-1019, 9 N.E.3d 930.

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

Pfeifer and O'Neill, JJ., dissent.

2012-2099. In re L.L.B.

Butler App. No. CA2012-01-011, 2012-Ohio-4641. This cause, here on the certification of a conflict by the Court of Appeals for Butler County, was considered in the manner prescribed by law. On consideration thereof, the judgment of the court of appeals is reversed on the authority of *In re H.V.*, 138 Ohio St.3d 408, 2014-Ohio-812, 7 N.E.3d 1173.

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

Pfeifer and French, JJ., dissent.

2013-0742. In re N.P.

Ashtabula App. No. 2012-A-0024, 2013-Ohio-1288. This cause, here on appeal from the Court of Appeals for Ashtabula County, was considered in the manner

prescribed by law. On consideration thereof, the judgment of the court of appeals is affirmed on the authority of *In re H.V.*, 138 Ohio St.3d 408, 2014-Ohio-812, 7 N.E.3d 1173.

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

Pfeifer and French, JJ., dissent.

2013-1842. State v. Bass.

Franklin App. Nos. 12AP-622 and 12AP-623, 2013-Ohio-4503. This cause, here on appeal from the Court of Appeals for Franklin County, was considered in the manner prescribed by law. On consideration thereof, the judgment of the court of appeals is affirmed on the authority of *State v. Bonnell*, 140 Ohio St.3d 209, 2014-Ohio-3177, 16 N.E.3d 659.

Upon consideration of appellant's motion for briefing and oral argument, it is ordered by the court that the motion is denied.

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

French, J., dissents and would dismiss the appeal as having been improvidently accepted.

2014-0233. State v. Koeser.

Portage App. No. 2013-P-0041, 2013-Ohio-5838. This cause, here on appeal from the Court of Appeals for Portage County, was considered in the manner prescribed by law. On consideration thereof, the judgment of the court of appeals is affirmed on the authority of *State v. Bonnell*, 140 Ohio St.3d 209, 2014-Ohio-3177, 16 N.E.3d 659.

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

O'Connor, C.J., dissents and would remand the cause for application of *State v. Bonnell*, 140 Ohio St. 3d 209, 2014-Ohio-3177, 16 N.E.3d 659.

2014-0423. State ex rel. Claugus Family Farm, L.P. v. Seventh Dist. Court of Appeals.

In Mandamus and Prohibition. Upon consideration thereof, it is ordered by the court, sua sponte, that an alternative writ is granted and the following briefing schedule is set for presentation of evidence and filing of briefs pursuant to S.Ct.Prac.R. 12.05:

The parties shall file any evidence they intend to present within 20 days of the date of this entry; relator shall file a brief within 10 days of the filing of the evidence; respondents shall file a brief within 20 days after the filing of relator's

brief; and relator may file a reply brief within 7 days after the filing of respondents' brief.

On motion for leave to intervene as respondent of Beck Energy Corporation. Motion granted.

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

Lanzinger, J., dissents and would deny the motion to intervene and dismiss the cause.

2014-0467. State ex rel. Stokes v. Adrine.

In Mandamus and Prohibition. Upon consideration of respondents' motion to dismiss, the motion is granted in part and the Honorable Mabel M. Jasper is dismissed as a respondent. The writs of quo warranto and mandamus are dismissed, and an alternative writ of prohibition is granted and the following briefing schedule is set for presentation of evidence and filing of briefs pursuant to S.Ct.Prac.R. 12.05:

The parties shall file any evidence they intend to present within 20 days of the date of this entry; relator shall file a brief within 10 days of the filing of the evidence; respondent shall file a brief within 20 days after the filing of relator's brief; and relator may file a reply brief within 7 days after filing of respondent's brief.

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

2014-0519. State ex rel. Will v. Betleski.

In Prohibition. Upon consideration of respondents' answer and motion for judgment on the pleadings and relator's motion to strike the motion for judgment on the pleadings, it is ordered by the court that the motions are denied and the cause is dismissed as moot.

