

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

August 26, 2015

[Cite as *8/26/2015 Case Announcements*, 2015-Ohio-3427.]

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## MERIT DECISIONS WITH OPINIONS

**2013-1773. Estate of Atkinson v. Ohio Dept. of Job & Family Servs., Slip Opinion No. 2015-Ohio-3397.**

Knox App. No. 13CA4, 2013-Ohio-4352. Judgment affirmed and cause remanded.  
Pfeifer, O'Donnell, Kennedy, and French, JJ., concur.  
O'Connor, C.J., and Lanzinger and O'Neill, JJ., dissent.

**2014-0735. C.K. v. State, Slip Opinion No. 2015-Ohio-3421.**

Cuyahoga App. No. 100193, 2014-Ohio-1243. Judgment reversed.  
O'Connor, C.J., and Pfeifer, O'Donnell, and Kennedy, JJ., concur.  
Lanzinger and French, JJ., concur in judgment.  
O'Neill, J., dissents.

**2015-0278. Disciplinary Counsel v. Rosen, Slip Opinion No. 2015-Ohio-3420.**

On Certified Report by the Board of Professional Conduct, No. 2014-073. Erin Geralyn Rosen, Attorney Registration No. 0071156, is hereby publicly reprimanded.

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

## AFFIDAVITS OF DISQUALIFICATION

The chief justice has released the following judicial disqualification opinions, which were previously issued as entries in response to affidavits of disqualification filed pursuant to R.C. 2701.03.

**15-AP-011, 15-AP-012, and 15-AP-013. In re Disqualification of Froelich, Donovan, and Welbaum, Slip Opinion No. 2014-Ohio-3423 (decided Feb. 27, 2015).**

## MERIT DECISIONS WITHOUT OPINIONS

**2015-0173. State ex rel. Dahman v. Corrigan.**

In Prohibition. On motion for leave to file amended complaint, motion for leave to file second amended complaint, and motion for alternative writ. Motions denied. On motion for leave to intervene. Motion granted. On motion to dismiss. Motion granted. Cause dismissed.

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

**2015-0388. Rosebrough v. Bradley.**

In Habeas Corpus. On petition for writ of habeas corpus of Daniel E. Rosebrough. Sua sponte, cause dismissed.

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

**2015-0440. McKettrick v. McKettrick.**

Warren App. No. CA2014-05-076, 2015-Ohio-366. Upon consideration of the jurisdictional memoranda filed in this case, the court accepts the appeal, vacates the judgment, and remands this cause to the trial court for reconsideration of its jurisdiction in light of the holding in *Obergefell v. Hodges*, 576 U.S. \_\_\_\_, 83 U.S.L.W. 4592 (June 26, 2015).

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

Pfeifer, J., dissents.

**2015-0464. State ex rel. Martin v. Ohio Adult Parole Auth.**

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

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

**2015-0556. State ex rel. Yates v. Richard.**

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

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

**2015-0779. State ex rel. Harris v. Wilson.**

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

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

O'Donnell, J., dissents and would grant an alternative writ.

**2015-0798. State ex rel. Harris v. Myers.**

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

O'Connor, C.J., and Pfeifer, Lanzinger, Kennedy, and French, JJ., concur.  
O'Donnell and O'Neill, JJ., dissent and would grant an alternative writ.

**2015-0842. State ex rel. Bradford v. Hamilton Cty. Court of Common Pleas.**

In Prohibition. On motions for leave to be relieved of duty to provide electronic copies. Motions denied. On motion to deem averments admitted pursuant to Civ.R. 8(D) and motion to deem matters admitted pursuant to Civ.R. 36. Motions denied. On motion withdrawing declaration for entry of default. Motion denied. On motion to deem conceded all unopposed dispositive motions submitted by relator. Motion denied. On motion to dismiss. Motion granted. Cause dismissed.

