

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

November 9, 2022

[Cite as *11/09/2022 Case Announcements, 2022-Ohio-3903.*]

MERIT DECISIONS WITHOUT OPINIONS

2021-1579. Blair v. Hamilton Cty.

In Mandamus. On relator's motion of default. Motion denied. Sua sponte, cause dismissed.

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

2022-0914. State ex rel. WTOL Television, L.L.C. v. Cedar Fair, L.P.

In Mandamus. Sua sponte, alternative writ granted and parties ordered to brief and submit evidence on whether the Public Records Act, R.C. 149.43, applies to respondents. 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.

2022-0966. State ex rel. Harm Reduction Ohio v. One Ohio Recovery Found.

In Mandamus. Sua sponte, alternative writ granted and parties ordered to brief and submit evidence on whether the Public Records Act, R.C. 149.43, applies to respondent. 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.

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

2022-0994. State ex rel. Rucci v. Schiavoni.

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

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

Kennedy, J., dissents and would deny respondent's motion and would grant an alternative writ.

2022-0997. State ex rel. Harris v. Sutula.

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.

2022-1023. Fipps v. Gallagher.

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.

2022-1025. State ex rel. Givens v. Shadyside.

In Prohibition. On respondents' motions to dismiss. Motions granted. Respondents' motions to declare relator a vexatious litigator denied. Relator's motion to amend petition and motions to strike respondents' motions to dismiss and respondent Judge John A. Vavra's motion to declare relator a vexatious litigator denied. Cause dismissed.

Kennedy, DeWine, Stewart, and Brunner, JJ., concur.

O'Connor, C.J., and Fischer and Donnelly, JJ., would grant the motions to declare relator a vexatious litigator.

2022-1033. Hampton-Spears v. Trumbull Corr. Inst.

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

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

2022-1038. State ex rel. McCorkle v. Ohio Dept. of Rehab. & Corr.

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

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

2022-1044. State ex rel. Barr v. Wesson.

Miscellaneous case. On state of Ohio's and respondent's motions to dismiss. Motions denied. The requirements of R.C. 2969.25 do not apply to original actions filed in the Supreme Court. *E.g., State ex rel. McDougald v. Greene*, 155 Ohio St.3d 216, 2018-Ohio-4200, 120 N.E.3d 216, ¶ 8. Relator's motion for leave to amend complaint granted. Relator may file amended complaint with 14 days. Any response to the amended complaint is due within 14 days of the filing of the amended complaint.

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

2022-1045. State ex rel. Howard v. Ohio Dept. of Rehab. & Corr.

In Mandamus. On relator's request for leave to file omnibus complaint for writ of mandamus and peremptory writ of mandamus. Request denied. Respondent's motion for judgment on pleadings 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, 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, and Stewart, JJ., concur.

O'Connor, C.J., and Fischer and Brunner, JJ., dissent and would grant respondent's motion.

2022-1054. State ex rel. Kozak v. Calabrese.

In Procedendo. On respondent Judge Deena R. Calabrese's motion to dismiss. Motion granted. Sua sponte, cause dismissed as to respondent Cuyahoga County Clerk of Courts. Cause dismissed.

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

2022-1060. State ex rel. Clemons v. McCloud.

In Mandamus. On respondent Stephanie McCloud's motion to dismiss. Motion granted. Sua sponte, cause dismissed as to respondent Kenco Logistic Services, L.L.C. Cause dismissed.

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

2022-1070. State ex rel. Clark v. Ohio Dept. of Rehab. & Corr.

In Mandamus. On respondent's motion to dismiss. Motion denied. The requirements of R.C. 2969.25 do not apply to original actions filed in the Supreme Court. *E.g., State ex rel. McDougald v. Greene*, 155 Ohio St.3d 216, 2018-Ohio-4200, 120 N.E.3d 216, ¶ 8. Respondent may file an answer to the complaint within 21 days.

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

MOTION AND PROCEDURAL RULINGS

2019-1323. State v. Knuff.

Cuyahoga C.P. No. CR-17-618285-A. On appellant's motion for leave to file supplemental brief with additional issues identified by new counsel. Motion denied.

Donnelly and Stewart, JJ., dissent.

2022-1077. Ijakoli v. Alungbe.

Hamilton App. No. C-210366, [2022-Ohio-2423](#). On appellant's motion for stay. Motion denied.

APPEALS ACCEPTED FOR REVIEW

2022-0858. State v. Clausing.

Cuyahoga App. No. 110776, [2022-Ohio-1762](#). Sua sponte, cause held for the decisions in 2020-1496, *State v. Hacker*, and 2021-0532, *State v. Simmons*.
Brunner, J., dissents.

2022-0987. State v. Palmer.

Clermont App. No. CA2021-07-035, [2022-Ohio-2181](#).
Kennedy and DeWine, JJ., dissent.

2022-1020. In re C.C.

Cuyahoga App. No. 110651, [2022-Ohio-2264](#).
O'Connor, C.J., and Kennedy and DeWine, JJ., dissent.

2022-1047. State v. Bertram.

Scioto App. No. 21CA3950, [2022-Ohio-2488](#).
Kennedy, Fischer, and DeWine, JJ., dissent.

APPEALS NOT ACCEPTED FOR REVIEW

2022-1006. State v. McBride.

Ashland App. No. 21-COA-024, [2022-Ohio-2240](#).
Donnelly, Stewart, and Brunner, JJ., dissent.