

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

February 12, 2020

[Cite as *02/12/2020 Case Announcements, 2020-Ohio-371.*]

MERIT DECISIONS WITH OPINIONS

2018-0434. *House v. Iacovelli*, Slip Opinion No. 2020-Ohio-435.

Medina App. No. 16CA0087-M, 2018-Ohio-443. Judgment reversed.

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

Kennedy, J., concurs in judgment only.

Stewart, J., dissents, with an opinion joined by Donnelly, J.

2019-0219. *Columbus Bar Assn. v. Bahan*, Slip Opinion No. 2020-Ohio-434.

On Certified Report by the Board of Professional Conduct, No. 2018-030. Natalie Jonnelle Bahan, Attorney Registration No. 0079304, last known business address in West Mansfield, Ohio, publicly reprimanded.

French, Donnelly, and Stewart, JJ., concur.

DeWine, J., concurs in judgment only.

O'Connor, C.J., and Kennedy and Fischer, JJ., dissent and would impose a fully stayed six-month suspension, as recommended by the Board of Professional Conduct.

2019-0782. *Davis v. Sheldon*, Slip Opinion No. 2020-Ohio-436.

Richland App. No. 2019-CA-47. Judgment affirmed.

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

Kennedy, J., concurs in judgment only.

MERIT DECISIONS WITHOUT OPINIONS

2019-1552. State ex rel. Watkins v. Rohrs.

In Mandamus and 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.

2019-1555. State ex rel. Smith v. Durkin.

In Mandamus and Prohibition. On respondent's motion to dismiss amended complaint. Motion granted. Relators' request for judicial notice and motion for emergency expedited alternative writ and/or peremptory writ denied. Cause dismissed.

O'Connor, C.J., and Kennedy, Fischer, DeWine, and Stewart, JJ., concur.
French and Donnelly, JJ., would grant relators' request for judicial notice.

2019-1561. Mays v. Cuyahoga Cty. Court of Common Pleas.

In Procedendo. On respondents' motions to dismiss relator's amended complaint. Motions granted. Cause dismissed.

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

2019-1585. State ex rel. Hillman v. Tenth 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.

2019-1615. Sanchez v. Sehlmeier.

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

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

2019-1659. McDougald v. Sehlmeier.

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.

Kennedy, French, DeWine, Donnelly and Stewart, JJ., concur.

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

2019-1665. State ex rel. Johnson v. Celebrezze.

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

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

2019-1671. State ex rel. Fikes v. Allen.

In Mandamus. Cause dismissed as moot.

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

Fischer, J., not participating.

2019-1675. Mays v. Cuyahoga Cty. Court of Common Pleas.

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

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

MOTION AND PROCEDURAL RULINGS

2019-0141. State v. Floyd.

Hamilton App. Nos. C-170607, C-170608, and C-170609, 2018-Ohio-5107. On appellee's motion to dismiss as moot. Motion denied.

French, DeWine, and Stewart, JJ., dissent.

2019-0880. State ex rel. McDougald v. Greene.

In Mandamus. On respondent's motion for leave to file additional evidence. Motion granted. Relator's motion to strike respondent's motion for leave to submit additional evidence and respondent's motion to strike relator's motion to strike denied.

Sua sponte, parties ordered to brief the following issue: When none of the statutory delivery methods are available to an inmate, does a kite constitute hand delivery? Relator shall file his supplemental brief within 20 days, and respondent shall file his supplemental brief within 15 days of the filing of relator's brief.

2019-1322. State ex rel. D.D. v. Lucas Cty. Court of Common Pleas.

Lucas App. No. L-19-1169, 2019-Ohio-3261. On appellee’s motion to dismiss. Motion granted. Appellee’s motion for stay of briefing pending decision on motion to dismiss appeal denied as moot. Cause dismissed.

2019-1345. Chang v. Time Warner Cable.

Franklin App. No. 19AP-101, 2019-Ohio-3465. On appellant’s motion in support of jurisdiction. Motion denied.

French, J., not participating.

2019-1428. State v. Parr.