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

**2015-0936. State ex rel. Bradford v. Hendon.**

In Mandamus. On motions for leave to be relieved of duty to provide electronic copies. Motions denied. On motion to deem averments admitted pursuant to Civ.R. 8(D) and motion to deem matters admitted pursuant to Civ.R. 36. Motions denied. On motion to compel peremptory writ. Motion denied. On motion for stay of discovery. Motion denied. On motion to overrule respondent's motion to stay discovery. Motion denied. On motion to deem conceded all unopposed dispositive motions submitted by the relator. Motion denied. On motion to dismiss. Motion granted. Cause dismissed.

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

## **MOTION AND PROCEDURAL RULINGS**

### **2014-1036. Westerville City Schools Bd. of Edn. v. Franklin Cty. Bd. of Revision.**

Board of Tax Appeals, Nos. 2012-1763, 2012-1764, and 2012-1765. On motion to take judicial notice. Motion denied. On motion to strike. Motion denied.

### **2015-0342. 2350 Morse, L.L.C. v. Testa.**

Board of Tax Appeals, Nos. 2012-1934 and 2012-2214. On appellant's motion to consolidate case with 2015-0340 and 2015-0341. Motion denied. On appellee Westerville City School District Board of Education's motion to dismiss. Motion denied.

It is further ordered that the exempt or taxable status of all the parcels in both school districts are at issue in the appeal.

French, J., dissents in part and would limit the appeal to the taxable status of the parcels in the Westerville City School District.

### **2015-0794. Mason Cos., Inc. v. Testa.**

Board of Tax Appeals, Nos. 2012-1169 and 2012-2806. On motion to dismiss assignments of error Nos. 1 and 4. Motion denied.

### **2015-0985. State v. Fegley.**

Richland App. No. 2009-CA-0084, 2010-Ohio-1909. On motion for leave to file delayed appeal. Motion denied.

### **2015-0986. State v. Jabbaar.**

Cuyahoga App. No. 101536. On motion for leave to file delayed appeal. Motion denied.

### **2015-0990. State v. Harrison.**

Logan App. No. 8-14-16, 2015-Ohio-1419. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and O'Neill, JJ., dissent.

### **2015-1008. State v. Nawman.**

Clark App. No. 2014-CA-6, 2015-Ohio-447. On motion for leave to file delayed appeal. Motion granted.

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

**2015-1024. State v. S.S.**

Franklin App. No. 13AP-1060, 2014-Ohio-5352. On motion for leave to file delayed appeal. Motion denied.

O'Neill, J., dissents.

**2015-1033. State v. Lowry.**

Pickaway App. No. 14CA12, 2014-Ohio-5852. On motion for leave to file delayed appeal. Motion denied.

**2015-1048. State v. Richardson.**

Montgomery App. No. 26191, 2015-Ohio-757. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated at page 7 of the court of appeals' decision and entry filed May 27, 2015:

“Once the State presents evidence that a person is impaired and has taken a specific prescription medication, is the trier of fact able to draw a reasonable inference that the driver has violated R.C. 4511.19(A)(1)(a) or R.C. 4511.19(A)(2), without evidence (lay or expert) as to how the medication actually affects the driver and/or expert testimony about whether the particular medication has the potential to impair a person's judgment or reflexes?”

The conflict case is *State v. Stephenson*, 4th Dist. Lawrence No. 05CA30, 2006-Ohio-2563.

It is ordered by the court that the clerk shall issue an order for the transmittal of the record from the Court of Appeals for Montgomery County.

It is further ordered by the court, sua sponte, that this cause is consolidated with 2015-0629, *State v. Richardson*, and that the briefing in 2015-1048 and 2015-0629 shall be consolidated. The parties shall file two originals of each of the briefs permitted under S.Ct.Prac.R. 16.02 through 16.04 and include both case numbers on the cover page of the briefs. The parties shall otherwise comply with the requirements of S.Ct.Prac.R. 16.01 through 16.04.

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

**2015-1049. State v. Dean.**

Franklin App. Nos. 14AP-173 and 14AP-177, 2014-Ohio-4361. On motion for leave to file delayed appeal. Motion denied.

**2015-1062. State v. Anthony.**

Cuyahoga App. No. 101847, 2015-Ohio-2267. On motion for stay of court of appeals' judgment. Motion denied.

