

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

November 29, 2023

[Cite as *11/29/2023 Case Announcements*, 2023-Ohio-4259.]

MERIT DECISIONS WITH OPINIONS

2023-0402. *State ex rel. Stokes v. Dept. of Rehab. & Corr.*, Slip Opinion No. **2023-Ohio-4201**.

Franklin App. No. 21AP-482, **2023-Ohio-468**. Judgment affirmed.

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

2023-0741. *Disciplinary Counsel v. Blakeslee*, Slip Opinion No. **2023-Ohio-4202**.

On Certified Report by the Board of Professional Conduct, No. 2022-046. Jack Allen Blakeslee, Attorney Registration No. 0001005, last known business address in Caldwell, Ohio, suspended from the practice of law for one year with six months conditionally stayed.

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

DeWine, J., concurs in judgment only.

Fischer, J., concurs in part and dissents in part and would impose a two-year suspension, all stayed, and two years of probation.

Brunner, J., not participating.

MERIT DECISIONS WITHOUT OPINIONS

2023-0547. State ex rel. Yost v. Tenth Dist. Court of Appeals.

In Prohibition. On motion to intervene of Center for Media and Democracy and David Armiak. Motion denied. Respondent's motion to dismiss granted. Cause dismissed.

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

2023-0756. State ex rel. Sims v. Green.

In Mandamus. Sua sponte, cause dismissed.

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

2023-0783. State ex rel. Omni Energy Group, L.L.C. v. Vendel.

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.

2023-0878. State ex rel. Townsend v. Sheehan.

In Procedendo. On respondent's motion to dismiss. Motion granted. Relator's "motion for objection to respondents' motion to dismiss" denied as moot. Cause dismissed.

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

2023-0925. Epling v. Dept. of Job & Family Servs. Family Preservation Unit.

Miscellaneous case. On motions to dismiss of respondent Fairfield County Juvenile Court Judge Terre L. Vandervoort and of respondents Fairfield County Job & Family Services Family Preservation Unit, Erynn Alexander, Rachel Briggs, Karla Nelson, Alexa Wildermuth, Tori Tennant, and Rosemary Reece. Motions granted. Relator's amended motion to change filing, motion to seek counsel, "motion and to the adding to the file," amended motion to amend/change case type, and "motion for leave to amend/additional information" denied as moot. Respondent Michele Matchett's motion to obtain access to the online documents denied as moot. Motions for more definite statement of respondents Michele Matchett, Jen Meadows, Shelby Day, Julie Anderson, Elizabeth Wyslutsky, and Tallmadge Elementary School (collectively, "Tallmadge respondents") denied as moot. Tallmadge respondents' motion to strike the July 18, 2023 files, motion to

strike the July 31, 2023 continued information, motion to strike the July 31, 2023 SAR photos, motion to strike the August 4, 2023 continued information, motion to obtain access to the online documents, motion to strike the August 9, 2023 “continued list of violators,” motion to strike the August 14, 2023 continuance of the case description, motion to strike the September 21, 2023 motion, motion to strike the August 18, 2023, October 2, 2023, and October 9, 2023 documents filed by relator, motion for show-cause order, and motion to strike the “motion for leave to amend/additional information” denied as moot. Sua sponte, cause dismissed as to remaining respondents. Cause dismissed.

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

2023-0949. Epling v. State.

Miscellaneous case. On motions to dismiss of respondents Fairfield Medical Center/Fairfield County Hospital, Arlington Nursing Care, and Mount Carmel Hospital. Motions granted. Relators’ motion to amend case type denied as moot. Sua sponte, cause dismissed as to respondent Country Lane Gardens. Cause dismissed.

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

2023-0958. State ex rel. Gregory v. Lucas Cty. Court of Common Pleas.

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.

2023-0982. Jones v. Parikh.

In Mandamus. Sua sponte, cause dismissed.

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

Deters, J., not participating.

2023-1046. Williams v. Parikh.

In Mandamus. Sua sponte, cause dismissed.

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

Deters, J., not participating.

2023-1065. Mitchell v. Parikh.

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

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

Deters, J., not participating.

2023-1066. Blanton v. Parikh.

In Mandamus. On motion to dismiss of respondents Pavan Parikh and Hamilton County Prosecutor's Office. Motion granted. Sua sponte, cause dismissed as to respondent Conner Riley. Cause dismissed.

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

Fischer and Deters, JJ., not participating.

2023-1069. State ex rel. Barr v. Securus Technologies.

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

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

Kennedy, C.J., and Brunner, J., dissent and would grant an alternative writ.

2023-1075. State ex rel. Cunningham v. McIntosh.

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.

2023-1093. State ex rel. Jackson v. Adkins.

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

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

Brunner, J., dissents.

2023-1102. Blair v. Cincinnati.

In Mandamus. On respondents' motions to dismiss. Motions granted. Relator's "leave of writ mandamus" denied as moot. Cause dismissed.

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

Deters, J., not participating.

2023-1109. State v. Kirk.

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.

2023-1131. Chandler v. Parikh.

