

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

September 14, 2016

[Cite as *09/14/2016 Case Announcements*, 2016-Ohio-5792.]

MERIT DECISIONS WITH OPINIONS

2015-1107. State v. Anderson, Slip Opinion No. 2016-Ohio-5791.

Mahoning App. No. 11 MA 43, 2015-Ohio-2029. Judgment affirmed and cause remanded.

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

O'Connor, C.J., concurs in judgment only.

Lanzinger, J., concurs in judgment only, with an opinion joined by Pfeifer, J.

O'Neill, J., dissents.

2015-1670. State ex rel. Bunting v. Styer, Slip Opinion No. 2016-Ohio-5781.

Tuscarawas App. No. 2014 AP 12 0054, 2015-Ohio-3662. Judgment affirmed.

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

2015-1755. State ex rel. Poulton v. Cottrill, Slip Opinion No. 2016-Ohio-5789.

Muskingum App. No. CT2015-0014, 2015-Ohio-3857. Judgment affirmed and motions denied.

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

2015-1974. State ex rel. Steele v. Eppinger, Slip Opinion No. 2016-Ohio-5790.

Lorain App. No. 15CA010810. Judgment affirmed.

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

MERIT DECISIONS WITHOUT OPINIONS

2016-0955. State ex rel. Russell v. Clark Cty. Court of Common Pleas.

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.

2016-0957. State ex rel. Russell v. Clark Cty. Sheriff.

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

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

French and O'Neill, JJ., dissent.

2016-0971. State ex rel. Bradford v. First Dist. Court of Appeals Judges.

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.

2016-0991. Brown v. Williams.

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.

2016-1069. State ex rel. Shearer v. Britt.

In Mandamus. On S.Ct.Prac.R. 12.04 determination, cause dismissed without prejudice.

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

MOTION AND PROCEDURAL RULINGS

2015-1754. Freedom Mtge. Corp. v. Robbins.

Hamilton App. No. C-140475. On motion on decision of merits of case. Motion denied.

2016-0875. State v. Parks.

Highland App. No. 16CA3. On motion for emergency stay. Motion denied.

2016-0885. State v. Wilson.

Cuyahoga App. No. 102921, 2016-Ohio-2718. On motion for delayed cross-appeal. Motion denied.

Pfeifer and O’Neill, JJ., dissent.

2016-1013. Stewart v. Vivian.

Clermont App. No. CA2015-05-039, 2016-Ohio-2892. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated at page two of the court of appeals’ entry filed July 7, 2016:

“Whether a health care provider's statements of fault or statements admitting liability made during the course of apologizing or commiserating with a patient or the patient's family are prohibited from admission of evidence in a civil action under Ohio's apology statute, R.C. 2317.43.”

The conflict case is *Davis v. Wooster Orthopaedics and Sports Med., Inc.*, 193 Ohio App.3d 581, 2011-Ohio-3199 (9th Dist.).

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 Clermont County.

O’Donnell and French, JJ., dissent.

2016-1039. State v. Crider.

Allen App. No. 1-13-20, 2014-Ohio-2240. On motion for leave to file delayed appeal. Motion denied.

2016-1052. State v. Malone.

Hamilton App. No. C-160388. On motion for leave to file delayed appeal. Motion denied.

Lanzinger and O’Neill, JJ., dissent.

2016-1057. Jabr v. Ohio Dept. of Job & Family Servs.

Franklin App. No. 15AP-1141, 2016-Ohio-4775. On motion for stay and for expedited decisions. Motion denied.

2016-1058. Jabr v. Ohio Dept. of Taxation.

Franklin App. No. 16AP-26, 2016-Ohio-4776. On motion for stay and for expedited decisions. Motion denied.

O’Neill, J., dissents.

2016-1063. State v. Herrington.

Summit App. No. 27773. On motion for leave to file delayed appeal. Motion denied.

2016-1064. State v. Gilliam.

Pickaway App. Nos. 15CA19 and 15CA20, 2016-Ohio-2950. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2016-1066. State v. Patterson.

Cuyahoga App. No. 101415, 2015-Ohio-873. On motion for leave to file delayed appeal. Motion denied.

2016-1084. Mentor Way Real Estate Partnership v. Hertanu.

Cuyahoga App. No. 103267, 2016-Ohio-4692. On motion for stay of execution of court of appeals' judgment. Motion denied.

French, J., dissents.