O'Donnell, J., dissents.

**2015-1077. State v. Doumbouya.**

Cuyahoga App. No. 101482, 2015-Ohio-1640. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and O'Neill, JJ., dissent.

**2015-1088. State v. Smith.**

Cuyahoga App. No. 101802, 2015-Ohio-2266. On motion for stay. Motion denied.

**2015-1097. State v. Middlebrook.**

Hamilton App. No. C-140424. On motion for leave to file delayed appeal. Motion granted.

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

**2015-1101. State v. Smith.**

Hamilton App. No. C-140421. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

**2015-1144. State v. Marshall.**

Montgomery App. No. 23243, 2009-Ohio-5746. On motion for leave to file delayed appeal. Motion denied.

**2015-1154. State v. Conn.**

Warren App. Nos. CA2014-04-059, CA2014-04-061, and CA2014-04-084, 2015-Ohio-1766. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lanzinger, JJ., dissent.

**2015-1164. State v. Sultaana.**

Cuyahoga App. No. 103119. On emergency motion for stay. Motion denied. Sua sponte, appellant is found to be a vexatious litigator under S.Ct.Prac.R. 4.03(B). Appellant 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.

O'Donnell, Kennedy, and O'Neill, JJ., would not find appellant to be a vexatious litigator.

**2015-1198. State v. Courie.**

Ashtabula App. No. 2014-A-0043, 2015-Ohio-2894. On motion for stay. Motion denied.

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

**APPEALS ACCEPTED FOR REVIEW**

**2015-0132. Link v. Cleveland Elec. Illum. Co.**

Cuyahoga App. No. 101286, 2014-Ohio-5432. On consideration of the jurisdictional memoranda in this case, the court accepts Proposition of Law No. I and declines to accept the cross-appeal.

Lanzinger, Kennedy, and French, JJ., would accept the appeal on all propositions of law.

Pfeifer, O'Donnell, and O'Neill, JJ., dissent and would not accept the appeal.

**2015-0348. Argabrite v. Neer.**

Montgomery App. No. 26220, 2015-Ohio-125.

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

**2015-0381. Cleveland v. Jones.**

Cuyahoga App. No. 100598.

Pfeifer, Lanzinger, and French, JJ., dissent.

**2015-0462. State v. Wirebaugh.**

Summit App. No. 27442, 2015-Ohio-754. Appeal accepted and cause held for the decision in 2014-0563, *State v. South*, and briefing schedule stayed.

Pfeifer, J., dissents.

**2015-0629. State v. Richardson.**

Montgomery App. No. 26191, 2015-Ohio-757. It is ordered by the court that the clerk shall issue an order for the transmittal of the record from the Court of Appeals for Montgomery County.

It is ordered by the court, sua sponte, that this cause is consolidated with 2015-1048, *State v. Richardson*, and that the briefing in 2015-0629 and 2015-1048 shall be consolidated. The parties shall file two originals of each of the briefs

permitted under S.Ct.Prac.R. 16.02 through 16.04 and include both case numbers on the cover page of the briefs. The parties shall otherwise comply with the requirements of S.Ct.Prac.R. 16.01 through 16.04.

Pfeifer, J., dissents.

## **APPEALS NOT ACCEPTED FOR REVIEW**

### **2013-1674. State v. Davis.**

Butler App. No. CA2012-12-258, 2013-Ohio-3878.

### **2014-2255. State v. Carter.**

Lucas App. No. L-13-1255, 2014-Ohio-5212.

### **2015-0291. Huntington Natl. Bank v. Donatini.**

Warren App. No. CA2014-08-105, 2015-Ohio-67.

### **2015-0297. State v. Girts.**

Cuyahoga App. No. 101075, 2014-Ohio-5545.

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

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

II.

O'Neill, J., not participating.

### **2015-0302. Cleveland v. Evans.**

Cuyahoga App. No. 100721, 2014-Ohio-4567.

