

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

June 30, 2021

[Cite as *06/30/2021 Case Announcements*, 2021-Ohio-2097.]

MERIT DECISIONS WITH OPINIONS

2019-1457. Cincinnati Bar Assn. v. Burgess, Slip Opinion No. 2021-Ohio-2187.

On Certified Report by the Board of Professional Conduct, No. 2019-049. Interim default suspension of Andrew Thomas Burgess, Attorney Registration No. 0094128, last known business address in Cincinnati, Ohio, terminated and conditions imposed on reinstatement, upon which conditionally stayed one-year suspension from the practice of law to be imposed.

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

2020-0134. O'Keeffe v. McClain, Slip Opinion No. 2021-Ohio-2186.

Board of Tax Appeals, No. 2018-482. Decision affirmed.

O'Connor, C.J., and Fischer, Donnelly, and Brunner, JJ., concur.

Kennedy, J., dissents, with an opinion.

DeWine, J., dissents, with an opinion.

2021-0208. Disciplinary Counsel v. Cosgrove, Slip Opinion No. 2021-Ohio-2188.

On Certified Report by the Board of Professional Conduct, No. 2020-044. Michael Francis Cosgrove, Attorney Registration No. 0072795, last known business address in Cleveland Heights, Ohio, indefinitely suspended from the practice of law.

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

2021-0216. Cincinnati Bar Assn. v. Kathman, Slip Opinion No. 2021-Ohio-2189.

On Certified Report by the Board of Professional Conduct, No. 2020-022. Edward Timothy Kathman, Attorney Registration No. 0055446, last known business address in Northwood, Ohio, suspended from the practice of law for one year, with six months stayed on conditions.

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

MERIT DECISIONS WITHOUT OPINIONS

2020-1405. State ex rel. McKenney v. Jones.

In Mandamus and Prohibition. On respondents' motion for judgment on the amended pleadings. Motion denied. Sua sponte, alternative writ granted. The following 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, relators shall file a brief within 10 days after the filing of the evidence, respondents shall file a brief within 20 days after the filing of relators' brief, and relators may file a reply brief within 7 days after the filing of respondents' brief.

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

2021-0043. State ex rel. Williams v. Jones.

In Mandamus and Prohibition. On respondents' motion for judgment on the amended pleadings. Motion denied. Sua sponte, alternative writ granted. The following 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, relators shall file a brief within 10 days after the filing of the evidence, respondents shall file a brief within 20 days after the filing of relators' brief, and relators may file a reply brief within 7 days after the filing of respondents' brief.

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

2021-0079. Draughon v. State.

In Mandamus and Prohibition. On respondent's motion to dismiss and relator's motion for leave of court to amend case caption to include all respondents. Respondent's motion granted, relator's motion denied as moot, and cause dismissed nunc pro tunc effective April 14, 2021.

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

2021-0357. Cook v. Ohio Dept. of Rehab. & Corr.

In Mandamus. On respondent's motion to dismiss. Motion denied. Respondent ordered to file an answer to the complaint within ten days. Relator's motion for leave to amend the caption of the complaint granted.

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

Fischer and Donnelly, JJ., dissent and would sua sponte dismiss the complaint.

Brunner, J., dissents and would sua sponte dismiss the complaint and deny relator's motion.

2021-0358. State ex rel. McDougald v. Shupert.

In Prohibition. On respondent's motion to dismiss. Motion granted. Relator's amended motion for supplemental writ of prohibition denied. Cause dismissed.

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

2021-0386. State ex rel. Jefferson v. Ohio Dept. of Rehab. & Corr.

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

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

2021-0391. State ex rel. Griffin v. Cocroft.

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

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

2021-0398. Lake Cty. v. Turner.

In Mandamus. On respondent Faith Andrews's motion to dismiss. Motion granted. Relator's "ex parte motion for rescission in case no. 14-CR-000533" and "supplemental motion of the ex parte motion for rescission" denied as moot. Cause dismissed.

