

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

March 23, 2022

[Cite as *03/23/2022 Case Announcements*, 2022-Ohio-798.]

MERIT DECISIONS WITH OPINIONS

2020-0306. Motorists Mut. Ins. Co. v. Ironics, Inc., Slip Opinion No. 2022-Ohio-841.

Wood App. No. WD-19-018, [2020-Ohio-137](#). Judgment affirmed.

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

DeWine, J., concurs in judgment only, with an opinion joined by Kennedy, J.

Fischer, J., concurs in judgment only in part and dissents in part, with an opinion.

2021-0448. Disciplinary Counsel v. Smith, Slip Opinion No. 2022-Ohio-840.

On Certified Report by the Board of Professional Conduct, No. 2019-015. Samuel Ray Smith II, Attorney Registration No. 0076242, last known business address in Cleveland, Ohio, suspended from the practice of law for two years with the final six months stayed on conditions.

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

O'Connor, C.J., and Fischer and Brunner, JJ., would impose an additional 12-month suspension.

MERIT DECISIONS WITHOUT OPINIONS

2021-1187. State ex rel. Huth v. Animal Welfare League of Trumbull Cty., Inc.

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, 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, and Stewart, JJ., concur.

Brunner, J., dissents and would dismiss the cause.

2021-1250. State ex rel. Fluty v. Raiff.

In Mandamus. Sua sponte, alternative writ granted and respondents ordered to submit for in camera inspection unredacted copies of all records withheld in response to relator's public-records request. 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.

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

2021-1324. Arnoff v. Lorain Cty. Sheriff.

In Mandamus. Sua sponte, cause dismissed.

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

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

In Mandamus. On relator's motion for leave to amend complaint. Motion denied as moot. Respondent's motion to dismiss second amended complaint granted. Cause dismissed.

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

2021-1448. State ex rel. Dates v. Hamilton Cty. Court of Common Pleas.

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

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

Brunner, J., not participating.

2021-1467. Havens v. Twelfth Dist. Court of Appeals.

In Mandamus and Procedendo. On relator's motion to disqualify opposing counsel, motion to strike respondent's pleadings, motion to sanction for frivolous conduct, and motion for judgment on pleadings. Motions denied. Respondent's motion to dismiss amended complaint granted. Relator's motion to strike respondent's memorandum in opposition denied. Cause dismissed.

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

2021-1497. Weatherford v. DeWine.

Miscellaneous case. On respondents' motion to dismiss. Motion granted. Cause dismissed.

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

2021-1526. McComas v. Greene Cty. Court of Common Pleas.

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.

2021-1528. Thornton v. Greene Cty. Court of Common Pleas.

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.

2021-1548. Washington v. Warden.

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.

2021-1551. Brown v. Greene Cty. Court of Common Pleas.

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.

2021-1563. Lucas v. Gaul.

In Mandamus. On respondent's motion to dismiss. Motion granted. Relator's motion requesting in camera review and supplemental motion requesting in camera review denied. Cause dismissed.

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

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

In Mandamus. On respondent's motion to dismiss. Motion granted. Relator's motion to supplement/clarify the reason for mandamus denied. Respondent's motion to strike relator's motion denied. Cause dismissed.

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

Kennedy, Stewart, and Brunner, JJ., would grant respondent's motion.

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

2021-1575. Jarrell v. Greene Cty. Court of Common Pleas.

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.

2021-1587. State ex rel. Gordon v. Ninth Dist. Court of Appeals.

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.

2021-1603. Brown v. Greene Cty. Adult Detention Ctr.

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

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

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

2021-1604. Mayes v. Dankof.

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.

2021-1605. Jarrell v. Greene Cty. Adult Detention Ctr.

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.

2022-0033. Willis v. Adm. Judge, Cuyahoga Cty. Common Pleas Court.

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.

2022-0048. State ex rel. Mobley v. Lucas Cty. Treasurer.

In Mandamus. Sua sponte, cause dismissed.

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

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

2022-0080. State ex rel. Mobley v. Toledo.

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, 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, Stewart, and Brunner, JJ., concur.

O'Connor, C.J., and Fischer, J., dissent and would dismiss the cause.

2022-0083. State ex rel. Gregory v. Toledo.

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

Kennedy and Fischer, JJ., dissent and would dismiss the cause.

MOTION AND PROCEDURAL RULINGS

2020-1536. S. Euclid v. Silver.