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

### **2015-0306. Cleveland v. Amoroso.**

Cuyahoga App. No. 100983, 2015-Ohio-95.

### **2015-0312. J.B. v. Harford.**

Summit App. No. 27231, 2015-Ohio-13.

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

I.

### **2015-0315. In re A.K.**

Montgomery App. No. 26199, 2015-Ohio-30.

Pfeifer and O'Neill, JJ., dissent.



**2015-0316. State v. Large.**

Montgomery App. No. 23947, 2015-Ohio-33.  
O'Connor, C.J., and French, J., dissent.

**2015-0338. Pertoria, Inc. v. Bowling Green State Univ.**

Franklin App. Nos. 13AP-1033 and 14AP-63, 2014-Ohio-3793.

**2015-0339. Horner v. Elyria.**

Lorain App. No. 13CA010420, 2015-Ohio-47.

**2015-0347. Kent State Univ. v. Ford.**

Portage App. No. 2013-P-0091, 2015-Ohio-41.

O'Connor, C.J., dissents and would accept the appeal and hold the cause for the decision in 2014-0978, *Boone Coleman Constr., Inc. v. Piketon*.  
Pfeifer, J., dissents.

**2015-0351. State v. Velez.**

Cuyahoga App. No. 101303, 2015-Ohio-105.

**2015-0358. State v. Bates.**

Hamilton App. No. C-140033, 2015-Ohio-116.

**2015-0362. State v. Cannon.**

Cuyahoga App. No. 100658.

**2015-0374. Estate of Smith v. Burrows.**

Brown App. No. CA 2014-06-012, 2015-Ohio-154.  
Pfeifer, O'Donnell, and O'Neill, JJ., dissent.

**2015-0375. State v. Schmidt.**

Lorain App. No. 13CA010499, 2015-Ohio-146.  
O'Donnell and O'Neill, JJ., dissent.

**2015-0383. State v. Myers.**

Clinton App. Nos. CA2014-02-002 and CA2014-02-004, 2015-Ohio-160.  
Pfeifer, Kennedy, and O'Neill, JJ., dissent.

**2015-0387. State v. Andre.**

Cuyahoga App. No. 101023, 2015-Ohio-17.

**2015-0394. Nguyen v. Chen.**  
Butler App. No. CA2014-10-191.

**2015-0398. Wholf v. Tremco, Inc.**  
Cuyahoga App. No. 100771, 2015-Ohio-171.

**2015-0406. State v. Smith.**  
Franklin App. Nos. 14AP-154 and 14AP-155.  
O'Connor, C.J., dissents and would accept the cause on Proposition of Law No. II.  
Kennedy and French, JJ., dissent.

**2015-0416. Clark v. State Med. Bd.**  
Franklin App. No. 14AP-212, 2015-Ohio-251.  
French, J., not participating.

**2015-0421. Thomas v. Pisoni.**  
Stark App. No. 2014CA00034, 2015-Ohio-376.

**2015-0424. Kingrey v. Duke Energy Corp.**  
Hamilton App. No. C-140308, 2015-Ohio-491.

**2015-0432. State v. Bulls.**  
Summit App. No. 27029, 2015-Ohio-276.

**2015-0433. State v. Miller.**  
Hamilton App. No. C-130774, 2015-Ohio-330.  
O'Neill, J., dissents.

**2015-0459. State v. Bowling.**  
Butler App. No. CA2014-01-017, 2015-Ohio-360.  
O'Neill, J., dissents.

**2015-0461. Luburgh v. Bishop.**  
Montgomery App. No. 26542. Discretionary appeal not accepted. On motion for sanctions. Motion denied.

**2015-0482. State v. Dawson.**  
Hamilton App. No. C-130765, 2015-Ohio-488.  
O'Neill, J., dissents.

**2015-0509. State v. Simon.**

Butler App. No. CA2014-06-139, 2015-Ohio-970.

**2015-0745. State v. Hayden.**

Cuyahoga App. No. 102101.

**2015-0748. State v. Bryant.**

Mahoning App. No. 15 MA 46.

