

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

February 9, 2022

[Cite as *02/09/2022 Case Announcements, 2022-Ohio-280.*]

MERIT DECISIONS WITH OPINIONS

2020-1513. Mahoning Cty. Bar Assn. v. Macejko, Slip Opinion No. [2022-Ohio-322](#).

On Certified Report by the Board of Professional Conduct, No. 2020-031. Cause dismissed.

O'Connor, C.J., and DeWine, J., concur.

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

Stewart, J., concurs in judgment only.

Brunner, J., dissents, with an opinion joined by Fischer and Donnelly, JJ.

2021-0770. State ex rel. Duncan v. Am. Transm. Sys., Inc., Slip Opinion No. [2022-Ohio-323](#).

Portage App. No. 2021-P-0005, 2021-Ohio-1697. Judgment affirmed.

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

2021-0832. Stewart v. Collins, Slip Opinion No. [2022-Ohio-324](#).

Pickaway App. No. 21CA6. Judgment affirmed. Appellant's motion for reversal of judgment denied.

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

MERIT DECISIONS WITHOUT OPINIONS

2021-0711. E. Cleveland v. Ambrose.

In Prohibition. On motion for leave to intervene of East Cleveland Firefighters, IAFF Local 500, AFL-CIO. Motion denied as moot. Relators' motion to strike proffered answer denied as moot. Respondent's motion to dismiss granted. Cause dismissed.

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

2021-0807. McElroy v. Chambers-Smith.

In Mandamus. On respondents Annette Chambers-Smith and Earlena Shepherd's motion to dismiss for failure to state a claim upon which relief may be granted. Motion granted. Cause dismissed.

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

Fischer, J., not participating.

2021-0854. Ladd v. Marchbanks.

In Mandamus. On respondent's motion for judgment on the pleadings. Motion granted. Relators' motion to compel Civ.R. 30(B)(5) deposition denied as moot. Respondent's motion for protective order staying discovery denied as moot. Cause dismissed.

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

2021-1081. State ex rel. Bloodworth v. O'Donnell.

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

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

2021-1134. Tower 10, L.L.C. v. Cocroft.

In Mandamus and Prohibition. On One Columbus Property, L.L.C.’s motion to intervene. Motion denied as moot. Respondent’s motion to dismiss granted. ORIX Real Estate Capital Holdings, L.L.C.’s motion to intervene denied as moot. Cause dismissed.

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

Brunner, J., dissents and would grant an alternative writ and would grant the motions to intervene.

2021-1171. Anderson v. Walker.

In Mandamus. On respondents Judge Theresa Dellick, Ilen Velazquez, and Brittney Averhart’s motion to dismiss. Motion granted. Sua sponte, cause dismissed as to all respondents.

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

2021-1258. State ex rel. Davis v. McClain.

In Mandamus. On respondents’ joint motion to dismiss. Motion granted. Relator’s motion to clarify claims denied. Cause dismissed.

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

Fischer, J., concurs in part and dissents in part and would deny the motion to dismiss as to respondent tax commissioner and would issue an alternative writ as to the tax commissioner.

2021-1279. State ex rel. Harris v. Ninth Dist. Court of Appeals Judges.

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.

2021-1284. Dawson v. Thalheimer.

Miscellaneous case. On respondents’ motions to dismiss. Motions granted. Relator’s request for judicial notice denied. Cause dismissed.

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

2021-1293. State ex rel. Yategna v. Dept of Rehab & Corr.

Miscellaneous case. On respondents' motions to dismiss. Motions granted. Cause dismissed.

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

Fischer, J., not participating.

2021-1301. State ex rel. Ames v. Eleventh Dist. Court of Appeals.

In Prohibition. On respondent Eleventh District Court of Appeals' second amended motion to dismiss. Motion granted. Cause dismissed.

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

2021-1310. State ex rel. Greenlee v. Scott.

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

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

2021-1343. Santomauro v. Summit Cty. Court of Common Pleas.

