

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

July 27, 2022

[Cite as *07/27/2022 Case Announcements*, 2022-Ohio-2490.]

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## MERIT DECISIONS WITH OPINIONS

**2021-1515. Disciplinary Counsel v. Vick, Slip Opinion No. 2022-Ohio-2541.**

On Certified Report by the Board of Professional Conduct, No. 2020-050. Gary Allen Vick Jr., Attorney Registration No. 0071495, last known business address in Parma, Ohio, indefinitely suspended from the practice of law and ordered to make restitution within 90 days of \$3,500 to Joseph Dubbs, \$3,385 to Sean Griffin, \$3,500 to Mark and Donna Dreher, \$1,025 to Maxim Loifer, and \$5,000 to Alison Rerko.

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

**2022-0173. State ex rel. Mitchell v. Pittman, Slip Opinion No. 2022-Ohio-2542.**

Portage App. No. 2021-P-0072, [2022-Ohio-106](#). Judgment affirmed.

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

## MERIT DECISIONS WITHOUT OPINIONS

**2021-0593. State ex rel. Randlett v. Ohio Dept. of Rehab. & Corr.**

In Mandamus. Sua sponte, cause dismissed.

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

**2021-1387. State ex rel. Pool v. Sheffield Lake.**

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, respondents 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 respondents' brief. Respondents are ordered to submit under seal any records they believe are exempt from disclosure.

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

**2021-1413. Payton v. Beathard.**

In Procedendo. Sua sponte, cause dismissed.

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

**2022-0232. State ex rel. Davis v. Kennedy.**

In Prohibition. On respondents' motion to dismiss. 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 relator may file a reply brief within 7 days after the filing of respondents' brief. The parties are to address whether family-court orders allocating parental rights or temporarily ordering parenting time would conflict with a probate-court placement order.

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

Fischer, J., dissents and would grant the motion.

**2022-0372. State ex rel. Howard v. Edwards.**

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

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

**2022-0438. State ex rel. Rodgers v. Deters.**

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

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

DeWine, J., not participating.

**2022-0462. Greer v. State.**

In Mandamus. Sua sponte, cause dismissed.

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

**2022-0507. State ex rel. Griffiths v. Medina Cty. Court of Common Pleas.**

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.

**2022-0523. Foster v. State.**

In Prohibition. On motions to dismiss of respondents Destiny R. Caldwell and Juergen A. Waldick and respondent Matt Boss. Motions granted. Sua sponte, cause dismissed as to remaining respondents. Cause dismissed.

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

**2022-0571. State ex rel. Sultaana v. State Hwy. Patrol.**

In Mandamus. On respondent's motion to dismiss. Motion denied. Relator's motion for statutory damages and motion to compel denied. Respondent's request for mediation and motion for reference to mediation granted. The court refers this case to mediation under S.Ct.Prac.R. 19.01 and stays all filing deadlines for this case until further order of this court. The court will not issue any decision on the merits of this case until mediation has concluded.

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

**2022-0584. Heflin v. Lucas Cty. Court of Common Pleas.**

In Mandamus. On motion to dismiss of respondent Sixth District Court of Appeals. Motion granted. Relator’s “motion of rebuttal” denied. Sua sponte, cause dismissed as to remaining respondents. Cause dismissed.

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

**2022-0593. Arnoff v. Cuyahoga Cty. Fiscal Office.**

Miscellaneous case. On respondent’s amended motion to dismiss. Motion granted. Cause dismissed.

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

**2022-0600. Foster v. State.**

In Procedendo. On motions to dismiss of respondents Juergen A. Waldick and Destiny R. Caldwell and respondent Judge Jeffrey L. Reed. Motions granted. Sua sponte, cause dismissed as to respondent Matt Boss. Cause dismissed.

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

**2022-0601. Foster v. State.**

In Mandamus. On motions to dismiss of respondents Juergen A. Waldick and Destiny R. Caldwell and respondent Judge Jeffrey L. Reed. Motions granted. Sua sponte, cause dismissed as to respondent Matt Boss. Cause dismissed.

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

**2022-0604. Lipin v. Brogan.**

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.

**2022-0607. Black v. O’Shaughnessy.**

In Mandamus. On respondent’s motion to dismiss. 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

### **1996-1830. McBroom v. Franklin Cty. Bd. of Elections.**

Franklin App. No. 96APE0153. On appellant's amended motion for relief from judgment, order, or proceeding. Motion denied. Appellant's second motion for relief from judgment, order, or proceeding and amended motion for relief from judgment, order, or proceeding denied.

### **2018-0910. State ex rel. Allen v. Indus. Comm.**

In Mandamus. On relator's motion for relief from judgment. Motion denied. Respondent's motion to strike relator's Civ.R. 60(B) motion for relief from judgment denied as moot.

### **2020-0748. Griffin v. Sehlmeier.**

In Mandamus. On relator's motion to hold respondent in contempt of court's orders. Motion denied.

### **2022-0180. Byrd v. Newark.**

Licking App. No. 2021 CA 00052, [2021-Ohio-3886](#). On appellant's objection and motion for clarification of court's May 25, 2022 entry. Objection and motion denied.

### **2022-0603. State v. Daniel.**

Lucas App. No. L-21-1104, [2022-Ohio-1348](#). On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue as stated in [2022-Ohio-1348](#), ¶ 30: "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.).

### **2022-0666. Morgan v. Natale.**

Trumbull App. No. 2021-T-0038, [2022-Ohio-1281](#). On appellant's amended motion for immediate stay of court of appeals' judgment. Motion denied. Appellant's motion to strike denied. Appellee Julie Rudolph's motion to declare appellant a vexatious litigator denied.

Fischer, J., would grant appellee Julie Rudolph's motion.

### **2022-0688. State v. Blackburn.**

Logan App. No. 8-21-25, [2022-Ohio-988](#). On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause held for the decision

in 2021-0756, *State v. Bollar*, and cause consolidated with 2022-0536, *State v. Blackburn*, and briefing schedule stayed.

### APPEALS ACCEPTED FOR REVIEW

**2022-0382. State v. Swazey.**

Medina App. No. 21CA0031-M, [2022-Ohio-993](#).

Donnelly and Brunner, JJ., would accept the appeal on proposition of law No. I only.

Stewart, J., dissents.

**2022-0515. State v. Tancak.**

Lorain App. No. 21CA011725, [2022-Ohio-880](#).

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

**2022-0536. State v. Blackburn.**

Logan App. No. 8-21-25, [2022-Ohio-988](#). Appeal accepted on proposition of law No. III. Sua sponte, cause held for the decision in 2021-0756, *State v. Bollar*, and cause consolidated with 2022-0688, *State v. Blackburn*, and briefing schedule stayed.

Donnelly and Stewart, JJ., would accept the appeal on all propositions of law.

Kennedy and Fischer, JJ., dissent.

### APPEALS NOT ACCEPTED FOR REVIEW

**2022-0390. Quesinberry v. Quesinberry.**

Montgomery App. No. 29192, [2022-Ohio-635](#).

Kennedy, J., dissents.

Brunner, J., dissents and would accept the appeal on proposition of law Nos. I and IV.

**2022-0444. Robinson v. LaFarge N. Am., Inc.**

Lucas App. No. L-21-1091, [2022-Ohio-231](#).

Brunner, J., dissents.

**2022-0465. State v. Goins.**

Allen App. No. 1-21-29, [2022-Ohio-985](#).