**2015-0752. State v. Netherland.**

Hamilton App. No. C-130829.

**2015-0753. State v. Lawson.**

Hamilton App. No. C-140469.

**2015-0762. State v. Bibbs.**

Cuyahoga App. No. 101413.

**2015-0773. Han v. Univ. of Dayton.**

Montgomery App. No. 26343.

**2015-0775. A.P. v. J.Z.**

Wood App. Nos. WD-13-058, WD-13-063, and WD-13-079, 2015-Ohio-1265.

**2015-0780. State v. Saag.**

Clermont App. No. CA2014-08-057.

**2015-0792. State v. Russell.**

Medina App. No. 15CA0026-M.

**2015-0812. State v. Hopson.**

Stark App. No. 2014CA00163, 2015-Ohio-2848.

**2015-0819. State v. Black.**

Hamilton App. No. C-140433.

**2015-0827. State v. Gerth.**

Hamilton App. No. C-120392, 2014-Ohio-4569.

**2015-0830. Mueller v. Durrani.**

Hamilton App. No. C-150109. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents.

**2015-0831. Hutchinson v. Durrani.**

Hamilton App. No. C-150110. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents.

**2015-0832. State v. Vinson.**

Cuyahoga App. No. 101870, 2015-Ohio-1647.

**2015-0833. Hightchew v. Durrani.**

Hamilton App. No. C-150111. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0835. Pickett v. Durrani.**

Hamilton App. No. C-150113. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0836. Mathis v. Durrani.**

Hamilton App. No. C-150114. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0837. N.L. v. Durrani.**

Hamilton App. No. C-150115. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0840. Marcheschi v. Durrani.**

Hamilton App. No. C-150116. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0843. Ayres v. Durrani.**

Hamilton App. No. C-150117. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0844. Ziegler v. Burton Carol Mgt., L.L.C.**

Lake App. No. 2014-L-067, 2015-Ohio-713.

**2015-0845. Lacinak v. Durrani.**

Hamilton App. No. C-150119. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0847. Daniel v. Durrani.**

Hamilton App. No. C-150118. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0848. Crissinger v. Durrani.**

Hamilton App. No. C-150120. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0849. Curley v. Durrani.**

Hamilton App. No. C-150121. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0850. Calligan v. Durrani.**

Hamilton App. No. C-150123. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0851. Schoborg v. Durrani.**

Hamilton App. No. C-150124. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0852. McDonald v. Durrani.**

Hamilton App. No. C-150125. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0854. Mink v. Durrani.**

Hamilton App. No. C-150126. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0855. Wright v. Durrani.**

Hamilton App. No. C-150127. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0856. Aker v. Durrani.**

Hamilton App. No. C-150128. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0857. Nelson v. Durrani.**

Hamilton App. No. C-150129. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0858. Byrd v. Durrani.**

Hamilton App. No. C-150130. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0859. Taylor v. Durrani.**

Hamilton App. No. C-150131. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0860. In re A.K.**

Champaign App. No. 2013-CA-63.

**2015-0861. Rutter v. Durrani.**

Hamilton App. No. C-150132. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0862. Bode v. Durrani.**

Hamilton App. No. C-150133. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0863. Ault v. Durrani.**

Hamilton App. No. C-150134. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0864. Wyatt v. Durrani.**

Hamilton App. No. C-150135. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0866. Billing v. Durrani.**

Hamilton App. No. C-150136. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0867. Johnson v. Durrani.**

Hamilton App. No. C-150137. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0868. State v. Moon.**

Cuyahoga App. No. 101930, 2015-Ohio-1648.

**2015-0869. Durham v. Durrani.**

Hamilton App. No. C-150139. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0870. Jones v. Durrani.**

Hamilton App. No. C-150140. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0871. Shannon v. Durrani.**

Hamilton App. No. C-150141. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0872. Sears v. Durrani.**

Hamilton App. No. C-150142. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0873. Walsh v. Durrani.**

Hamilton App. No. C-150143. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0874. Healy v. Durrani.**

Hamilton App. No. C-150144. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0875. Beckelhimer v. Durrani.**

Hamilton App. No. C-150145. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0876. Breitenstein v. Durrani.**

Hamilton App. No. C-150112. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0877. List v. Durrani.**

Hamilton App. No. C-150157. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0878. Aaron v. Children's Hosp. Med. Ctr.**

Hamilton App. No. C-150106.