In Prohibition. On respondents' motion to dismiss. Motion denied. Sua sponte, claim asserted by relator Craig Santomauro in his individual capacity dismissed, claims asserted by relator Andrea Cowan in her individual capacity and capacity as beneficiary dismissed, and alternative writ granted as to claim asserted by Santomauro in his 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, 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. The parties shall address only the prohibition claim asserted by Santomauro in his capacity as coexecutor.

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

2021-1353. State ex rel. Maharg v. Vandervoort.

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.

2021-1357. Cantor v. Greene Cty. Adult Detention Ctr. Jail Adms.

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

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

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

2021-1377. State v. Harris.

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.

2021-1457. Cox v. Stupica.

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.

MOTION AND PROCEDURAL RULINGS

2019-1758. State v. Johnston.

Miami App. No. 2018-CA-26, 2019-Ohio-4296. On appellant's "motion for facts and findings of law regarding judgment on case 19-1758." Motion denied.

2021-0497. Brandt v. Pompa.

Cuyahoga App. No. 109517, 2021-Ohio-845. On appellant's motion to strike. Motion denied.

Brunner, J., dissents.

2021-0722. State ex rel. Polivka v. Frenchko.

In Quo Warranto. On respondent's motion for sanctions for frivolous action. Motion denied.

Kennedy and Brunner, JJ., not participating.

2021-0980. Doe v. Greenville City Schools.

Darke App. No. 2020-CA-4, 2021-Ohio-2127. Sua sponte, cause no longer held for the decision in 2020-0705, *Maternal Grandmother v. Hamilton Cty. Dept. of Job & Family Servs.*, and stay of briefing schedule lifted as to proposition of law No. II

only. Cause to be scheduled for oral argument on proposition of law No. II only at a later date.

2021-1124. State ex rel. Lyda v. Miller.

In Mandamus. On relator's motion for relief from judgment. Motion denied. Brunner, J., dissents.

2021-1380. State v. Ramunas.

Delaware App. No. 20 CAA 12 0054. 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 2 of the court of appeals' October 14, 2021 entry: "If an individual trespasses in an occupied structure when any person other than an accomplice of the offender is present or likely to be present with the sole purpose of committing a theft offense therein, are the burglary and the resulting theft offense allied offenses of similar import within the meaning of R.C. 2941.25?" The conflict case is *State v. Gillman*, [2015-Ohio-4421](#), 46 N.E.3d 130 (4th Dist.).

Kennedy and Brunner, JJ., dissent.

2021-1433. State ex rel. Doe v. Byrd.

In Mandamus. On relator's emergency motion to expedite decision. Motion denied. Relator's second emergency motion to expedite decision and motion for leave to file supplemental pleading denied.

2021-1569. State ex rel. Bowie v. Bloom.

In Mandamus. On relator's amended motion for stay. Motion denied.

2022-0017. State ex rel. Am. Homeowner Preservation, L.L.C. v. Montgomery Cty.

Montgomery App. No. 29140. On appellee's motion to consolidate appeals for purposes of briefing and oral argument or, in the alternative, motion to stay. Motion to consolidate appeals denied and motion to stay granted. Cause held for the decisions in 2021-1090, *State ex rel. US Bank Trust, Natl. Assn. v. Cuyahoga Cty.*; 2021-1091, *State ex rel. US Bank Trust, Natl. Assn. v. Lucas Cty. Bd. of Commrs.*; and 2021-1181, *State ex rel. US Bank Trust, Natl. Assn. v. Summit Cty.*, and briefing schedule stayed.

APPEALS ACCEPTED FOR REVIEW

2021-1273. State v. Beard.

Cuyahoga App. No. 109630, 2021-Ohio-2512. Appeal accepted on proposition of law No. II. Cause remanded to the trial court for resentencing for the allied burglary and robbery offenses.

RECONSIDERATION OF PRIOR DECISIONS

2021-0895. State v. Mundy.

Clark App. No. 2020-CA-23, 2021-Ohio-605. Reported at 164 Ohio St.3d 1448, 2021-Ohio-3336, 173 N.E.3d 1243. On motion for reconsideration. Motion denied.

O'Connor, C.J., and Stewart, J., dissent and would grant the motion as to proposition of law Nos. II and III.

Brunner, J., dissents.