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

2014-0555. Carbone v. Arrow Realty Invest. Group, L.L.C.

Miscellaneous Case. On motion to dismiss. Motion granted. Cause dismissed.

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

2014-0832. State ex rel. Wright v. Myers.

In Mandamus. On complaint in mandamus of Jebrelle Wright. Cause dismissed.

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

2014-0842. State ex rel. Chappell v. DeGenaro.

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.

2014-0875. State ex rel. Wright v. Judges, Second Dist. Court of Appeals.

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.

2014-0891. State ex rel. Hobbs v. Flannery.

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.

2014-0929. In re Alsup v. Montgomery Cty.

Miscellaneous Case. On motion to dismiss. Motion granted. Cause dismissed.

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

2014-0936. State ex rel. Spann v. Calabrese.

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.

2014-0954. Bowshier v. Rastatter.

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.

2014-0975. State ex rel. Russell v. Klatt.

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

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

French, J., not participating.

2014-0981. State ex rel. Pishok v. Judge, Third Dist. Court of Appeals.

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

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

2014-1006. State ex rel. Johnson v. Second Dist. Court of Appeals.

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.

2014-1010. Netter v. Schneider.

In Mandamus. On answer and motion for judgment on the pleadings of respondent. Motion granted. Cause dismissed.

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

2014-1023. State ex rel. Baker v. Montgomery Cty. Common Pleas Court.

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.

2014-1031. State ex rel. Sheppard v. Judges, First Dist. Court of Appeals.

In Mandamus and 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.

2014-1043. Jackson v. Cain.

In Mandamus. On motion to dismiss and/or motion for a more definite statement. Motion to dismiss granted. Cause dismissed.

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

2014-1059. State ex rel. Untied v. Branstool.

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

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

2014-1076. State ex rel. Walker v. Russo.

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.

2014-1078. Adams v. Schneider.

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.

2014-1114. Meade v. Dewey.

In Habeas Corpus, Prohibition, and Mandamus. On motion to dismiss. Motion granted. Cause dismissed.

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

Pfeifer, J., dissents and would grant an alternative writ.

MOTION AND PROCEDURAL RULINGS

2011-0087. Pinkney v. Ohio Dept. of Job & Family Servs.

Cuyahoga App. No. 94696, 2010-Ohio-5252. On motion to vacate. Motion denied.

2011-1921. State v. Sowell.

Cuyahoga C.P. No. CR-09-530885. This cause is pending before the court as a death-penalty appeal from the Court of Common Pleas of Cuyahoga County.

Upon review of the case, it is ordered by the court that the parties are to file additional briefs addressing the following issues:

- (1.) "Was the appellant denied his Sixth Amendment right to a public trial when the trial court closed the courtroom to the public during the suppression hearing on July 21, 2010?"
- (2.) "Was the appellant denied his Sixth Amendment right to a public trial when the trial court closed the courtroom to the public during the voir dire conducted June 6 through June 21, 2011?"
- (3.) "Does the appellant's failure, on both occasions, to object at the time the closure orders were made waive appellate review of these closures?"

Each party shall file a brief addressing these issues within 30 days of the date of this entry. Responsive briefs shall be filed within 20 days after the filing of the initial briefs. No reply briefs shall be permitted and no requests or stipulations for extension of time shall be filed.

O'Donnell, Lanzinger, and Kennedy, JJ., dissent and would not order additional briefing.

2012-1272. ProgressOhio.org, Inc. v. JobsOhio.

Franklin App. No. 11AP-1136, 2012-Ohio-2655. On consideration of the motions of amicus curiae Victoria E. Ullmann for the court to order the attorney general to file an action in quo warranto or to declare a conflict, for movant to be appointed to proceed in quo warranto, to intervene for the purposes of the savings clause, and for leave to file an action in quo warranto. It is ordered by the court that the motions are denied.

O'Connor, C.J., concurs and would caution Victoria Ullmann that the filing of any further frivolous, unsubstantiated, or repeated motions may result in the imposition of appropriate sanctions.