Cuyahoga App. No. 109234, [2020-Ohio-5185](#). On appellant's request to reassign judge. Request denied.

2021-0502. Asamoah v. GM Fin.

Franklin App. No. 21AP-112. On appellant's motion for relief from judgment. Motion denied.

2021-0720. Bank of New York Mellon v. Ackerman.

Montgomery App. No. 28737, [2020-Ohio-6954](#). On appellant's emergency request and motion to compel mediation proceedings. Motion denied.

2021-0721. Bank of New York Mellon v. Ackerman.

Montgomery App. No. 28737, [2020-Ohio-6954](#). On appellant's emergency request and motion to compel mediation proceedings. Motion denied.

2021-0744. State v. McNeal.

Montgomery App. No. 28885, [2021-Ohio-1520](#). On appellee's motion to dismiss appeal as improvidently accepted. Motion denied.

2021-0977. State v. Ramilla.

Greene App. No. 2021CA0019. On appellant's "motion for judgment on notice upon court." Motion denied.

2021-1090. State ex rel. US Bank Trust, Natl. Assn. v. Cuyahoga Cty.

Cuyahoga App. No. 110297, [2021-Ohio-2524](#). On appellant's motion for oral argument. Motion granted. Sua sponte, cause consolidated with 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.*, for oral argument only. The appellants shall have a total of 30 minutes of oral-argument time, as will the appellees.

2021-1091. State ex rel. US Bank Trust, Natl. Assn. v. Lucas Cty. Bd. of Commrs.

Lucas App. No. L-21-1087. On appellant's motion for oral argument. Motion granted. Sua sponte, cause consolidated with 2021-1090, *State ex rel. US Bank Trust, Natl. Assn. v. Cuyahoga Cty.*, and 2021-1181, *State ex rel. US Bank Trust,*

Natl. Assn. v. Summit Cty., for oral argument only. The appellants shall have a total of 30 minutes of oral-argument time, as will the appellees.

2021-1181. State ex rel. US Bank Trust, Natl. Assn. v. Summit Cty.

Summit App. No. 29889, 2021-Ohio-3189. On appellant's motion for oral argument. Motion granted. Sua sponte, cause consolidated with 2021-1090, *State ex rel. US Bank Trust, Natl. Assn. v. Cuyahoga Cty.*, and 2021-1091, *State ex rel. US Bank Trust, Natl. Assn. v. Lucas Cty. Bd. of Commrs.*, for oral argument only. The appellants shall have a total of 30 minutes of oral-argument time, as will the appellees.

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

In Procedendo. On relator's objection and motion re lack of Article IV, Section 2(C) reasons, motion for costs, and motion for sanctions. Motions denied.

2021-1367. Free Inhabitant Falsely Imprisoned as U.S. Citizen v. Beel.

In Habeas Corpus. On petitioner's motion for final, appealable order. Motion denied.

2021-1370. Asamoah v. Tigerpoly Mfg., Inc.

Franklin App. No. 21AP-488. On appellant's motion to impose sanctions. Motion denied. Appellant's motion for relief from judgment denied.

2021-1371. Asamoah v. Capital One.

Franklin App. No. 21AP-499. On appellant's motion to disqualify attorney Laura A. Hauser. Motion denied. Appellant's motion to add exhibit to case denied.

2022-0089. In re Roudebush Trust.

Carroll App. No. 21 CA 0949, [2021-Ohio-4557](#). On appellants' motion for stay of court of appeals' judgment. Motion denied.

Donnelly and Stewart, JJ., dissent.

2022-0157. In re Estate of Millstein.

Cuyahoga App. No. 110546, [2021-Ohio-4610](#). On appellant's motion for immediate stay of court of appeals' judgment. Motion granted.

DeWine, J., dissents.

APPEALS ACCEPTED FOR REVIEW

2022-0014. Highland Tavern, L.L.C. v. DeWine.

Franklin App. No. 21-AP-176, [2021-Ohio-4067](#).

O'Connor, C.J., dissents.

Fischer and DeWine, JJ., not participating.

APPEALS NOT ACCEPTED FOR REVIEW

2021-1560. State v. Murphy.

Cuyahoga App. Nos. 110220 and 110483, [2021-Ohio-3925](#).

Donnelly, J., dissents and would reverse the court of appeals' judgment and would remand the cause to the trial court for application of *State v. Bethel*, __ Ohio St.3d __, 2022-Ohio-783, __ N.E.3d __.

Brunner, J., dissents.