

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

December 22, 2021

[Cite as *12/22/2021 Case Announcements*, 2021-Ohio-4409.]

MERIT DECISIONS WITH OPINIONS

2020-1117. *State v. Harrison*, Slip Opinion No. 2021-Ohio-4465.

Logan App. No. 8-19-48, 2020-Ohio-3920. Judgment affirmed and cause remanded.

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

Stewart, J., concurs in judgment only.

Brunner, J., concurs in judgment only, with an opinion.

DeWine, J., dissents, with an opinion joined by Kennedy, J.

2021-0513. *State v. Misch*, Slip Opinion No. 2021-Ohio-4477.

Lucas App. No. L-20-1094, 2021-Ohio-756. Cause dismissed as having been improvidently accepted.

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

MERIT DECISIONS WITHOUT OPINIONS

2021-0818. *State ex rel. Powell v. Ohio Dept. of Rehab. & Corr.*

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.

2021-0881. State ex rel. Bowie v. Williams.

In Mandamus. On relator's motion to stay. Motion denied. Sua sponte, cause dismissed. Relator's request to substitute parties denied as moot.

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

Donnelly, J., dissents and would grant an alternative writ and the request to substitute parties.

Fischer, J., not participating.

2021-0897. State ex rel. Harrison v. Wagner.

In Mandamus and Prohibition. On respondent's motion to dismiss. Motion granted. City of Cincinnati's motion for leave to intervene denied as moot. Cause dismissed.

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

Fischer and DeWine, JJ., not participating.

2021-0908. State ex rel. Parcher v. Perry.

In Mandamus. Sua sponte, cause dismissed.

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

Kennedy, Stewart, and Brunner, JJ., dissent and would grant an alternative writ.

2021-0997. Santomauro v. McLaughlin.

In Prohibition. On respondent's motion to dismiss. Motion denied. Sua sponte, claims asserted in relator's individual capacity and in his capacity as manager of SUMSS Property Management, L.L.C., dismissed and alternative writ granted as to claim asserted in relator's coexecutor capacity. 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. The parties shall address only the prohibition claim that relator asserts in his capacity as coexecutor.

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

2021-1143. Sandpiper Hospitality v. Bey.

Miscellaneous case. On respondent's motion to dismiss. Motion granted. Respondent's motion to deem relator a vexatious litigator denied. Relator's motion for summary judgment denied as moot. Cause dismissed.

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

2021-1157. State ex rel. Morant v. Waite.

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

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

2021-1167. Arnoff v. State.

In Mandamus. On state of Ohio's motion to dismiss. Motion denied. Sua sponte, cause dismissed.

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

2021-1188. State ex rel. Shaker House, L.L.C. v. Scott.

In Mandamus and Prohibition. Sua sponte, cause dismissed due to relator's adequate remedy at law to challenge local rules by way of appeal.

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

2021-1196. State ex rel. Natural Beind Diius Indiges, El v. Donovan.

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.

2021-1197. State ex rel. Mobley v. Stinziano.

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

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

Kennedy, DeWine, and Stewart, JJ., dissent and would grant an alternative writ.

2021-1222. Jones v. Niehaus.

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

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

Fischer, J., not participating.

2021-1224. State ex rel. Ames v. Geauga Cty. Budget Comm.

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

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

2021-1234. Wheeler v. Avanesyan.

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

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

2021-1236. State ex rel. Bloodworth v. O'Shaughnessy.

In Mandamus. On respondent's motion to dismiss. Motion granted. Relator's motion for stay pending hunger-strike termination. Motion denied. Cause dismissed.

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

2021-1247. State ex rel. Ames v. Geauga Cty. Bd. of Revision.

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

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

2021-1249. State ex rel. Mobley v. Yost.

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.

2021-1267. State ex rel. Freed v. Wise.

In Procedendo. On relator's "motion to reject respondents' partial proceeding done without case file." Motion denied. Respondents' motion to dismiss granted. Cause dismissed.