O'Donnell, J., not participating.

2013-0656. State ex rel. Walgate v. Kasich.

Franklin App. No. 12AP-548, 2013-Ohio-946. On motion to dismiss as improvidently allowed in light of 2012-1272, *ProgressOhio.org, Inc. v. JobsOhio*, 139 Ohio St.3d 520, 2014-Ohio-2382, ___ N.E.3d ___. Motion granted as to Proposition of Law No. I. The motion to dismiss is denied as to Proposition of Law Nos. II, III, and IV, and the cause remains pending on these propositions.

O'Connor, C.J., and Lanzinger, J., concur in part and dissent in part and would grant the motion to dismiss as to all propositions of law.

Pfeifer and O'Neill, JJ., concur in part and dissent in part and would deny the motion to dismiss as to all propositions of law.

O'Donnell, J., not participating.

Mary DeGenaro, J., of the Seventh Appellate District, sitting for O'Donnell, J.

2013-1534. Wells Fargo Bank, N.A. v. Horn.

Lorain App. No. 12CA010230. On motion to supplement record, motion to dismiss appeal, and motion for new briefing schedule. Motions denied.

2013-1973. State v. Johnson.

Butler App. No. CA2012-11-235, 2013-Ohio-4865. On motion to strike briefs of amici curiae Ohio Prosecuting Attorneys Association and Ohio Attorney General. Motion denied.

Pfeifer, J., dissents and would grant the motion to strike and limit briefing to the accepted propositions of law.

2013-2026. In re Rev. of Alternative Energy Rider Contained in Tariffs of Ohio Edison Co.

Public Utilities Commission, No. 11-5201-EL-RDR. This cause is pending before the court as an appeal and cross-appeal from the Public Utilities Commission of Ohio. Upon consideration of appellant/cross-appellees' motion to seal confidential portion of the appendix and confidential portion of the supplement to the merit brief, it is ordered by the court that the motion is denied as moot.

Upon consideration of the motion for hearing of appellee/cross-appellant, the Office of the Ohio Consumers' Counsel, it is ordered by the court that the motion for hearing is denied.

2014-1008. State v. Yeldell.

Montgomery App. Nos. 25198 and 25209, 2013-Ohio-1918. On motion for delayed appeal. Motion denied.

2014-1011. State v. Woodley.

Allen App. No. 1-12-13. On motion for delayed appeal. Motion denied.

2014-1018. State v. Depinet.

Seneca App. No. 13-12-32, 2013-Ohio-1850. On motion for delayed appeal. Motion denied.

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

2014-1044. State v. Wayne.

Montgomery App. No. 25243, 2013-Ohio-5060. On motion for delayed appeal. Motion denied.

2014-1062. State v. Polus.

Lucas App. Nos. L-13-1119 and L-13-1120, 2014-Ohio-2321. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated on page 11 of the court of appeals' journal entry filed May 30, 2014:

“Whether a trial court may impose consecutive sentences for felony and misdemeanor convictions under R.C. 2929.41(B)(1).”

Lanzinger, J., dissents.

The conflict cases are *State v. Vanmeter*, 5th Dist. Fairfield No. 2011-0032, 2011-Ohio-6110, *State v. Varney*, 5th Dist. Perry No. 13 CA 00002, 2014-Ohio-193, and *State v. Barker*, 8th Dist. Cuyahoga No. 99320, 2013-Ohio-4038.

O'Connor, C.J., determines that the cause conflicts only with *State v. Varney*, 5th Dist. Perry No. 13 CA 00002, 2014-Ohio-193, and *State v. Barker*, 8th Dist. Cuyahoga No. 99320, 2013-Ohio-4038.

French, J., determines that the cause conflicts only with *State v. Varney*, 5th Dist. Perry No. 13 CA 00002, 2014-Ohio-193.

2014-1075. State v. Lister.

Pickaway App. No. 13CA15, 2014-Ohio-1405. On motion for delayed appeal. Motion denied.

2014-1079. State v. Valines.

