

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

April 5, 2023

[Cite as *04/05/2023 Case Announcements*, 2023-Ohio-1116.]

MERIT DECISIONS WITH OPINIONS

2022-0545. State ex rel. Bradford v. Bowen, Slip Opinion No. 2023-Ohio-1105.

Mahoning App. No. 20 MA 0025. Judgment affirmed.

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

Kennedy, C.J., dissents, with an opinion joined by Fischer, J.

MERIT DECISIONS WITHOUT OPINIONS

2022-1148. State ex rel. Adams v. Cleveland.

In Mandamus. On relator's motion for exemption from fees and costs. Motion denied. Respondents' request for clarification and motion to dismiss granted. Respondents' request for extension of time to file response to complaint denied as moot. Respondents' motion to strike relator's response to request for clarification and request for extension of time denied. Cause dismissed.

Kennedy, C.J., and Fischer, DeWine, Donnelly, Stewart, Brunner, and Deters, JJ., concur.

2022-1566. State ex rel. Tingler v. Sandusky Cty. Sheriff's Office.

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

Kennedy, C.J., and Fischer, DeWine, Donnelly, Stewart, Brunner, and Deters, JJ., concur.

2022-1574. State ex rel. Tingler v. Defiance Cty. Sheriff's Office.

In Mandamus. On relator's motions for default judgment. Motions denied. Sua sponte, cause dismissed.

Kennedy, C.J., and Fischer, DeWine, Donnelly, and Deters, JJ., concur.
Stewart and Brunner, JJ., would deny the motions as moot.

2022-1581. State ex rel. Walker v. Butler Twp. Bd. of Trustees.

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

Kennedy, C.J., and Fischer, DeWine, Donnelly, Stewart, Brunner, and Deters, JJ., concur.

2022-1590. State ex rel. Tingler v. Elyria Police Dept.

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

Kennedy, C.J., and DeWine, Donnelly, Stewart, and Brunner, JJ., concur.
Fischer and Deters, JJ., would dismiss the cause sua sponte.

2022-1634. State ex rel. Nyamusevya v. Sheeran.

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

Kennedy, C.J., and Fischer, DeWine, Donnelly, Stewart, and Deters, JJ., concur.

Brunner, J., not participating.

2022-1645. State ex rel. Nyamusevya v. Jamison.

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

Kennedy, C.J., and Fischer, DeWine, Donnelly, Stewart, and Deters, JJ., concur.

Brunner, J., not participating.

2022-1648. State ex rel. Sanduskians for Sandusky v. Sandusky.

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

Kennedy, C.J., and Fischer, Donnelly, Stewart, Brunner, and Deters, JJ., concur.

DeWine, J., would dismiss the cause on mootness grounds.

2023-0002. State ex rel. Tingler v. Wood Cty. Sheriff's Office.

In Mandamus. On respondents' motion to dismiss and to find relator a vexatious litigator. Motion granted as to request to dismiss the cause and denied as moot as to request to find relator a vexatious litigator; relator was declared a vexatious litigator in 2022-1534, *State ex rel. Tingler v. Franklin Cty. Prosecutor's Office*; 2022-1612, *State ex rel. Tingler v. Franklin Cty. Prosecutor's Office*; and 2022-1624, *State ex rel. Tingler v. Franklin Cty. Prosecutor's Office*. Cause dismissed.

Kennedy, C.J., and Fischer, DeWine, Donnelly, Stewart, Brunner, and Deters, JJ., concur.

2023-0012. State ex rel. Tingler v. Columbus Police Dept.

In Mandamus. On motion to dismiss of respondent Franklin County Prosecutor's Office. Motion granted. Sua sponte, cause dismissed as to respondent Columbus Police Department. Cause dismissed.

Kennedy, C.J., and Fischer, DeWine, Donnelly, Stewart, Brunner, and Deters, JJ., concur.

2023-0047. State ex rel. Havens v. Beathard.

In Mandamus and Prohibition. On respondents' motion to dismiss. Motion granted. Relators' motion to sanction opposing counsel denied. Cause dismissed.

Kennedy, C.J., and Fischer, DeWine, Donnelly, Stewart, Brunner, and Deters, JJ., concur.

2023-0058. State ex rel. Bishop v. Bruzzese.

In Mandamus. Sua sponte, cause dismissed as moot.

Kennedy, C.J., and Fischer, DeWine, Donnelly, Stewart, Brunner, and Deters, JJ., concur.

2023-0067. Whitacre v. Rose.

In Mandamus. On respondent's motion to dismiss. Motion granted. Respondent's motion to name relator a vexatious litigator granted. Accordingly, Carl E. Whitacre is prohibited from continuing or instituting 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. Cause dismissed.

Fischer, DeWine, Donnelly, Brunner, and Deters, JJ., concur.

Kennedy, C.J., and Stewart, J., concur in part and dissent in part and would deny the motion to name relator a vexatious litigator.

2023-0089. Terrell v. Gall.

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

Kennedy, C.J., and Fischer, DeWine, Donnelly, Stewart, Brunner, and Deters, JJ., concur.

2023-0117. State ex rel. Tingler v. Lucas Cty. Sheriff's Office.

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

Kennedy, C.J., and Fischer, DeWine, Donnelly, Stewart, Brunner, and Deters, JJ., concur.

MOTION AND PROCEDURAL RULINGS

2020-1293. State v. Mitchell.

Portage App. No. 94-P-0070. On appellant's motion to vacate decision. Motion denied.

2022-0824. State ex rel. Gilreath v. Cuyahoga Job & Family Servs.

In Mandamus. On January 19, 2023 motion for judgment on pleadings of respondents Ohio Department of Job and Family Services and Director Matt Damschroder. 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, 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. Sua sponte, respondents ordered to file under seal records at issue for in camera inspection. Relator's motion for leave to amend and supplement complaint denied as moot. December 23, 2022 motion for judgment on pleadings of respondents Ohio Department of Job and Family Services and Matt Damschroder denied as moot.

2022-0836. In re Allen v. McClain.

In Mandamus and Prohibition. On relators' Civ.R. 52 demand. Demand denied.

2022-1102. Lamont v. State.

In Mandamus. On relators' motion to "show cause and to grant mandamus & relief sought." Motion denied.

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

Stewart, J., would deny the motion as moot.

Deters, J., not participating.

2022-1302. Whitacre v. Ohio Pub. Defender.

In Mandamus. On relator's motion to sanction counsel for respondents. Motion denied. Relator's filing regarding entry filed January 25, 2023 denied.

2022-1651. State ex rel. Walker v. Monnin.

In Mandamus. On respondent's motion to dismiss. Motion granted as to claims for relief set forth in paragraphs (A) and (C) through (F) of the complaint. Sua sponte, respondent ordered to file an answer to the complaint within 14 days.

Sua sponte, alternative writ granted as to claim set forth in paragraph (B) of the complaint. 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 of the filing of the answer to the complaint, 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.

2023-0113. State ex rel. Barr v. Wesson.

In Mandamus. On relator's complaint for TRO and preliminary injunction and affidavit. Complaint for TRO and affidavit dismissed. 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.

2023-0265. Jones v. Russell.

Portage App. No. 2022-P-0076, [2023-Ohio-351](#). On appellant's motion for stay. Motion denied.

Brunner, J., dissents.

APPEALS ACCEPTED FOR REVIEW

2022-1049. State v. Jones.

Cuyahoga App. Nos. 110833 and 111020, [2022-Ohio-2133](#). Appeal accepted on proposition of law No. II.

Donnelly, J., would accept the appeal on both propositions of law and would hold the cause for the decision in 2021-1033, *State v. Gwynne*.

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