2016-1087. State v. Lewis.

Mahoning App. No. 15MA0071, 2016-Ohio-2716. On motion for leave to file delayed appeal. Motion denied.

2016-1112. State v. Allen.

Warren App. No. CA2014-03-048, 2015-Ohio-5752. On motion for leave to file delayed appeal. Motion denied.

2016-1113. State v. Lewis.

Mahoning App. No. 07 MA 0199. On motion for leave to file delayed appeal. Motion denied.

O'Connor, C.J. dissents.

APPEALS ACCEPTED FOR REVIEW

2016-0704. Koprivec v. Rails-to-Trails of Wayne Cty.

Wayne App. No. 15AP0006, 2016-Ohio-1141. Discretionary appeal and cross-appeal accepted.

O'Connor, C.J., dissents and would not accept the appeal or the cross-appeal.

O'Donnell, J., dissents and would not accept the cross-appeal.

Kennedy and French, JJ., dissent and would not accept the appeal.

2016-0789. State v. Zimmerman.

Clark App. Nos. 2015-CA-62 and 2015-CA-63, 2016-Ohio-1475. Discretionary appeal accepted and held for decision in 2016-0317, *State v. Anderson*, and briefing schedule stayed.

O'Donnell and Kennedy, JJ., dissent.

2016-0790. Johnson v. Montgomery.

Montgomery App. Nos. 26319 and 26322, 2016-Ohio-1472.

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

2016-0930. State v. Banks-Harvey.

Warren App. No. CA2015-08-073, 2016-Ohio-2894.

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

APPEALS NOT ACCEPTED FOR REVIEW

2016-0403. State v. Marcum.

Preble App. No. CA2015-04-011, 2016-Ohio-263.

2016-0608. State v. Richard.

Hamilton App. No. C-150325.

2016-0739. State v. Curtis.

Hamilton App. No. C-150174, 2016-Ohio-1318. Discretionary appeal and cross-appeal not accepted.

2016-0769. State v. Hicks.

Greene App. No. 2015-CA-20, 2016-Ohio-1420.

2016-0773. State v. Gray.

Montgomery App. No. 26139, 2016-Ohio-1419.

2016-0775. State v. Edwards.

Mahoning App. No. 16 MA 0027.

O'Donnell, J., dissents.

2016-0783. State v. Francis.

Fairfield App. No. 15-CA-31, 2016-Ohio-1459.

2016-0786. In re K.Z.-P.

Wood App. Nos. WD-15-014, WD-15-015, and WD-15-016.

O'Donnell, J., dissents.

2016-0787. Prewitt v. Wood Cty. Prosecutor's Office.

Wood App. No. WD-15-029, 2016-Ohio-1477. Motions to dismiss denied as moot.

2016-0793. State v. Perander.

Montgomery App. No. 26790, 2016-Ohio-1474.

2016-0794. State v. Graves.

Lucas App. No. L-15-1226.

2016-0798. Kaminsky v. New Horizons Computer Learning Ctr. of Cleveland.

Cuyahoga App. No. 103416, 2016-Ohio-1468.

2016-0802. Albert v. United Parcel Serv. of Am., Inc.

Cuyahoga App. No. 103163, 2016-Ohio-1541.

Pfeifer, J., dissents.

2016-0803. Webster v. Shaw.

Wyandot App. No. 16-15-08.

2016-0805. Black v. Hicks.

Cuyahoga App. No. 104461. Motion for sanctions denied.

2016-0806. State Farm Mut. Auto. Ins. Co. v. Schalk.

Montgomery App. No. 26573, 2016-Ohio-732.

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

2016-0809. Pontius v. Riverside Radiology & Interventional Assocs., Inc.

Franklin App. No. 15AP-906, 2016-Ohio-1515.

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

2016-0814. State v. Lytle.

Franklin App. No. 15AP-556, 2016-Ohio-1552.

O'Donnell, J., dissents.

2016-0815. State v. Almedom.

Franklin App. No. 15AP-852, 2016-Ohio-1553.

O'Donnell and French, JJ., dissent.

2016-0817. State v. Gall.

Montgomery App. Nos. 26240 and 26245, 2016-Ohio-1562.

2016-0818. Bodegas LAN S.A. v. European Wine Imports, Inc.

Cuyahoga App. No. 103871.

2016-0819. State v. Mehanny.

Lucas App. No. L-15-1141, 2016-Ohio-2867.