Hamilton App. No. C-130105, 2014-Ohio-890. On motion for delayed appeal. Motion denied.

O'Neill, J., dissents.

2014-1084. State v. Pena.

Lucas App. No. L-12-1309, 2014-Ohio-423. On motion for delayed appeal. Motion denied.

Pfeifer, J., dissents.

2014-1085. State v. Stairhime.

Defiance App. No. 4-13-06, 2014-Ohio-1791. On motion for delayed appeal. Motion denied.

Pfeifer and O'Neill, JJ., dissent.

2014-1090. State v. Johnson.

Fairfield App. No. 13-CA-33, 2014-Ohio-189. On motion for delayed appeal. Motion denied.

2014-1094. State v. Wilcox.

Franklin App. No. 13AP-477, 2014-Ohio-1068. On motion for delayed appeal. Motion denied.

O'Neill, J., dissents.

2014-1109. State v. Stansell.

Cuyahoga App. No. 100604, 2014-Ohio-1633. On motion for delayed appeal. Motion denied.

O'Neill, J., dissents.

2014-1115. State v. West.

Scioto App. No. 12CA3507, 2014-Ohio-1941. On motion for delayed appeal. Motion denied.

Pfeifer and O’Neill, JJ., dissent.

2014-1133. State v. Lewis.

Cuyahoga App. No. 99395, 2013-Ohio-4593. On motion for delayed appeal. Motion denied.

2014-1149. State v. Harris.

Cuyahoga App. No. 100002, 2014-Ohio-1423. On motion for delayed appeal. Motion denied.

O’Neill, J., dissents.

2014-1168. State v. Freeman.

Cuyahoga App. No. 100521, 2014-Ohio-1732. On motion for delayed appeal. Motion denied.

O’Neill, J., dissents.

2014-1182. State v. Ellison.

Montgomery App. No. 25638, 2013-Ohio-5455. On motion for delayed appeal. Motion denied.

2014-1202. Niederst v. Niederst.

Cuyahoga App. No. 100616, 2014-Ohio-2406. On amended motion for stay of execution of judgment (revised in accordance with S.Ct.Prac.R. 3.13). Motion denied.

Pfeifer and O’Neill, JJ., dissent.

2014-1254. State v. Householder.

Portage App. No. 2013-P-0092, 2014-Ohio-2455. On motion to stay court of appeals’ judgment. Motion denied.

O’Connor, C.J., and O’Neill, J., dissent.

APPEALS ACCEPTED FOR REVIEW

2014-0618. State v. F.R.

Franklin App. No. 13AP-525, 2014-Ohio-799. Discretionary appeal accepted and cause held for the decision in 2013-0821, *State v. Bevly*, 10th Dist. Franklin No.

12AP-471, 2013-Ohio-1352; and briefing schedule stayed. Discretionary cross-appeal not accepted.

Pfeifer and O'Donnell, JJ., would also accept the cross-appeal and hold the cause for the decision in *State v. Bevely*, 10th Dist. Franklin No. 12AP-471, 2013-Ohio-1352.

2014-0718. State v. Arnold.

Seneca App. No. 13-13-27, 2014-Ohio-1134.

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

2014-0727. Salee v. Watts.

Hamilton App. No. C-130122, 2014-Ohio-717.

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

2014-0733. State v. Kona.

Cuyahoga App. No. 100191, 2014-Ohio-1242.

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

2014-0738. Akron v. Ohio State Dept. of Ins.

Franklin App. Nos. 13-AP-473, 13-AP-484, and 13-AP-496, 2014-Ohio-96.

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

2014-0791. Deutsche Bank Natl. Trust Co. v. Holden.

Summit App. No. 26970, 2014-Ohio-1333. Discretionary appeal accepted and cause held for the decision in 2014-0485, *SRMOF 2009-1 Trust v. Lewis*, Butler App. Nos. CA2012-11-239 and CA2013-05-068, 2014-Ohio-71; and briefing schedule stayed.

Pfeifer, Kennedy, and French, JJ., dissent.

