

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

October 12, 2021

[Cite as *10/12/2021 Case Announcements*, 2021-Ohio-3594.]

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## MERIT DECISIONS WITHOUT OPINIONS

### **2021-0874. *Cellars v. May.***

In Habeas Corpus and Quo Warranto. On relator's motion for emergency injunction. Motion denied. Respondent's motion to dismiss granted. Cause dismissed.

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

## MOTION AND PROCEDURAL RULINGS

### **2021-1007. *State v. Fabal.***

Franklin App. No. 20AP-86, 2021-Ohio-1793. On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

O'Connor, C.J., dissents.

### **2021-1023. *State v. Jones.***

Summit App. No. 29706, 2021-Ohio-1050. On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

**2021-1044. State v. Balducci.**

Cuyahoga App. No. 109262, 2021-Ohio-2276. On motion for leave to file delayed appeal. Motion granted. Appellant shall file a memorandum in support of jurisdiction within 30 days.

Kennedy, J., dissents.

**APPEALS ACCEPTED FOR REVIEW**

**2021-0718. McClain v. State.**

Hamilton App. No. C-200195, 2021-Ohio-1423.

Fischer and DeWine, JJ., dissent.

**2021-0934. In re D.R.**

Hamilton App. No. C-190594, 2021-Ohio-1797.

Donnelly, J., dissents.

**2021-0944. State v. Messenger.**

Franklin App. No. 19AP-879, 2021-Ohio-2044. Appeal accepted on proposition of law No. I.

Kennedy, Fischer, and DeWine, JJ., dissent.

**APPEALS NOT ACCEPTED FOR REVIEW**

**2021-0815. State v. Patterson.**

Hancock App. No. 5-20-32, 2021-Ohio-1237.

**2021-0819. State v. Smith.**

Hamilton App. No. C-180227, 2020-Ohio-649.

**2021-0841. State v. Moore.**

Franklin App. No. 19AP-464, 2021-Ohio-1379.

Donnelly, J., dissents and would accept the appeal on proposition of law Nos. III and IV and would appoint counsel.

**2021-0901. Haynes v. RGF Staffing USA.**

Shelby App. No. 17-21-02, 2021-Ohio-1927.

Fischer, J., dissents.

**2021-0903. Haynes v. RGF Staffing USA.**

Shelby App. No. 17-21-04.

Fischer, J., dissents.

**2021-0905. Grater v. Damascus Twp. Trustees.**

Henry App. No. 7-20-09, 2021-Ohio-1929.

Stewart, J., dissents.

**2021-0910. Fredieu v. Case W. Res. Univ.**

Cuyahoga App. No. 109877, 2021-Ohio-1953.

**2021-0912. Hickory Hills v. Makris.**

Mahoning App. No. 21 MA 0041. Appellants' "motion for stay of moveout," "amended motion for redundant stay pending appeal," and request for injunction order denied.

Kennedy and Stewart, JJ., would deny the motions as moot.

**2021-0924. Airtron, Inc. v. Tobias.**

Montgomery App. Nos. 29012 and 29019, 2021-Ohio-2213.

**2021-0926. State v. Bost.**

Licking App. No. 2020 CA 00050, 2021-Ohio-2190.

**2021-0928. State v. Hawkins-Stephens.**

Butler App. No. CA2021-06-071.

**2021-0933. Montgomery Cty. Bd. of Trustees v. Fraternal Order of Police, Ohio Labor Council, Inc.**

Montgomery App. No. 28996, 2021-Ohio-2052.

**2021-0939. Blank v. Bluemile, Inc.**

Franklin App. No. 20AP-200, 2021-Ohio-2002.

**2021-0940. Sun Bldg. Ltd. Partnership v. Value Learning & Teaching Academy, Inc.**

Hamilton App. No. C-180244, 2021-Ohio-2008.

Fischer, J., not participating.

**2021-0942. State v. O'Malley.**

Cuyahoga App. No. 109454, 2021-Ohio-2038.  
Stewart and Brunner, JJ., dissent.

**2021-0943. Erzurum v. Erzurum.**

Mahoning App. No. 20 MA 0012, 2021-Ohio-2014.  
Fischer, J., dissents and would accept the appeal on proposition of law No. I.

**2021-0945. Clarke v. Royal.**

Franklin App. No. 20AP-366, 2021-Ohio-2005.

**2021-0946. Rauch v. Calligan.**

Montgomery App. No. 29027, 2021-Ohio-2056.

**2021-0947. Solon v. Liu.**

Cuyahoga App. No. 109892, 2021-Ohio-2030.

**2021-0951. Browne v. Artex Oil Co.**

Guernsey App. No. 21CA000002, 2021-Ohio-2239.

**2021-0953. State v. T.B.**

Cuyahoga App. No. 109949, 2021-Ohio-2104.  
Donnelly, J., dissents.

**2021-0965. State v. Davis.**

Hamilton App. No. C-190302, 2021-Ohio-1693.  
DeWine, J., not participating.

**2021-0970. Rassi v. Buckeye Title Agency, Inc.**

Montgomery App. No. 28985, 2021-Ohio-2129.

**2021-0985. In re R.B.**

Hamilton App. Nos. C-170622 and C-170623, 2019-Ohio-3298.  
Donnelly, J., dissents and would accept the appeal on proposition of law No. II.  
Fischer, J., not participating.

**2021-0987. State v. Lawrence.**

Cuyahoga App. No. 109951, 2021-Ohio-3357.  
Brunner, J., dissents.

**2021-0991. Billman v. Fredericks.**

Pickaway App. No. 20CA19, 2021-Ohio-2435.

**2021-0993. State v. Marshall.**

Hamilton App. No. C-200226.

Fischer, J., not participating.

**2021-1000. State v. Baird.**

Cuyahoga App. Nos. 109448 and 109449, 2021-Ohio-1962.

**2021-1020. State v. Mosby.**

Lucas App. No. L-20-1010, 2021-Ohio-2255.

**2021-1074. State v. Jones.**

Cuyahoga App. No. 108226, 2021-Ohio-2509.

**RECONSIDERATION OF PRIOR DECISIONS**

**2019-1490. State ex rel. TS Trim Industries, Inc. v. Indus. Comm.**

Franklin App. No. 17AP-448. Reported at \_\_ Ohio St.3d \_\_, 2021-Ohio-2709, \_\_ N.E.3d \_\_. On motion for reconsideration. Motion denied.

**2021-0649. Parra v. Jackson.**

Cuyahoga App. No. 109516, 2021-Ohio-1188. Reported at 163 Ohio St.3d 1516, 2021-Ohio-2615, 171 N.E.3d 347. On motion for reconsideration. Motion denied.

Stewart, J., dissents.

**2021-0654. McCombs v. Dennis.**

Stark App. No. 2020CA00148, 2021-Ohio-1181. Reported at 163 Ohio St.3d 1516, 2021-Ohio-2615, 171 N.E.3d 349. On motion for reconsideration. Motion denied.

Brunner, J., dissents.