O'Neill, J., dissents.

**2015-0879. Mann v. Durrani.**



Hamilton App. No. C-150159. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0880. Schmit v. Durrani.**

Hamilton App. Nos. C-150155 and C-150167. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0881. Straman v. Durrani.**

Hamilton App. No. C-150162. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0882. Courtney v. Durrani.**

Hamilton App. Nos. C-150149 and C-150166. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0883. Butler v. Durrani.**

Hamilton App. Nos. C-150163 and C-150164. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0884. Clark v. Durrani.**

Hamilton App. No. C-150154. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0885. Levandofsky v. Durrani.**

Hamilton App. No. C-150156. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0886. Beil v. Durrani.**

Hamilton App. No. C-150152. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0887. Beavan v. Durrani.**

Hamilton App. No. C-150153. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0888. Webber v. Durrani.**

Hamilton App. No. C-150158. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0890. Smith v. Durrani.**

Hamilton App. No. C-150148. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0891. Schmidt v. Durrani.**

Hamilton App. No. C-150150. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0892. Botner v. Durrani.**

Hamilton App. No. C-150151. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0893. Allen v. Durrani.**

Hamilton App. No. C-150146. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0894. Ward v. Durrani.**

Hamilton App. No. C-150147. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0896. Ford v. Durrani.**

Hamilton App. No. C-150138. Discretionary appeal not accepted. Motion to dismiss denied as moot.

O'Neill, J., dissents and would accept the appeal.

**2015-0900. State v. Hayes.**

Franklin App. No. 14AP-2, 2014-Ohio-5295.

**2015-0905. State v. Thompson.**

Delaware App. No. 14CAA-04-0021, 2015-Ohio-92.  
O'Donnell, J., dissents.

**2015-0908. State v. Miller.**

Cuyahoga App. No. 100461, 2015-Ohio-1535.  
O'Neill, J., dissents.

**2015-0910. State v. Farraj.**

Cuyahoga App. No. 101468, 2015-Ohio-1292.

**2015-0911. State v. Ingels.**

Hamilton App. Nos. C-140312, C-140313, and C-140328, 2015-Ohio-1621.  
O'Neill, J., dissents and would accept the cause on Proposition of Law Nos. I and III.

**2015-0912. State v. Shavers.**

Butler App. No. CA2014-05-119, 2015-Ohio-1485.

**2015-0913. State v. Bryant.**

Ross App. No. 14CA3434, 2014-Ohio-5535.

**2015-0920. State v. Gibson.**

Hamilton App. No. C-150247.

**2015-0927. State v. Thuener.**

Coshocton App. No. 2008 CA 0010. Discretionary appeal not accepted. Motion to refile/resent original documents denied as moot.

**2015-0928. State v. Crockett.**

Fayette App. No. CA2014-08-018, 2015-Ohio-1765.

**2015-0931. State v. Nelson.**

Cuyahoga App. No. 101228, 2015-Ohio-1734.

**2015-0934. Deutsche Bank Trust Co. Americas v. Ziegler.**

Montgomery App. Nos. 26287 and 25744, 2015-Ohio-1586.

**2015-0943. State v. Chasteen.**

Butler App. No. CA2013-12-223, 2014-Ohio-4622.  
O'Donnell, J., dissents.

**2015-0955. State v. Tate.**

Richland App. No. 13 CA 5.

**2015-0962. State v. Wilson.**

Montgomery App. Nos. 16728 and 16752.

**2015-0964. State v. Lacking.**

Franklin App. No. 14AP-691, 2015-Ohio-1715.

**2015-0968. State v. Castor.**

Delaware App. No. 14 CAA 01 0004, 2014-Ohio-5236.