2014-0795. Ohio Bur. of Workers' Comp. v. McKinley.

Columbiana App. No. 12 CO 41, 2014-Ohio-1397.

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

2014-0803. Walker v. Shondrick-Nau.

Noble App. No. 13 NO 402, 2014-Ohio-1499.

O'Connor, C.J., would accept the appeal on Proposition of Law Nos. I, II, IV, and VI only and would hold Proposition of Law No. IV for the decision in 2014-0067, *Chesapeake Exploration, L.L.C. v. Buell*, Certified Question of State Law, United States District Court, Southern District of Ohio, Eastern Division, No. 2:12-CV-916.

O'Donnell and French, JJ., would hold the cause for the decision in 2014-0804, *Corban v. Chesapeake Exploration, L.L.C.*, Certified Question of State Law, United States District Court, Southern District of Ohio, Eastern Division, No. 2:13-CV-246.

2014-0812. Northpoint Properties, Inc. v. Charter One Bank, F.S.B.

Cuyahoga App. No. 100210, 2014-Ohio-1430. Discretionary appeal accepted on Proposition of Law Nos. III and IV.

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

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

Kennedy, J., would also accept the appeal on Proposition of Law Nos. I and II.

On consideration of the motion to stay decision on jurisdiction, the motion to vacate or reverse underlying judgments, and the motion to dismiss for lack of subject matter jurisdiction. Motions denied.

Lanzinger, J., would grant the motion for stay.

2014-0862. Risner v. Ohio Dept. of Transp.

Franklin App. No. 12AP-828, 2013-Ohio-5698.

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

APPEALS NOT ACCEPTED FOR REVIEW

2014-0422. State v. Waller.

Clark App. No. 2013-CA-26, 2014-Ohio-237.

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

2014-0731. Prokos v. Hines.

Athens App. Nos. 10CA51 and 10CA57, 2014-Ohio-1415.

2014-0741. Marok v. Ohio State Univ.

Franklin App. No. 13AP-12.

2014-0743. Weir Foulds, L.L.P. v. Restivo.

Lorain App. No. 13CA010349, 2014-Ohio-1133.

2014-0745. State v. Blair.

Montgomery App. No. 25578, 2014-Ohio-1279.

Kennedy, J., dissents.

2014-0746. State v. Casey.

Cuyahoga App. No. 99742, 2014-Ohio-1229.

2014-0747. Lang v. Beachwood Pointe Care Ctr.

Cuyahoga App. No. 100109, 2014-Ohio-1238.

Kennedy, J., dissents.

2014-0750. State v. Wilson.

Lucas App. No. L-13-1210, 2014-Ohio-1307.

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

2014-0752. Garzo v. Norfolk S. Ry. Co.

Lucas App. No. L-13-1180, 2014-Ohio-1295.

2014-0754. State v. Swain.

Erie App. No. E-12-079, 2014-Ohio-1308.

2014-0756. State v. Pudelski.

Cuyahoga App. No. 100551, 2014-Ohio-1246.

2014-0758. In re Estate of Hersh.

Hamilton App. No. C-130212, 2014-Ohio-612.

2014-0760. State v. Parker.

Cuyahoga App. No. 100067, 2014-Ohio-1235.

2014-0762. State v. Kilbane.

Cuyahoga App. No. 99485, 2014-Ohio-1228.

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

2014-0765. State v. Heath.

Clermont App. No. CA2014-01-011.

2014-0768. State v. Cooper.

Lucas App. No. L-12-1296, 2014-Ohio-1294.

2014-0769. Aqua Ohio, Inc., v. Allied Indus. Dev. Corp., Inc.

Mahoning App. No. 13 MA 85, 2014-Ohio-1473.

2014-0775. State v. Hall.

Allen App. No. 1-13-34.

French, J., dissents and would accept the discretionary appeal on Proposition of Law Nos. I and II.

2014-0776. Kim v. Suh.

Cuyahoga App. No. 100936.

2014-0778. State v. Stephenson.