Lanzinger, J., not participating.

2016-0820. State v. Cortez.

Licking App. No. 16CA0018.

2016-0825. State v. Clark.

Clark App. No. 2015-CA-23, 2016-Ohio-1560.

2016-0828. Bank of New York Mellon v. McMasters.

Lake App. No. 2015-L-068, 2016-Ohio-1588.

O'Neill, J., dissents.

2016-0830. Gehrke v. Senkiw.

Montgomery App. No. 26829, 2016-Ohio-2657.

O'Neill, J., dissents.

2016-0831. Aurora Bank F.S.B. v. Gordon.

Cuyahoga App. No. 103074, 2016-Ohio-935.

2016-0832. State v. Pence.

Ross App. No. 14CA3473, 2016-Ohio-2880.

2016-0833. Thompson v. Buckeye Joint Vocational School Dist.

Tuscarawas App. No. 2015 AP 08 0047, 2016-Ohio-2804.

Kennedy, J., dissents.

2016-0834. Cleveland v. Cleveland Police Patrolmen's Assn.

Cuyahoga App. No. 103456, 2016-Ohio-2635.

2016-0835. Chase Home Fin., L.L.C. v. Pfaffl.

Hamilton App. No. C-150483, 2016-Ohio-2621.

O'Neill, J., dissents.

2016-0836. State v. Phelps.

Cuyahoga App. No. 103206, 2016-Ohio-2631.

2016-0838. State v. Ojezua.

Montgomery App. No. 26787, 2016-Ohio-2659.

2016-0841. State v. Webster.

Cuyahoga App. No. 102833, 2016-Ohio-2624.

O'Neill, J., dissents and would accept the appeal on Proposition of Law No. II.

2016-0844. State v. Hogan.

Lucas App. No. L-14-1207.

2016-0849. State v. Hartley.

Franklin App. No. 15AP-192, 2016-Ohio-2854.

Lanzinger, J., dissents.

2016-0850. State v. Garner.

Cuyahoga App. No. 102816, 2016-Ohio-2623.

2016-0860. Agee v. Cuyahoga Cty.

Cuyahoga App. No. 103464, 2016-Ohio-2728.

2016-0868. State v. Hendrix.

Hamilton App. No. C-150194 and C-150200, 2016-Ohio-2697.

O'Neill, J., dissents.

2016-0878. State v. Withrow.

Clark App. No. 2015-CA-24, 2016-Ohio-2884.

2016-0879. State v. Moore.

Stark App. No. 2015CA00137, 2016-Ohio-1339.

2016-0881. State v. Dennard.

Lorain App. No. 15CA010743, 2016-Ohio-2760.

2016-0883. State v. Banks.

Franklin App. No. 15AP-653, 2016-Ohio-5372.

2016-0887. Salim v. Smith.

Lorain App. No. 15CA010790, 2016-Ohio-2764.

2016-0897. Gianetti v. Teakwood, Ltd.

Franklin App. No. 15AP-413, 2016-Ohio-213.

2016-0931. Stewart v. Vivian.

Clermont App. No. CA2015-05-039, 2016-Ohio-2892.

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

Pfeifer and O'Neill, JJ., dissent.

2016-0938. State v. Ahlers.

Butler App. No. CA2015-06-100, 2016-Ohio-2890.

2016-0956. State v. Myers.

Wood App. No. WD-15-017. Motion to expand the record and second motion to expand the record denied as moot.

2016-1043. State v. Hedenberg.

Cuyahoga App. No. 102112, 2016-Ohio-3318.

RECONSIDERATION OF PRIOR DECISIONS

2016-0668. Chase Home Fin., L.L.C. v. Lindenmayer.

Licking App. No. 15-CA-32, 2016-Ohio-1202. Reported at 146 Ohio St.3d 1472, 2016-Ohio-5108, 54 N.E.3d 1270. On motion for reconsideration. Motion denied.

2016-0959. Parks v. Parks.

Butler App. No. CA2015-12-223, 2016-Ohio-3218. Reported at 146 Ohio St.3d 1463, 2016-Ohio-5010, 54 N.E.3d 1263. On motion for reconsideration. Motion denied.

2016-0996. State v. Bradley.

Scioto App. No. 15CA3721, 2016-Ohio-3245. Reported at 146 Ohio St.3d 1464, 2016-Ohio-5021, 54 N.E.3d 1264. On motion for reconsideration. Motion denied.