

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

October 11, 2023

[Cite as *10/11/2023 Case Announcements*, 2023-Ohio-3697.]

MERIT DECISIONS WITH OPINIONS

2023-0179. Disciplinary Counsel v. Shaaban, Slip Opinion No. 2023-Ohio-3671.

On Certified Report by the Board of Professional Conduct, No. 2022-026. Omar Fahmi Shaaban, Attorney Registration No. 0085901, last known business address in Toledo, Ohio, suspended from the practice of law for two years with one year conditionally stayed.

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

2023-0253. Grinnell v. Cool, Slip Opinion No. 2023-Ohio-3672.

Ross App. No. 22CA34. Judgment affirmed. Appellee's request to declare appellant a vexatious litigator denied.

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

2023-0314. State ex rel. Mobley v. Tyack, Slip Opinion No. 2023-Ohio-3673.

Franklin App. No. 22AP-313. Appeal dismissed for lack of jurisdiction.

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

Kennedy, C.J., concurs, with an opinion joined by Brunner, J.

MERIT DECISIONS WITHOUT OPINIONS

2023-0329. State ex rel. Huber Hts. Veterans Club, Inc. v. Driscoll.

In Mandamus and Prohibition. On relator's motion for a new trial. Motion treated as a motion for reconsideration and denied. Relator's motion for attorney fees and costs denied. Sua sponte, relator ordered to promptly remit \$969.50 in attorney fees to counsel for respondent. Cause dismissed.

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

Brunner, J., concurs in part and dissents in part and would not order relator to remit attorney fees to counsel for respondent.

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

In Mandamus. On relator's second motion to supplement exhibits. Motion granted. Relator's motion for consideration of alternative writ or remedy and motion to supplement exhibits denied as moot. Sua sponte, cause dismissed as moot.

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

Brunner, J., not participating.

2023-0661. State ex rel. Hampton v. Pope.

In Mandamus. On motion to dismiss of respondents Ryan Cheesebrew and Teddi Alford. Motion granted. Respondent Allen Pope's motion to dismiss granted. Relator's motion for judicial notice denied as moot. Cause dismissed.

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

Deters, J., concurs but would deny relator's motion on the merits.

DeWine, J., concurs in part and dissents in part and would deny the motion to dismiss as to respondent Ryan Cheesebrew and grant an alternative writ as to him.

Brunner, J., concurs in part and dissents in part and would deny the motions to dismiss and grant an alternative writ.

2023-0747. Warner v. Ohio Dept. of Rehab. & Corr.

In Mandamus. On state of Ohio's motion to dismiss. Motion granted. Relator's motion to strike and request for sanctions, motion for leave to amend caption, and motion for default judgment denied. Cause dismissed.

Fischer, Donnelly, and Stewart, JJ., concur.

Brunner, J., concurs but would deny relator's motion for leave to amend caption as moot.

Kennedy, C.J., concurs in part and dissents in part and would grant relator's motion for leave to amend caption and deny as moot relator's motion to strike and request for sanctions and motion for default judgment.

DeWine, J., concurs in part and dissents in part and would deny the motion to dismiss, order respondent to file an answer, and grant relator's motion for leave to amend caption.

Deters, J., concurs in part and dissents in part and would grant relator's motion to amend caption.

2023-0749. Warner v. Ohio Dept. of Rehab. & Corr.

In Mandamus. On respondent's motion to dismiss. Motion granted. Relator's motion for leave to amend caption granted. Relator's motion for default judgment and motion to strike respondent's motion to dismiss denied. Cause dismissed.

DeWine and Deters, JJ., concur.

Kennedy, C.J., concurs but would deny relator's motion for default judgment and motion to strike as moot.

Fischer and Donnelly, JJ., concur in part and dissent in part and would deny relator's motion to amend caption.

Stewart, J., concurs in granting respondent's motion to dismiss relator's declaratory-judgment and statutory-damages claims but dissents from the decision to grant respondent's motion to dismiss the remainder of the mandamus action on the grounds that relator has an adequate remedy in the ordinary course of the law, and would issue an alternative writ directing the parties to brief that issue.

Brunner, J., concurs in part and dissents in part and would deny relator's motion to amend caption as moot.

2023-0885. Roberts v. Kennedy.

In Mandamus. On motion to dismiss of respondents Chief Justice Sharon Kennedy and Governor Mike DeWine. Motion granted. Relator's request for issuance of additional summons and request for issuance of additional subpoena denied as moot. Sua sponte, cause dismissed as to respondent Justice Patrick F. Fischer. Cause dismissed.

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

Fischer, J., not participating.

2023-0922. Roberts v. Hollar.