Portage App. No. 2013-P-0044, 2014-Ohio-1365.

2014-0780. State v. Kosla.

Franklin App. Nos. 13AP-514 and 13AP-515, 2014-Ohio-1381.

Kennedy and French, JJ., dissent.

2014-0783. State v. McCrary.

Mahoning App. No. 12 MA 135, 2014-Ohio-1468.

Pfeifer and O'Neill, JJ., dissent.

2014-0786. Buck v. Reminderville.

Summit App. No. 27002, 2014-Ohio-1389.

2014-0789. Fiduciary Trust Co. v. Bigley.

Trumbull App. No. 2013-T-0077, 2014-Ohio-1373.

2014-0790. Cristino v. Ohio Bur. of Workers' Comp.

Franklin App. No. 13AP-772, 2014-Ohio-1383.

Pfeifer, J., dissents.

2014-0792. Bigler v. Personal Serv. Ins. Co.

Belmont App. No. 12 BE 10, 2014-Ohio-1467.

O'Donnell and Kennedy, JJ., dissent.

French, J., dissents and would accept the discretionary appeal on Proposition of Law Nos. I and III.

2014-0793. State v. Weaver.

Trumbull App. No. 2013-T-0066, 2014-Ohio-1371.

2014-0796. State ex rel. Merrill v. Ohio Dept. of Natural Resources.

Lake App. No. 2012-L-113, 2014-Ohio-1343.

Kennedy, J., dissents.

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

2014-0798. State v. Suntoke.

Muskingum App. No. CT2013-0032, 2014-Ohio-1431.

2014-0800. State v. Hancock.

Clark App. No. 2008-CA-85, 2009-Ohio-4327.

2014-0806. State v. Shah.

Montgomery App. No. 25855, 2014-Ohio-1449.

O'Donnell, J., dissents.

2014-0808. State v. Franklin.

Cuyahoga App. No. 99806, 2014-Ohio-1422.

2014-0813. State v. Huang.

Cuyahoga App. No. 99945, 2014-Ohio-1511.

2014-0814. Musial Offices, Ltd. v. Cuyahoga Cty.

Cuyahoga App. No. 99781, 2014-Ohio-602.

2014-0818. State v. Werber.

Cuyahoga App. No. 100290, 2014-Ohio-609.

2014-0819. State v. Foster.

Hamilton App. No. C-130538.

2014-0820. State v. Bowleg.

Cuyahoga App. Nos. 100263 and 100264, 2014-Ohio-1433.

O'Neill, J., dissents.

2014-0829. State v. Westover.

Franklin App. No. 13AP-555, 2014-Ohio-1959.

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

Kennedy, J., dissents.

2014-0833. Grange Ins. Co. v. Sawmiller.

Auglaize App. No. 2-13-19, 2014-Ohio-1482

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

2014-0835. State v. Croce.

Cuyahoga App. No. 100244, 2014-Ohio-1627.

2014-0837. State v. Coleman.

Hancock App. No. 5-13-15, 2014-Ohio-1483.

2014-0841. State v. Clay.

Miami App. No. 2013 CA 11, 2014-Ohio-950.

2014-0847. Gharibshahi v. State.

Franklin App. No. 13AP-844, 2014-Ohio-1529.

Kennedy and O'Neill, JJ., dissent.

2014-0848. State v. Hatchell.

Cuyahoga App. No. 101083.

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

2014-0849. Morgan Woods Homeowners' Assn. v. Wills.

Licking App. No. 13-CA-62, 2014-Ohio-1578.

2014-0855. State v. Priest.

Cuyahoga App. No. 100614, 2014-Ohio-1735.

2014-0857. State v. Griffin.

Lorain App. No. 11CA010128, 2013-Ohio-416.

2014-0858. State v. Pugh.

Montgomery App. No. 25819, 2014-Ohio-1533.

2014-0859. Weisenauer v. Am. Std., Inc.

Seneca App. No. 13-13-25, 2014-Ohio-1569.

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

Lanzinger, J., not participating.

