

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

September 27, 2023

[Cite as *09/27/2023 Case Announcements*, 2023-Ohio-3432.]

MERIT DECISIONS WITH OPINIONS

2022-0596. Wildcat Drilling, L.L.C. v. Discovery Oil & Gas, L.L.C., Slip Opinion No. 2023-Ohio-3398.

Mahoning App. No. 21 MA 0070, [2022-Ohio-1125](#). Judgment reversed.

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

Donnelly, J., dissents, with an opinion.

Stewart, J., dissents, with an opinion joined by Brunner, J.

2022-1154. State ex rel. Howard v. Watson, Slip Opinion No. 2023-Ohio-3399.

In Mandamus. Writ granted in part and denied in part. Relator awarded \$3,000 in statutory damages.

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

MERIT DECISIONS WITHOUT OPINIONS

2023-0401. Welch v. Burnside.

In Prohibition. On respondent's motion to dismiss. Motion granted. Emile Weaver's motion for leave to intervene granted. Respondent's request for oral argument on any dispositive motion denied. Cause dismissed.

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

2023-0770. State ex rel. Greer v. Delaware Cty. Court of Common Pleas, Probate Div.

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

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

DeWine and Deters, JJ., dissent and would grant an alternative writ.

Brunner, J., not participating.

2023-0777. Ezeh v. Hamilton Cty. Court of Common Pleas, Probate Div.

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.

2023-0779. State ex rel. Dean v. Schooley.

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.

2023-0785. State ex rel. Dean v. Schooley.

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

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

2023-0816. Roper v. Kurt.

In Mandamus. Sua sponte, cause dismissed.

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

2023-0819. State ex rel. Qualls v. Hess.

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.

2023-0826. Ezeh v. Sanders.

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

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

Fischer, J., concurs and would sua sponte declare relator to be a vexatious litigator.

2023-0830. Riccardi v. Supreme Court of Ohio, Domestic Relations Div.

In Prohibition. On respondent's motion to dismiss. Motion granted. Carol Yee's motion to intervene denied. Sua sponte, Carol Yee's motion to dismiss stricken. Cause dismissed.

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

2023-0831. Rummell v. Chambers-Smith.

In Mandamus. On motion to dismiss of respondents Annette Chambers-Smith, Dr. Eddy, Amy McIntosh, Ohio Department of Rehabilitation and Correction, and Dr. Granson. Motion granted. Sua sponte, cause dismissed as to respondent Andera Miller. Cause dismissed.

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

2023-0850. State ex rel. Nixon v. Doherty.

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.

2023-0856. Emerson v. Krieger.

In Mandamus and Prohibition. Sua sponte, cause dismissed.

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

2023-0880. Kamal v. Cook.

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.

2023-0888. State ex rel. Diesel v. Miraldi.

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

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

2023-0903. State ex rel. Mayle v. Farmer.

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

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

2023-0904. State ex rel. Nixon v. Fankhauser.

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

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

2023-0917. Schmidt v. Fliehman.

In Prohibition. On respondent Darke County Court of Common Pleas Judge Travis L. Fliehman's motion to dismiss. Motion granted. Sua sponte, cause dismissed as to respondent Caliber Home Loans, Inc. Cause dismissed.

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

2023-0921. State ex rel. Murphy v. Shanahan.

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

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

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

Fischer and Deters, JJ., not participating.

2023-0937. Lipin v. Brogan.

In Mandamus and Procedendo. 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

2022-1181. Weatherford v. DeWine.

In Mandamus. On request to reinstate appeal. Request denied.

2023-0330. State ex rel. Huber Hts. Veterans Club, Inc. v. Skelton.

In Mandamus and Prohibition. On relator's motion for a new trial. Motion treated as a motion for reconsideration and denied.

2023-0391. Feathers v. Wright.

In Mandamus and Prohibition. On relator's motion to vacate or set aside judgment of dismissal. Motion denied.

2023-0771. CitiMortgage, Inc. v. Nyamusevya.

Franklin App. Nos. 22AP-464 and 22AP-514, [2023-Ohio-1583](#). On appellee's motion to have appellant declared a vexatious litigator. Motion granted. Appellant, Leonard Nyamusevya, found to be a vexatious litigator under S.Ct.Prac.R. 4.03(B). Accordingly, Leonard Nyamusevya 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.

Kennedy, C.J., dissents.

Brunner, J., not participating.

2023-0808. State ex rel. Bates v. S. Ohio Corr. Facility.

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.

Fischer, J., dissents.

2023-0834. State ex rel. Mobley v. LaRose.

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.

Fischer, J., dissents.

2023-0839. State v. Mays.

Lucas App. No. L-21-1228, [2023-Ohio-1908](#). On appellant's motion to stay sentence. Motion denied.

Donnelly and Brunner, JJ., dissent.

2023-0855. In re J.C.

Tuscarawas App. No. 2022 AP 11 0044. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause held for the decision in 2022-1251, *In re Z.C.*, and briefing schedule stayed.

2023-0879. State ex rel. Gordon v. Clark.

In Mandamus. On respondents' motion to dismiss. Motion denied. Sua sponte, 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, 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 Donnelly, JJ., concur in part and dissent in part and would sua sponte dismiss the cause as to requested-record category Nos. 1, 4, and 5.

2023-0999. State v. Church.

Guernsey App. No. 23CA000001, [2023-Ohio-2107](#). On appellant's amended motion for stay of sentencing. Motion denied.

Donnelly and Stewart, JJ., dissent.

2023-1006. Franchetti v. Pozniak.

Lucas App. No. L-22-1251. On appellant's amended motion to stay. Motion denied.

Stewart, J., dissents.

APPEALS ACCEPTED FOR REVIEW

2023-0786. State v. Gasper.

Hamilton App. No. C-220218, [2023-Ohio-1500](#).

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

Deters, J., not participating.

APPEALS NOT ACCEPTED FOR REVIEW

2023-0636. State v. Scheeler.

Delaware App. No. 21CAA110064, [2023-Ohio-1130](#).

Donnelly, J., dissents and would accept the appeal on proposition of law Nos. I, IV, and V.

2023-0754. State v. Kramer-Kelly.

Cuyahoga App. No. 111233, [2023-Ohio-1031](#).

Fischer and Donnelly, JJ., dissent.

2023-0846. Ames v. Geauga Cty. Invest. Advisory Commt.

Geauga App. No. 2022-G-0035, [2023-Ohio-2252](#).

Donnelly and Brunner, JJ., dissent and would accept the appeal on proposition of law Nos. I and IV.