

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

April 19, 2023

[Cite as *04/19/2023 Case Announcements*, 2023-Ohio-1242.]

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## MERIT DECISIONS WITH OPINIONS

**2022-1359.** *State ex rel. Woods v. Lawrence Cty. Sheriff's Office*, Slip Opinion No. **2023-Ohio-1241**.

In Mandamus. Respondents' motion for judgment on the pleadings granted in part and denied in part. Writ denied as moot. Relator's request for statutory damages granted in the amount of \$700. Relator's requests for attorney fees and court costs denied. Relator's "motion for leave to file judicial notice" and motion for judicial notice of adjudicated facts denied as moot. Respondents' motion to strike relator's status update denied as moot.

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

Fischer, J., concurs in part and dissents in part and would not award statutory damages.

## MERIT DECISIONS WITHOUT OPINIONS

**2022-1029.** *State ex rel. Dates v. Hamilton Cty.*

In Mandamus and Prohibition. On motions to dismiss and requests to declare relator a vexatious litigator of respondents Hamilton County Courthouse et al., HSBC Bank USA, N.A., et al., and Carpenter Lipps, L.L.P. Motions granted and requests denied as moot; relator was declared a vexatious litigator in 2022-1478, *State ex rel. Dates v. Hamilton Cty. Courthouse*. Relator's notice to strike respondent Carpenter Lipps, L.L.P.'s motion to dismiss and request to declare

relator a vexatious litigator denied as moot. Sua sponte, cause dismissed as to remaining respondents. Cause dismissed.

Kennedy, C.J., and Fischer, DeWine, Donnelly, and Stewart, JJ., concur.  
Brunner and Deters, JJ., not participating,

**2022-1030. State ex rel. Jones v. Hamilton Cty.**

In Mandamus and Prohibition. On motions to dismiss of respondents Hamilton County Courthouse et al. and Wells Fargo Bank, N.A. Motions granted. Relators' notice to strike motion to dismiss of respondents Hamilton County Courthouse et al. denied. Sua sponte, cause dismissed as to remaining respondents. Cause dismissed.

Kennedy, C.J., and DeWine, Donnelly, Stewart, and Brunner, JJ., concur.  
Fischer and Deters, JJ., not participating.

**2023-0077. State ex rel. Bell v. Montgomery Cty. Prosecutor'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.

**2023-0087. Whitacre v. Ohio Atty. Gen.**

In Mandamus. On respondent's motion to dismiss. Motion granted. Relator's motion to appoint James Leland Peters and motion to strike respondent's motion to dismiss denied as moot. Cause dismissed.

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

**2023-0095. State ex rel. Dumas v. Donofrio.**

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

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

**2023-0098. State ex rel. Howard v. Clerk.**

In Mandamus. On respondent's motion to dismiss. Motion granted. Relator's motion to make corrections and additions denied as moot. Cause dismissed.

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

**2023-0100. State ex rel. Howard v. Clerk.**

Miscellaneous case. On respondent's motion to dismiss. Motion granted. Relator's motion to make corrections and additions and amended application for order to require Ohio Supreme Court Clerk to accept and file merit brief denied as moot. Cause dismissed.

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

**2023-0116. State ex rel. Tingler v. Organized Crime Investigations Comm.**

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.

**2023-0118. State ex rel. Tingler v. Ohio Ethics Comm.**

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.

**2023-0119. State ex rel. Tingler v. Meyer.**

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.

**2023-0122. State ex rel. Tingler v. Sigsworth.**

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.

**2023-0123. State ex rel. Tingler v. Yost.**

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.

**2023-0124. State ex rel. Tingler v. Davis.**

In Mandamus. On respondent's motion to dismiss. Motion granted. Relator's motion to strike and disqualify counsel denied as moot. Cause dismissed.

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

**2023-0133. State ex rel. Hale v. Spaeth.**

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

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

**2023-0153. State ex rel. Gauthier v. Zayas.**

In Prohibition. On respondent's motion to dismiss. Motion granted. Motion of Su Gauthier to intervene as respondent denied as moot. Cause dismissed.

Kennedy, C.J., and DeWine, Donnelly, Stewart, and Brunner, JJ., concur.  
Fischer and Deters, JJ., not participating.

**2023-0154. State v. Nixon.**

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

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

**2023-0161. State ex rel. Tingler v. Levorchick.**

In Mandamus. On respondent's motion to dismiss. Motion granted. Relator's motion to strike and disqualify counsel of record denied as moot. Cause dismissed.

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

**2023-0162. State ex rel. Tingler v. Evans.**

In Mandamus. On respondent's motion for judgment on pleadings. Motion granted. Respondent's motion to declare relator a vexatious litigator denied as moot; 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*. Relator's motion to strike and disqualify counsel denied as moot. Cause dismissed.

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

**2023-0183. Whitacre v. Noble Cty. Clerk of Courts.**

In Mandamus. On respondent's motion to dismiss. Motion granted. Relator's motion for a more definite statement denied as moot. Cause dismissed.

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

**2023-0199. Lucas v. Kuhn.**

In Mandamus. On respondents' 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. Sua sponte, cause dismissed.

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

**2023-0229. Fletcher v. Lawrence Cty. Court of Common Pleas.**

In Prohibition. On respondent's motion to dismiss for failure to state a claim. Motion granted. Cause dismissed.

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

**MOTION AND PROCEDURAL RULINGS**

**2021-1592. State ex rel. Hunt v. E. Cleveland.**

In Mandamus. On relators' motion for sanctions. Motion denied.

Fischer and Donnelly, JJ., dissent.

**2022-1424. Perry v. Rice.**

In Mandamus and Prohibition. On relator's motion for order and/or relief. Motion denied.

**2022-1444. State ex rel. Copley Ohio Newspapers, Inc. v. Akron.**

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. Relator's request for oral argument denied.

Kennedy, C.J., and Stewart and Brunner, JJ., would defer ruling on the request for oral argument.

**2022-1464. State ex rel. Whitt v. Graham.**

In Mandamus. On relator's motion for order of writ of mandamus to compel clerk of court to file brief for a new trial under newly discovered evidence. Motion denied.

**2023-0090. State ex rel. Ware v. Ohio Dept. of Rehab. & Corr.**

In Mandamus. 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, 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.

Fischer and DeWine, JJ., concur in part and dissent in part and would grant the motion except as to the requests made directly to Glenn Booth and the request made to the Bureau of Records and would grant an alternative writ as to those requests only.

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

**2023-0151. State v. Reyes.**

Portage App. No. 2022-P-0018, [2022-Ohio-4046](#). On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause held for the decision in 2022-0782, *State v. Schilling*, and briefing schedule stayed.

Fischer, Donnelly, and Deters, JJ., would not hold the cause.

**2023-0327. Armatas v. Aultman Hosp.**

Stark App. No. 2021 CA 00133, [2022-Ohio-4577](#). Appellants' motion for stay of Fifth District Court of Appeals' judgment pending this court's ruling in 2022-0407, *Everhart v. Coshocton Cty. Mem. Hosp.* and the decision of the United States

Court of Appeals for the Sixth Circuit in *Armatas v. Aultman Health Found.*  
Motion denied.

**2023-0340. State v. Twiley.**

Jefferson App. No. 21 JE 0007, [2022-Ohio-4751](#). On appellant's motion for stay.  
Motion denied.

**2023-0382. State v. Justice.**

Franklin App. No. 22AP-234, [2023-Ohio-435](#). On relator's emergency petition for  
stay of trial scheduled to begin March 6, 2023, by affidavit. Petition denied.

Deters, J., would deny the petition as moot.