William A. Klatt, J., of the Tenth Appellate District, sitting for Lanzinger, J.

2014-0860. Briggs v. GLA Water Mgt.

Wood App. Nos. WD-12-062 and WD-12-063, 2014-Ohio-1551.

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

2014-0861. State v. Love.

Hocking App. No. 13CA16, 2014-Ohio-1603. Discretionary appeal not accepted.

Motion to stay proceedings denied as moot.

2014-0864. State v. Johnson.

Cuyahoga App. No. 87652.

2014-0866. State v. Warner.

Cuyahoga App. No. 100197, 2014-Ohio-1519.

2014-0886. Career & Technical Assn. v. Auburn Vocational School Dist. Bd. of Edn.

Lake App. No. 2013-L-010, 2014-Ohio-1572.

O’Connor, C.J., dissents.

2014-0889. State ex rel. Riddell v. State Teachers Retirement Bd.

Franklin App. No. 13AP-660, 2014-Ohio-1646.

O’Donnell, J., dissents.

2014-0898. State v. Williams.

Summit App. No. 27101, 2014-Ohio-1608.

2014-0923. State v. Young.

Summit App. No. 26725, 2014-Ohio-1715.

2014-0931. State v. Secessions.

Summit App. No. 25754, 2011-Ohio-6066.

Kennedy, J., dissents.

2014-0934. State v. Hutchinson.

Highland App. No. 13CA3, 2013-Ohio-5334.

2014-0937. State v. Swank.

Franklin App. No. 13AP-177, 2013-Ohio-3703.

2014-0947. U.S. Bank N.A. v. Rex Station Ltd.

Montgomery App. No. 26019, 2014-Ohio-1857.

2014-0950. State v. Murphy.

Franklin App. No. 12AP-952, 2013-Ohio-5599.

2014-0951. State v. Muhumed.

Franklin App. No. 14AP-14.

2014-0972. State v. Lewis.

Lake App. No. 2013-L-111, 2014-Ohio-2224.

2014-0988. State v. Huber.

Clark App. No. 2013 CA 16, 2014-Ohio-2095.

2014-1049. State v. Swain.

Erie App. Nos. E-11-087 and E-11-088, 2013-Ohio-5900.

2014-1058. State v. Vinson.

Franklin App. No. 08AP-381, 2008-Ohio-6430.

2014-1107. State v. Gibson.

Stark App. No. 2013CA00175, 2014-Ohio-1169. Discretionary appeal not accepted. Motion to stay proceedings and motion to suspend bail and the execution of sentence are denied as moot.

2014-1134. State v. Mays.

Cuyahoga App. No. 99150, 2014-Ohio-2637.

2014-1153. State v. Orr.

Cuyahoga App. No. 96377, 2014-Ohio-2384.

2014-1272. In re A.S.

Lorain App. Nos. 14CA010532 and 14CA010534, 2014-Ohio-2458.

RECONSIDERATION OF PRIOR DECISIONS

2008-2370. State v. Neyland.

Wood App. No. 2007-CR-0359. Reported at 139 Ohio St.3d 353, 2014-Ohio-1914, 12 N.E.3d 1112. On motion for reconsideration. Motion denied.

O'Neill, J., dissents.

2013-0278. Health Care REIT, Inc. v. Cuyahoga Cty. Bd. of Revision.

Board of Tax Appeals, Nos. 2009-Q-1547, 2009-Q-1615, and 2009-Q-1616. Reported at ___ Ohio St.3d ___, 2014-Ohio-2574, ___ N.E.3d ___. On motion for reconsideration. Motion denied.

Lanzinger and O'Neill, JJ., dissent.

2013-0693. State ex rel. Jackson v. Ohio Adult Parole Auth.

Franklin App. No. 12AP-675. Reported at ___ Ohio St.3d ___, 2014-Ohio-2353, ___ N.E.3d ___. On motion for reconsideration. Motion denied.

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

2013-1350. Fugett v. Turner.