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

2021-1281. State ex rel. Harris v. Gaul.

In Procedendo. On respondent's motion to dismiss. Motion granted. Relator's motion to object to motion to dismiss denied as moot. Cause dismissed.

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

2021-1282. State ex rel. Ames v. Portage Cty. Bd. of Commrs.

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

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

Stewart, J., dissents and would grant an alternative writ.

MOTION AND PROCEDURAL RULINGS

2021-0428. State v. Stutler.

Stark App. No. 2020 CA 00022, 2021-Ohio-481. On appellee's motion to strike reply brief. Motion denied.

2021-0865. State ex rel. Bloodworth v. O'Shaughnessy.

In Mandamus. On respondent's motion to deem relator a vexatious litigator. Motion granted. Relator declared to be a vexatious litigator under S.Ct.Prac.R. 4.03(B) and prohibited from instituting or continuing legal proceedings in this court without first obtaining leave. Any request for leave shall be submitted to the clerk of this court for the court's review.

Kennedy, J., dissents.

2021-1062. State ex rel. Bowling v. DeWine.

Franklin App. No. 21AP-380, 2021-Ohio-2902. On appellees' motion for expedited briefing schedule and argument. Motion denied.

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

DeWine, J., not participating.

2021-1337. Wilmington Sav. Fund Soc., FSB v. Smith.

Hamilton App. No. C-190357. On appellants' motion for stay of the First District Court of Appeals' judgment, temporary restraining order, preliminary injunction, and declaratory relief. Motion denied.

Fischer, J., not participating.

2021-1347. State v. Johnson.

Portage App. No. 2021-P-0032, 2021-Ohio-3410. On appellant's motion for stay. Motion denied.

2021-1348. State v. Woods.

Lake App. No. 2021-L-044, 2021-Ohio-3173. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause consolidated with 2021-1327, *State v. Woods*, cause held for the decision in 2020-1266, *State v. Maddox*, and briefing schedule stayed.

O'Connor, C.J., dissents.

RECONSIDERATION OF PRIOR DECISIONS

2021-0821. Stafford Law Co., L.P.A. v. Estate of Coleman.

Cuyahoga App. No. 109377, 2021-Ohio-1097. Reported at 164 Ohio St.3d 1431, 2021-Ohio-3091, 173 N.E.3d 504. On motion for reconsideration. Motion denied.

Donnelly and Brunner, JJ., dissent.

Stewart, J., dissents and would grant the motion as to proposition of law No. II.

2021-0918. State v. Lazzerini.

Stark App. No. 2019CA00142, 2021-Ohio-1998. Reported at 164 Ohio St.3d 1448, 2021-Ohio-3336, 173 N.E.3d 1247. On motion for reconsideration. Motion denied.

Donnelly and Brunner, JJ., dissent.

Stewart, J., dissents and would grant the motion as to proposition of law No. I.

APPEALS ACCEPTED FOR REVIEW

2021-1047. State v. Fisk.

Montgomery App. No. 28798, 2021-Ohio-1973. Appeal accepted and cross-appeal not accepted.

O'Connor, C.J., and Donnelly, J., would not accept the appeal.

Brunner, J., would accept the cross-appeal.

2021-1327. State v. Woods.

Lake App. No. 2021-L-044, 2021-Ohio-3173. Sua sponte, cause consolidated with 2021-1348, *State v. Woods*, cause held for the decision in 2020-1266, *State v. Maddox*, and briefing schedule stayed.

APPEALS NOT ACCEPTED FOR REVIEW

2021-1101. State v. Willoughby.

Pickaway App. No. 20CA5, 2021-Ohio-2611.

Brunner, J., dissents.

2021-1215. Johnston v. N. Kingsville.

Ashtabula App. No. 2020-A-0031, 2021-Ohio-1012.

Donnelly, Stewart, and Brunner, JJ., dissent.