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

2021-0406. Marcum v. Vamillion.

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

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

2021-0407. Marcum v. Wallace.

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

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

2021-0424. Quinones v. Russo.

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

O'Connor, C.J., and Fischer, DeWine, Donnelly, and Brunner, JJ., concur.
Kennedy and Stewart, JJ., dissent and would grant an alternative writ.

2021-0425. State ex rel. Vance v. Regan.

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

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

2021-0444. State ex rel. Shie v. Ohio Adult Parole Auth.

In Mandamus. Sua sponte, alternative writ granted. The following 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, DeWine, Donnelly, Stewart, and Brunner, JJ., concur.

O'Connor, C.J., and Fischer, J., dissent and would sua sponte dismiss the complaint.

2021-0449. Dixon v. May.

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

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

2021-0479. State ex rel. Long v. Lias.

In Mandamus. On respondents' motion to dismiss. Motion granted. Relator's motions to take judicial notice and to compel and fix case caption denied. Cause dismissed.

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

2021-0480. State v. Feagin.

In Procedendo. On respondent's motion to dismiss. Motion granted. Relator's motion to strike, motion filed on May 5, 2021, motion for mediation, and motion for leave to redact denied. Cause dismissed.

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

2021-0484. Mays v. Williams-Byers.

In Mandamus and Prohibition. On respondent's motion to dismiss. Motion granted. Relator's motion for expedited review and emergency stay denied as moot. Cause dismissed.

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

Brunner, J., dissents and would grant an alternative writ and would deny relator's motion.

Donnelly, J., not participating.

2021-0489. State ex rel. Cleveland v. Gallagher.

In Prohibition. On respondent's motion to dismiss. Motion granted. Lieutenant Paul Baeppler's motion for leave to intervene as respondent and motion to dismiss denied as moot. Cause dismissed.

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

2021-0499. State ex rel. Porterfield v. McKay.

In Mandamus. On respondent's motion to dismiss. Motion granted. Relator's emergency motion to strike denied as moot. Cause dismissed.

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

2021-0506. State ex rel. Patterson v. Mathew.

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

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

2021-0510. State ex rel. Gomez v. Liston.

In Mandamus and Prohibition. Sua sponte, cause dismissed.

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

Fischer and Stewart, JJ., dissent and would grant an alternative writ as to the request for a writ of mandamus.

MOTION AND PROCEDURAL RULINGS

2020-0748. Griffin v. Sehlmeier.

In Mandamus. On relator's motion for clarification. Motion denied.

2021-0422. State v. Bothuel.

Lucas App. No. L-20-1053, 2021-Ohio-875. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause held for the decision in 2020-1266, *State v. Maddox*, and briefing schedule stayed.

2021-0531. J.P. Morgan Mtge. Acquisition Corp. v. Baker.

Ashland App. No. 20-COA-021, 2021-Ohio-1024. On appellants' motion for stay. Motion denied.

Donnelly and Brunner, JJ., dissent.

2021-0585. State v. Crawford.

Henry App. No. 7-20-05, 2021-Ohio-547. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause held for the decision in 2020-1266, *State v. Maddox*, and briefing schedule stayed.

APPEALS ACCEPTED FOR REVIEW

2021-0361. Michael v. Miller.

Cuyahoga App. No. 109121, 2021-Ohio-307.
Donnelly, Stewart, and Brunner, JJ., dissent.

2021-0483. State v. Belville.

Lawrence App. No. 19CA27, 2021-Ohio-820.
O'Connor, C.J., and Fischer and DeWine, JJ., dissent.

APPEALS NOT ACCEPTED FOR REVIEW

2021-0232. State v. McDougall.

Cuyahoga App. No. 109738.
Kennedy, Stewart, and Brunner, JJ., dissent.

2021-0402. State v. George.

Trumbull App. No. 2020-T-0025, 2021-Ohio-476.
Fischer and Donnelly, JJ., dissent.