

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

August 2, 2023

[Cite as *08/02/2023 Case Announcements*, 2023-Ohio-2600.]

MERIT DECISIONS WITH OPINIONS

2022-0304. Stingray Pressure Pumping, L.L.C. v. Harris, Slip Opinion No. 2023-Ohio-2598.

Board of Tax Appeals, Nos. 2015-1465 and 2015-1823. Decision affirmed in part and reversed in part.

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

Brunner, J., concurs in judgment only.

Donnelly, J., concurs in part and dissents in part, with an opinion joined by Stewart, J.

2022-1518. State ex rel. Sands v. Lake Cty. Common Pleas Court, Slip Opinion No. 2023-Ohio-2599.

Marion App. No. 9-22-36. Judgment affirmed.

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

Brunner, J., concurs in judgment only.

MERIT DECISIONS WITHOUT OPINIONS

2022-1479. Estate of Dates v. Hamilton Cty. Courthouse.

In Quo Warranto. On motions to dismiss of respondents Hamilton County Courthouse, Court of Common Pleas Judge Leslie Ghiz, Judge Terry Nestor, and Magistrate Anita Berding, Clerk of Courts Pavan V. Parikh, Court Administrator Patrick X. Dressing, Sheriff's Office, Sheriff Charmaine McGuffey, and Sheriff's Deputy Rick Snow and Lawrence C. Baron; Carpenter, Lipps & Leland, L.L.P.; and HSBC Bank USA, N.A. Motions granted. Relator's "notice/order of writ of error" denied as moot. Sua sponte, cause dismissed as to all remaining respondents. Cause dismissed.

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

Brunner, J., not participating.

2023-0102. Emerson v. FBI Interstate.

In Mandamus and Prohibition. On relator's objection to case dismissal. Objection denied as moot. Sua sponte, cause dismissed.

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

2023-0139. Emerson v. United States Dist. Court.

In Mandamus and Prohibition. On motions to dismiss of respondents Interstate Building Maintenance and Home Depot U.S.A., Inc. Motions granted. Sua sponte, cause dismissed as to respondent United States District Court. Cause dismissed.

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

2023-0333. State ex rel. Jenkins v. Eighth Dist. Court of Appeals.

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

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

2023-0557. State ex rel. Dinger v. State.

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

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

2023-0563. State v. McCladdie.

In Mandamus. On motion to dismiss of respondent state of Ohio. Motion granted. Relator's amended motion to change venue and motion to stay denied as moot. Sua sponte, cause dismissed as to all remaining respondents. Cause dismissed.

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

2023-0566. State ex rel. Barksdale v. Cuyahoga Cty.

In Prohibition. On respondents' motions to dismiss. Motions granted. Relator's motion to enter supplemental pleading denied as moot. Cause dismissed.

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

2023-0583. State ex rel. Stith v. Ohio Dept. of Rehab. & Corr.

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

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

2023-0591. State v. Horsley.

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

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

2023-0597. Tschudy v. Ohio Dept. of Rehab. & Corr.

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

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

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

2023-0599. State ex rel. Fuller v. Chambers-Smith.

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.

2023-0623. State ex rel. Beall v. Solle.

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.

2023-0643. Baksi v. Cupach.

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.

2023-0757. State ex rel. Parcell v. Puskarich.

In Procedendo. On relators' motion to restrict public access to all exhibits attached to the complaint. Motion granted. Sua sponte, cause dismissed.

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

2023-0758. State ex rel. Parcell v. Harrison Cty. Court of Common Pleas, Juvenile Div.

In Procedendo. On relators' motion to restrict public access to all exhibits attached to the complaint. Motion granted. Sua sponte, cause dismissed.

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

MOTION AND PROCEDURAL RULINGS

1997-2020. State v. Chinn.

Montgomery App. No. 16206. On appellee's motion to set execution date. Motion granted. Sentence ordered to be carried into execution by the warden of the Southern Ohio Correctional Facility or, in his absence, by the deputy warden on Thursday, March 18, 2027, in accordance with the statutes so provided.

1998-1891. State v. Jones.

Hamilton App. No. C970043. On appellee's motion to vacate execution date. Motion granted.

Deters, J., not participating.

2020-0486. Habibi v. Univ. of Toledo.

Franklin App. No. 19AP-583, [2020-Ohio-766](#). On appellant's motion to reopen. Motion denied.

Brunner, J., not participating.

2023-0398. Armengau v. Ohio Dept. of Rehab. & Corr.

In Mandamus. On respondent's motion to dismiss. Motion denied. Relator's motion for leave to file amended petition/complaint granted. Respondent may file a response, if any, to the amended complaint within 21 days.

Fischer and Stewart, JJ., dissent and would grant the motion to dismiss and deny as moot the motion for leave.

Brunner, J., not participating.

2023-0428. Karmasu v. DiMarco.

In Habeas Corpus. On petitioner's emergency notice in re jurisdiction, address change, and other relief. Notice denied. Petitioner's request for clarification of May 9, 2023 decision denied.

2023-0484. State ex rel. Hutchinson v. Sehlmeier.

In Mandamus. On relator's motion for leave to amend the complaint. Motion granted. Respondent may file a response, if any, to the amended complaint within 21 days.

Donnelly and Brunner, JJ., dissent.

2023-0619. State ex rel. Weathersby v. Mihalik.

In Mandamus. On respondent's motion for judgment on pleadings. 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, 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. The parties shall brief the issue whether the timing of respondent's response to relator's public-records request was reasonable.

Fischer and Brunner, JJ., dissent.

APPEALS ACCEPTED FOR REVIEW

2023-0631. Phoenix Lighting Group, L.L.C. v. Genlyte Thomas Group, L.L.C.

Summit App. No. 30303, [2023-Ohio-1079](#).

Fischer, J., dissents.