**2015-0981. State v. Spann.**

Cuyahoga App. No. 101595, 2015-Ohio-1641.

**2015-0987. State v. Grady.**

Summit App. No. 27626.

**2015-0989. Mays v. Toledo Hosp.**

Lucas App. No. L-15-1114.

**2015-0995. State v. Frye.**

Franklin App. No. 14AP-842, 2015-Ohio-1717.

**2015-0996. State v. Rogers.**

Franklin App. No. 15AP-201.

**2015-0997. State v. Hill.**

Cuyahoga App. No. 102083, 2015-Ohio-1652.

**2015-0998. State v. Hamilton.**

Franklin App. No. 14AP-291, 2014-Ohio-5562.

**2015-1016. State v. Canterbury.**

Athens App. No. 13CA34, 2015-Ohio-1926.

**2015-1030. State v. Delawder.**

Lawrence App. No. 14CA12, 2015-Ohio-1857.

**2015-1034. State v. Askew.**

Lake App. No. 2015-L-013, 2015-Ohio-1995.

**2015-1056. State v. Pinkston.**

Cuyahoga App. No. 102972.

**2015-1064. State v. Jackson.**

Cuyahoga App. No. 100125, 2015-Ohio-1946.

**RECONSIDERATION OF PRIOR DECISIONS**

**2014-0301. Apple Group, Ltd. v. Granger Twp. Bd. of Zoning Appeals.**

Medina App. Nos. 12CA0065-M and 12CA0068-M, 2013-Ohio-4259. Reported at \_\_\_ Ohio St.3d \_\_\_, 2015-Ohio-2343, \_\_\_ N.E.3d \_\_\_. On motion for reconsideration. Motion denied.

Kennedy, J., dissents.

**2014-0663. State ex rel. Pallone v. Ohio Court of Claims.**

Franklin App. No. 14AP-196. Reported at \_\_\_ Ohio St.3d \_\_\_, 2015-Ohio-2003, \_\_\_ N.E.3d \_\_\_. On motion for reconsideration. Motion denied.

**2014-1906. Fahey Banking Co. v. Squire.**

Mahoning App. No. 14 MA 123. Reported at 142 Ohio St.3d 1475, 2015-Ohio-2104, 31 N.E.3d 654. On motion for reconsideration. Motion denied.

**2014-2236. State v. Mace.**

Cuyahoga App. No. 100779, 2014-Ohio-5036. Reported at 142 Ohio St.3d 1517, 2015-Ohio-2341, 33 N.E.3d 65. On motion for reconsideration. Motion denied.

O'Donnell, J., dissents.

**2015-0020. State v. Verdi.**

Erie App. No. E-14-111. Reported at 142 Ohio St.3d 1477, 2015-Ohio-2104, 31 N.E.3d 655. On motion for reconsideration. Motion denied.

O'Neill, J., dissents.

**2015-0146. State ex rel. Iler v. Spencer.**

In Mandamus and Prohibition. Reported at 142 Ohio St.3d 1462, 2015-Ohio-1896, 30 N.E.3d 971. On motion for reconsideration. Motion denied. On motion seeking default and/or in the alternative request for relief from conduct that constitutes corrupt activity. Motion denied as moot.

**2015-0237. State v. Victor.**

Geauga App. Nos. 2014-G-3220 and 2014-G-3241. Reported at 142 Ohio St.3d 1518, 2015-Ohio-2341, 33 N.E.3d 66. On motion for reconsideration. Motion denied.

O'Neill, J., dissents.

**2015-0295. Robinette v. Bryant.**

Lawrence App. No. 14CA28, 2015-Ohio-119. Reported at 142 Ohio St.3d 1477, 2015-Ohio-2104, 31 N.E.3d 655. On motion for reconsideration. Motion denied.

O'Neill, J., dissents.

**2015-0490. Davet v. Sheehan.**

Cuyahoga App. No. 101452, 2014-Ohio-5694. Reported at 142 Ohio St.3d 1519, 2015-Ohio-2341, 33 N.E.3d 66. On motion for reconsideration. Motion denied.