Franklin App. No. 17AP-782, 2019-Ohio-4011. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause held for the decision in 2019-0737, *State v. Brown*, and briefing schedule stayed. Sua sponte, cause consolidated with 2019-1597, *State v. Parr*.

Kennedy, J., would not hold the cause.

2019-1544. In re Application of Cobra Pipeline Co.

Public Utilities Comm. No. 16-1725-PL-AIR. On appellee’s motion to dismiss. Motion granted. Cause dismissed.

2019-1690. Allen-Story v. Story.

Cuyahoga App. No. 107750, 2019-Ohio-3888. On appellant’s motion for stay. Motion denied.

Stewart, J., dissents.

2019-1700. State v. Carlisle.

Lake App. No. 2018-L-141, 2019-Ohio-4651. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue as stated in the court of appeals’ November 14, 2019 entry: “Does R.C. 2909.15(D)(2)(b) unconstitutionally violate the doctrine of separation of powers?” The conflict case is *State v. Dingus*, 2017-Ohio-2619, 81 N.E.3d 513 (4th Dist.).

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

2019-1751. In re E.B.

Hamilton App. No. C-190050, 2019-Ohio-3943. On appellant’s motion for stay. Motion granted.

2019-1777. Hicks v. Cadle Co.

Trumbull App. Nos. 2018-T-0048 and 2019-T-0023, 2019-Ohio-5049. On appellants' motion to stay court of appeals' judgment and plaintiff's (Hicks) motion for partial disbursement of cash supersedeas bond. Motion to stay court of appeals' judgment granted. Motion to stay motion for partial disbursement of cash supersedeas bond denied.

O'Connor, C.J., and French and DeWine, JJ., concur in part and dissent in part and would deny appellants' motion to stay court of appeals' judgment.

2019-1786. Karvo Paving Co. v. Testa.

Summit App. No. 28930, 2019-Ohio-3974. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue as stated on page 3 of the court of appeals' December 4, 2019 entry: "Whether the term 'taxpayer' as used in [R.C.] 5717.04 is limited in meaning to 'any person required to return any property for taxation.' " The conflict case is *Stines v. Limbach*, 61 Ohio App.3d 461, 573 N.E.2d 131 (10th Dist.1988).

French and Donnelly, JJ., dissent.

2020-0003. State v. Richter.

Lucas App. No. L-18-1241, 2019-Ohio-5422. On appellant's motion to stay judgment of the court of appeals pending appeal. Motion denied.

French and Fischer, JJ., dissent.

APPEALS ACCEPTED FOR REVIEW

2019-1567. State v. Fazenbaker.

Summit App. No. 29108, 2019-Ohio-3972. Appellant's motion for stay denied.

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

Fischer, J., dissents.

Donnelly and Stewart, JJ., dissent and would not accept the appeal.

2019-1597. State v. Parr.

Franklin App. No. 17-AP-782, 2019-Ohio-4011. Sua sponte, cause held for the decision in 2019-0737, *State v. Brown*, and briefing schedule stayed. Sua sponte, cause consolidated with 2019-1428, *State v. Parr*.

Kennedy, J., would not hold the cause.

French, J., would accept the appeal on proposition of law No. I only.

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

APPEALS NOT ACCEPTED FOR REVIEW

2019-1425. State v. Smith.

Montgomery App. No. 27981, 2019-Ohio-3592.

Donnelly and Stewart, JJ., dissent.

2019-1432. State v. Beavers.

Montgomery App. No. 28061, 2019-Ohio-3587.

Donnelly, J., dissents.

2019-1471. In re D.F.

Franklin App. Nos. 18AP-811 and 18AP-813, 2019-Ohio-3710.

Stewart, J., dissents.

French, J., not participating.

2019-1540. Pierce v. Gallipolis.

Gallia App. Nos. 18CA4 and 18CA7, 2019-Ohio-4118.

French, Fischer, and Stewart, JJ., dissent.

2019-1550. In re Special Grand Jury Investigation of Medicaid Fraud & Nursing Homes.

Franklin App. No. 18AP-730, 2019-Ohio-4014. Appellee's motion to seal docketed items and for leave to file redacted memoranda granted.

French, Fischer, and Donnelly, JJ., dissent and would accept the appeal.