

# The Supreme Court of Ohio

---

## CASE ANNOUNCEMENTS

July 12, 2023

[Cite as *07/12/2023 Case Announcements*, 2023-Ohio-2348.]

---

## MERIT DECISIONS WITH OPINIONS

**2022-0322. Krewina v. United Specialty Ins. Co., Slip Opinion No. 2023-Ohio-2343.**

Hamilton App. No. C-210163, [2021-Ohio-4425](#). Judgment reversed and trial court's judgment reinstated.

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

Fischer, J., concurs in judgment only.

**2022-1432. State ex rel. Harris v. Bruns, Slip Opinion No. 2023-Ohio-2344.**

Montgomery App. No. 29278, [2022-Ohio-3661](#). Judgment affirmed. Appellant's motion for oral argument denied. Appellees' motion for leave to respond to appellant's reply brief denied.

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

Donnelly, J., concurs in judgment only and would reach the merits and conclude that appellant has not shown a patent and unambiguous lack of jurisdiction.

**2023-0177. Disciplinary Counsel v. Estadt, Slip Opinion No. 2023-Ohio-2347.**

On Certified Report by the Board of Professional Conduct, No. 2022-014. John Robert Estadt, Attorney Registration No. 0016397, last known business address in St. Clairsville, Ohio, suspended from the practice of law for six months.

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

Fischer, J., concurs in part and dissents in part, with an opinion joined by Brunner, J.

## **MERIT DECISIONS WITHOUT OPINIONS**

**2022-1352. Roberts v. Cannizzaro.**

In Mandamus. On respondents' motion to dismiss. Motion granted. Relator's civil motion to sue and "motion fictitious evidence of immunity practiced" denied as moot. Cause dismissed.

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

**2023-0043. Dean v. Thompson.**

In Mandamus. On relators' motion for leave to file a second amended complaint. Motion denied. Respondents' motion to dismiss first amended complaint granted. Cause dismissed.

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

**2023-0173. State ex rel. Walcutt v. Gormley.**

In Prohibition. On respondent's motion to dismiss amended complaint. Motion granted. Cause dismissed.

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

**2023-0191. Payne v. Martino.**

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.

**2023-0364. Baksi v. Biden.**

In Mandamus. Sua sponte, cause dismissed.

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

**2023-0391. State ex rel. Feathers v. Wright.**

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.

**2023-0478. State v. McCladdie.**

In Mandamus. Sua sponte, cause dismissed.

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

**2023-0490. Baksi v. Ohio Adult Parole Auth.**

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.

**2023-0494. State v. McCladdie.**

In Mandamus. On relator's motion for leave to amend motion to change venue. Motion denied as moot. Relator's amended motion to change venue and amended motion to stay denied as moot. Sua sponte, cause dismissed.

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

**2023-0499. State ex rel. Mobley v. Witt.**

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

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

**2023-0527. Bethel v. Sperlazza.**

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.

**2023-0529. State ex rel. Weathersby v. Mihalik.**

In Mandamus. On respondent's motion for judgment on the pleadings. Motion granted as to respondent's request for a writ and denied as to respondent's request for statutory damages. Sua sponte, alternative writ granted as to respondent's request for statutory damages. 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, C.J., and DeWine, Stewart, and Brunner, JJ., concur.

Fischer, Donnelly, and Deters, JJ., concur in part and dissent in part and would grant the motion in full.

**2023-0542. Wood v. Tracir Fin. Servs., Inc.**

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

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

**2023-0549. Taylor v. Johnson.**

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

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

**2023-0554. Baker v. McLaughlin.**

In Mandamus and Procedendo. On respondents' motion to dismiss. Motion denied. Sua sponte, cause dismissed as moot.

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

**2023-0556. State ex rel. Harwell v. Wiseman.**

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.

**2023-0585. Robinson v. Ohio Civ. Rights Comm.**

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

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

**2023-0593. Fudge v. S. Ohio Corr. Facility.**

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

**2022-0632. State v. Bond.**

Cuyahoga App. No. 110520, [2022-Ohio-1246](#). On appellant's motion for leave to withdraw assignments of error. Motion granted. Sua sponte, cause dismissed as to remaining proposition of law. Cause dismissed.

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

**2023-0138. State ex rel. Ware v. Beggs.**

In Mandamus. On relator's application for default judgment. Application denied. Relator's motion for default judgment denied. Respondent's motion to set matter for briefing granted. 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.

**2023-0244. State ex rel. Black v. E. Cleveland.**

In Mandamus. On respondent's motion to dismiss. Motion denied. Sua sponte, respondent ordered to file an answer to the complaint within 14 days. 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 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.

**2023-0270. State ex rel. Ctr. for Media & Democracy v. Yost.**

Franklin App. No. 20AP-554, [2023-Ohio-364](#). On appellees' emergency motion for an order to refrain from destruction of evidence at issue in appeal. Motion denied.

Brunner, J., dissents.

**2023-0308. State ex rel. Lakewood v. Strickland.**

In Prohibition. On motion of Ohio Council 8, American Federation of State, County and Municipal Employees, AFL-CIO and Local 1043, American Federation of State, County and Municipal Employees, AFL-CIO to intervene as respondents. Motion granted. Respondent's motion to dismiss denied. Sua sponte, respondent and intervening respondents ordered to file an answer to the complaint within 14 days. 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 of the filing of the answer to the complaint, relator shall file a brief within 10 days after the filing of the evidence, respondent and intervening 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 respondent's brief. The parties are ordered to address in their merit briefs the issue whether the common pleas court's jurisdiction to enforce an arbitration provision under R.C. 2711.03(A) applies to an arbitration provision contained in a collective-bargaining agreement under R.C. 4117.09(B)(1).

**2023-0387. State ex rel. Clark v. Ohio Dept. of Rehab. & Corr.**

In Mandamus. Sua sponte, respondent ordered to file an answer to the complaint within 14 days. 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 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.

**2023-0424. State ex rel. Ware v. Bryant.**

In Mandamus. On relator's motion for default judgment. Motion denied. Sua sponte, respondent ordered to file an answer to the complaint within 14 days. 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 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.

**2023-0501. State ex rel. Mobley v. Deters.**

In Mandamus. On respondent's motion to dismiss. Motion denied. Relator's motion to strike and request for sanctions 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.

Fischer, J., dissents and would grant respondent's motion.

Deters, J., not participating.

**2023-0658. State v. Palmer.**

Hamilton App. No. C-220146, [2023-Ohio-1554](#). On appellant's motion for stay. Motion denied.

Donnelly and Stewart, JJ., dissent.

## **APPEALS ACCEPTED FOR REVIEW**

**2023-0480. State v. Maldonado.**

Cuyahoga App. No. 110655, [2023-Ohio-522](#). Appeal accepted on proposition of law No. I.

Donnelly, J., would accept the appeal on all propositions of law.

**2023-0514. In re R.G.M.**

Muskingum App. Nos. CT2022-0046 and CT2022-0047, [2023-Ohio-685](#).

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

## APPEALS NOT ACCEPTED FOR REVIEW

### **2023-0603. State v. Davis.**

Summit App. Nos. 30202, 30212, and 30213, [2023-Ohio-910](#). Appellant's motion to stay proceedings in this court and for limited remand to the court of appeals denied.

Donnelly and Brunner, JJ., dissent.

Stewart, J., dissents and would accept the appeal.