In Mandamus. On respondents' motion to dismiss. Motion granted. Relator's request for issuance of additional summons and request for issuance of additional subpoena denied as moot. Cause dismissed.

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

2023-0923. Smith v. S. Ohio Corr. Facility.

In Mandamus. On respondent's motion to dismiss. Motion granted as to record request Nos. 3, 4, and 6. As to record request Nos. 1, 2, 5, and 7, motion denied and 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.

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

Fischer, J., concurs in part and dissents in part and would grant the motion in its entirety.

2023-0926. State ex rel. Golden v. Tenth Dist. Court of Appeals.

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

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

2023-0953. McCoy v. Marcelain.

In Mandamus. On motion to dismiss of respondent Licking County Court of Common Pleas Judge Thomas Marcelain. Motion granted. Motion to dismiss of

respondent Licking County Court of Common Pleas Judge W. David Branstool granted. Respondents' motions to strike denied as moot.

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

Stewart and Brunner, JJ., concur but would deny the motions to strike on the merits.

MOTION AND PROCEDURAL RULINGS

2022-1114. State v. Wiley.

Cuyahoga App. No. 110753, [2022-Ohio-2131](#). Sua sponte, it is ordered that the cause is no longer held for the decision in 2022-1037, *State v. Hurt*, and the stay of the briefing schedule is lifted. The clerk shall issue an order for the transmittal of the record from the Court of Appeals for Cuyahoga County, and the parties shall brief this case in accordance with the Rules of Practice of the Supreme Court of Ohio.

2022-1257. State v. Degahson.

Clark App. No. 2021-CA-35, [2022-Ohio-2972](#). Sua sponte, it is ordered that the cause is no longer held for the decision in 2022-1037, *State v. Hurt*. Sua sponte, cause held for the decision in 2022-1458, *State v. Duncan*. The briefing schedule remains stayed.

2022-1449. State v. Miree.

Cuyahoga App. No. 110749, [2022-Ohio-3664](#). Sua sponte, it is ordered that the cause is no longer held for the decision in 2022-1037, *State v. Hurt*. Sua sponte, cause held for the decision in 2022-1458, *State v. Duncan*. The briefing schedule remains stayed.

2022-1458. State v. Duncan.

Cuyahoga App. No. 110784, [2022-Ohio-3665](#). Sua sponte, it is ordered that the cause is no longer held for the decision in 2022-1037, *State v. Hurt*, and the stay of the briefing schedule is lifted. The clerk shall issue an order for the transmittal of the record from the Court of Appeals for Cuyahoga County, and the parties shall brief this case in accordance with the Rules of Practice of the Supreme Court of Ohio.

2022-1601 and 2022-1626. State v. Wagner.

Lake App. No. 2021-L-101, [2022-Ohio-4051](#). Sua sponte, it is ordered that the causes are no longer held for the decision in 2022-1037, *State v. Hurt*. Sua sponte,

causes held for the decision in 2022-1458, *State v. Duncan*. The briefing schedule remains stayed.

Donnelly and Stewart, JJ., dissent and would dismiss the causes as having been improvidently accepted.

2023-0833. State ex rel. E. Ohio Gas Co. v. Corrigan.

In Prohibition. On respondent's motion to dismiss. Motion denied. Motion of J. William Vigrass for leave to intervene as respondent granted. Sua sponte, respondent Cuyahoga County Court of Common Pleas Judge Peter J. Corrigan 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 briefs 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' briefs.

2023-1135. Miller v. Mission Essential Group, L.L.C.

Franklin App. Nos. 22AP-448 and 22AP-449, [2023-Ohio-3077](#). On appellant's motion for immediate stay of court of appeals' judgment. Motion granted. The existing supersedeas bond shall continue.

DeWine, Brunner, and Deters, JJ., dissent.

2023-1145. State v. Boyle.

Cuyahoga App. No. 113045, [2023-Ohio-3161](#). On appellant's motion for stay. Motion denied.

Brunner, J., dissents.

APPEALS ACCEPTED FOR REVIEW

2023-0889. State v. Hickman.

Ashtabula App. No. 2022-A-0114, [2023-Ohio-1793](#).

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

2023-0954. State v. McDonald.

Hamilton App. No. C-220328, [2023-Ohio-1987](#). Sua sponte, cause held for the decision in 2022-1088, *State v. Guyton*.

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

Deters, J., not participating.

APPEALS NOT ACCEPTED FOR REVIEW

2023-0868. State v. Williams.

Cuyahoga App. No. 111739, [2023-Ohio-1748](#).

Donnelly, J., dissents and would accept the appeal on proposition of law
No. I.

Stewart, J., dissents.