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

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

Deters, J., not participating.

2023-1138. State ex rel. Distasio v. Cuyahoga Cty. Court of Common Pleas.

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

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

2023-1143. El Bey v. Todaro.

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

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

2023-1144. Jones v. State.

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

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

Deters, J., not participating.

2023-1147. State ex rel. Thompson v. Kennedy.

In Mandamus. On respondent's motion to dismiss. Motion granted. Relator's emergency motions "to reinstitute Judge Swenski's deprivation of authority to preside in proceeding pursuant to R.C. 2701.03 and to expedite this original action in mandamus" and to invoke constitutional authority "to prevent unlawful incarceration" denied as moot. Cause dismissed.

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

2023-1150. Sullivan v. Barrett.

In Mandamus. Sua sponte, cause dismissed.

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

2023-1154. State ex rel. Walder v. Grendell.

In Prohibition. On relators' motion for emergency stay and expedited alternative writ. Motion denied. Motion to intervene of Leslie Ann Piszczak denied. Sua sponte, cause dismissed.

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

2023-1186. In re Stone.

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.

2023-1187. In re Burnell.

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.

2023-1214. State ex rel. Ames v. LaRose.

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

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

2023-1219. Fletcher v. State.

In Mandamus. 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

2023-0190. State ex rel. Wells v. Lakota Local Schools Bd. of Edn.

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. Sua sponte, respondents ordered to submit under seal for in camera inspection unredacted copies of all records they withheld in response to the requests that relator sent on January 5 and 19, 2023.

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

In Mandamus. On relator's amended motion for relief from judgment. Motion denied.

Brunner, J., dissents.

2023-0610. State ex rel. Obetz v. Stinziano.

In Mandamus and Prohibition. On motion to intervene and motion for leave to file merit brief of Franklin County Board of Commissioners. Motions denied. Respondents' motion for joinder of affected taxing districts denied. Stay imposed on October 12, 2023, lifted. Respondents ordered to file a merit brief within ten days, and relator ordered to file a reply brief, if any, within seven days of the filing of respondents' merit brief.

2023-0888. Diesel v. Miraldi.

In Prohibition. On relator's request for findings of fact and conclusions of law. Request denied.

2023-0959. State ex rel. Culgan v. Jefferson Cty. Clerk of Courts.

In Mandamus. On relator's motion for leave to file amended complaint. Motion granted.

2023-1094. State ex rel. Mobley v. Tyack.

In Mandamus. On respondent's 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, 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. Relator's motion for sanctions and revised motion for sanctions denied.

Brunner, J., concurs in part and dissents in part and would grant the motion to dismiss as to relator's November 16, 2022 request.

Fischer, J., concurs in part and dissents in part and would grant respondent's motion to dismiss.

2023-1105. State ex rel. Howson v. Edmonson.

In Mandamus. On respondent's 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, 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.

2023-1130. West v. Ohio Dept. of Rehab. & Corr.

In Mandamus. On respondents' motion to dismiss for failure to state a claim upon which relief can be granted. Motion denied.

2023-1155. In re Natl. Prescription Opiate Litigation v. Purdue Pharma, L.P.

Certified Question of State Law, United States Court of Appeals for the Sixth Circuit Nos. 22-3750, 22-3751, 22-3753, 22-3841, 22-3843, and 22-3844. On review pursuant to S.Ct.Prac.R. 9.05, this court will answer the following question: "Does the Ohio Product Liability Act, R.C. 2307.71 et seq., as amended in 2005 and 2007, abrogate a common-law claim of absolute public nuisance resulting from the sale of a product in commerce in which the plaintiffs seek equitable abatement, including both monetary and injunctive remedies?" Petitioners shall file their merit brief within 40 days, and the parties shall otherwise proceed in accordance with S.Ct.Prac.R. 16.02 through 16.04 and S.Ct.Prac.R. 9.07.

Kennedy, C.J., and Brunner, J., dissent.

2023-1170. State ex rel. Scott v. Toledo Corr. Facility.

In Mandamus. On respondent's 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, 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.

2023-1171. State ex rel. Lipkins v. Ohio Dept. of Rehab. & Corr.

In Mandamus. On respondent's 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, 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 and Deters, JJ., dissent.

2023-1201. State ex rel. Mack v. Richland Cty. Sheriff's Office.

In Mandamus. On respondent's 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, 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.

RECONSIDERATION OF PRIOR DECISIONS

2023-0836. State v. Ritchey.

Geauga App. No. 2022-G-0025, [2023-Ohio-1625](#). Reported at 171 Ohio St.3d 1422, 2023-Ohio-3180, 216 N.E.3d 690. On motion for reconsideration. Motion denied.

Donnelly, J., dissents.

Brunner, J., dissents and would grant the motion as to proposition of law Nos. I and II.

APPEALS NOT ACCEPTED FOR REVIEW

2023-1057. State v. Robinson.

Lake App. No. 2022-L-086, [2023-Ohio-2352](#).

Donnelly, J., dissents and would hold the cause for the decision in 2022-0987, *State v. Palmer*.

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