

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

July 24, 2019

[Cite as *07/24/2019 Case Announcements, 2019-Ohio-2953.*]

MERIT DECISIONS WITHOUT OPINIONS

2019-0468. State ex rel. Johnson v. Bur. of Sentence Computation.

Franklin App. No. 18AP-886. On appellee's motion to dismiss. Motion granted. Cause dismissed. Appellant's motion to stay judgment of appellate court denied.

O'Connor, C.J., and Kennedy, French, Fischer, DeWine, Donnelly, and Stewart, JJ., concur.

2019-0575. State ex rel. Delaney v. Ninth Dist. Court of Appeals.

In Procedendo. On respondent's motion to dismiss. Motion granted. Cause dismissed.

O'Connor, C.J., and Kennedy, French, Fischer, DeWine, Donnelly, and Stewart, JJ., concur.

2019-0597. State ex rel. Fontain v. Nestor.

In Prohibition. On respondent Judge Terry Nestor's motion to dismiss. Motion granted. Cause dismissed. Relator's amended motion for emergency stay and renewed motion for emergency stay denied.

O'Connor, C.J., and Kennedy, French, Fischer, DeWine, Donnelly, and Stewart, JJ., concur.

2019-0599. State ex rel. Cincinnati Enquirer v. Cincinnati.

In Mandamus. Sua sponte, alternative writ granted. The following briefing schedule is set for the 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, relator shall file a brief within 10 days after 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 the filing of respondent's brief.

O'Connor, C.J., and Kennedy, French, Fischer, DeWine, Donnelly, and Stewart, JJ., concur.

2019-0609. State ex rel. Moore v. Dept. of Rehab. & Corr.

In Mandamus. On respondent's motion to dismiss. Motion granted. Cause dismissed.

O'Connor, C.J., and Kennedy, French, Fischer, DeWine, Donnelly, and Stewart, JJ., concur.

2019-0638. State ex rel. Jones v. Hamilton Cty. Court of Common Pleas.

In Mandamus and Prohibition. On respondents' motions to dismiss. Motions granted. Cause dismissed. Respondent Hudson & Marshall, L.L.C.'s motion for judgment on pleadings granted.

O'Connor, C.J., and Kennedy, French, DeWine, Donnelly, and Stewart, JJ., concur.

Fischer, J., not participating.

2019-0642. Jensen v. Ward.

In Prohibition. On respondent Judge Michael Ward's motion to dismiss. Motion denied. Sua sponte, cause dismissed for failure to state a claim in prohibition. Relator's request for emergency stay denied as moot.

O'Connor, C.J., and Kennedy, French, Fischer, DeWine, Donnelly, and Stewart, JJ., concur.

2019-0669. Johnson v. State.

In Habeas Corpus. Sua sponte, cause dismissed.

O'Connor, C.J., and Kennedy, French, Fischer, DeWine, Donnelly, and Stewart, JJ., concur.

2019-0676. State ex rel. Smith v. Kimbler.

In Prohibition. On respondent's motion for judgment on pleadings. Motion granted. Cause dismissed.

O'Connor, C.J., and Kennedy, French, Fischer, DeWine, Donnelly, and Stewart, JJ., concur.

2019-0687. State ex rel. Hill v. Navarre.

In Mandamus. On respondent's motion to dismiss. Motion granted. Cause dismissed. Relator's motion for leave to amend relief requested denied.

O'Connor, C.J., and Kennedy, French, Fischer, DeWine, Donnelly, and Stewart, JJ., concur.

2019-0709. Boler-Bey v. Wainwright.

In Habeas Corpus. Sua sponte, cause dismissed.

O'Connor, C.J., and Kennedy, French, Fischer, DeWine, Donnelly, and Stewart, JJ., concur.

2019-0832. Johnson v. LaRose.

In Habeas Corpus. Sua sponte, cause dismissed.

O'Connor, C.J., and Kennedy, French, Fischer, DeWine, Donnelly, and Stewart, JJ., concur.

MOTION AND PROCEDURAL RULINGS

2019-0126. State v. Person.

Franklin App. No. 16AP-12, 2017-Ohio-2738. On appellant's "motion to reopen appeal proceedings and permission to file a delayed petition." Motion denied.

2019-0592. State ex rel. Stuart v. Greene.

In Mandamus. On relator's motion to submit documents in camera. Motion granted. Respondent shall submit unredacted versions of the documents requested by relator in his complaint to the court for in camera review within ten days.

O'Connor, C.J., dissents.

2019-0677. McDougald v. Greene.

In Mandamus. Sua sponte, respondent ordered to submit unredacted versions of the documents requested by relator in his complaint to the court for in camera review within ten days.

2019-0679. State v. Hagan.

Butler App. No. CA2018-07-136, 2019-Ohio-1047. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause held for the decision in 2017-1703, *State v. Dangler*, and briefing schedule stayed. Sua sponte, cause consolidated with 2019-0640, *State v. Hagan*.

Kennedy and DeWine, JJ., dissent.

2019-0766. Shillingburg v. Turtle Creek Assets, Ltd.

Summit App. No. 29113, 2019-Ohio-1156. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the question stated at page 4 of the court of appeals' journal entry filed June 5, 2019: "Does R.C.

2711.03 require a trial court to hold an oral hearing on a motion to compel arbitration?”

The conflict cases are *Chrysler Fin. Servs. v. Henderson*, 4th Dist. Athens No. 11CA4, 2011-Ohio-6813, and *Mattox v. Dillard’s Inc.*, 8th Dist. Cuyahoga No. 90991, 2008-Ohio-6488.

2019-0718. Cook v. Cook.

Delaware App. No. 18CAF 09 0072, 2019-Ohio-1961. On appellant’s motion for stay of court of appeals’ judgment. Motion granted. Bond posted with the trial court continued pending resolution of this appeal.

O’Connor, C.J., and DeWine and Donnelly, JJ., dissent.

2019-0753. State v. Ashraf.

Muskingum App. No. CT2018-0085, 2019-Ohio-1605. On appellant’s motion for stay. Motion denied.

2019-0782. Davis v. Sheldon.

Richland App. No. 19CA47. On appellant’s motion for stay of court of appeals’ judgment. Motion denied.

APPEALS ACCEPTED FOR REVIEW

2019-0601. State v. Hackett.

Mahoning App. No. 17 MA 0106, 2019-Ohio-1091. Appeal accepted on proposition of law No. IV.

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

2019-0640. State v. Hagan.

Butler App. No. CA2018-07-136, 2019-Ohio-1047. Cause accepted. Sua sponte, cause held for the decision in 2017-1703, *State v. Dangler*, and briefing schedule stayed. Sua sponte, cause consolidated with 2019-0679, *State v. Hagan*.

APPEALS NOT ACCEPTED FOR REVIEW

2019-0554. Hunt v. E. Cleveland.

Cuyahoga App. No. 105953, 2019-Ohio-1115. Appellants’ motion to strike denied.

Stewart, J., concurs in part and dissents in part and would accept the appeal on proposition of law No. V.

2019-0567. In re T.S.

Franklin App. No. 18AP-270, 2019-Ohio-886.

Stewart, J., dissents.