Marion App. No. 9-13-30. Reported at ___ Ohio St.3d ___, 2014-Ohio-1934, ___ N.E.3d ___. On motion for reconsideration. Motion denied.

2013-1403. State ex rel. Nickelson v. Bowling.

Lawrence App. No. 13CA4. Reported at ___ Ohio St.3d ___, 2014-Ohio-2124, ___ N.E.3d ___. On motion for reconsideration. Motion denied.

2013-1864. D'Ambrosio v. State.

Cuyahoga App. No. 99520, 2013-Ohio-4472. Reported at 139 Ohio St.3d 1416, 2014-Ohio-2487, 10 N.E.3d 736. On motion for reconsideration. Motion denied.

O'Connor, C.J., and French and O'Neill, JJ., dissent and would grant the motion for reconsideration and remand the cause for application of the decision in *State v. Mansaray*, 138 Ohio St.3d 277, 2014-Ohio-750, 6 N.E.3d 35.

O'Donnell, J., not participating.

2013-2014. State ex rel. Howland v. Eckstein.

In Mandamus. Reported at 138 Ohio St.3d 1464, 2014-Ohio-1674, 6 N.E.3d 1201. On motion for reconsideration. Motion denied.

Kennedy, J., dissents.

2014-0407. State v. Yee.

Erie App. No. E-12-017, 2013-Ohio-5184. Reported at 139 Ohio St.3d 1418, 2014-Ohio-2487, 10 N.E.3d 738. On motion for reconsideration. Motion denied.

2014-0411. State v. Ellis.

Cuyahoga App. No. 99830, 2014-Ohio-116. Reported at 139 Ohio St.3d 1423, 2014-Ohio-2595, 10 N.E.3d 741. On motion for reconsideration. Motion denied.

2014-0429. Chappell v. Morgan.

In Habeas Corpus. Reported at 139 Ohio St.3d 1426, 2014-Ohio-2725, 11 N.E.3d 282. On motion for reconsideration. Motion denied.

2014-0473. Condominiums at Stonebridge Owners' Assn., Inc. v. K&D Group, Inc.

Cuyahoga App. No. 100261, 2014-Ohio-503. Reported at 139 Ohio St.3d 1419, 2014-Ohio-2487, 10 N.E.3d 738. On motion for reconsideration. Motion denied.

Lanzinger, J., dissents.

Pfeifer, Acting C.J.

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

2014-0510. State v. Leyman.

Medina App. No. 99CA2970-M. Reported at 139 Ohio St.3d 1429, 2014-Ohio-2725, 11 N.E.3d 284. On motion for reconsideration. Motion denied.

2014-0557. State ex rel. Evans v. Ohio Dept. of Rehab. & Corr.

In Mandamus. Reported at 139 Ohio St.3d 1434, 2014-Ohio-2802, 11 N.E.3d 288. On motion for reconsideration. Motion denied.

2014-0619. State ex rel. Evans v. Supreme Court of Ohio.

In Mandamus. Reported at 139 Ohio St.3d 1434, 2014-Ohio-2802, 11 N.E.3d 288. On motion for reconsideration. Motion denied.

O'Donnell, J., dissents.

French, J., not participating.

2014-0642. Baldwin v. Cusma.

Stark App. No. 2013CA00145, 2014-Ohio-905. Reported at 139 Ohio St.3d 1475, 2014-Ohio-3028, 11 N.E.3d 1196. On motion for reconsideration. Motion denied.

On consideration of appellee's motion to have appellant declared a vexatious litigator pursuant to S.Ct.Prac.R. 4.03(B) and for sanctions pursuant to S.Ct.Prac.R.

4.03(A), and appellant's motion to strike the July 28, 2014 memo opposing the motion and to have appellee declared a vexatious litigator, it is ordered by the court that the motions are denied.

2014-0763. State v. Lowe.

Summit App. No. 27199, 2014-Ohio-1817. Reported at 139 Ohio St.3d 1473, 2014-Ohio-3012, 11 N.E.3d 1194. On motion for reconsideration. Motion denied.