

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

December 27, 2023

[Cite as *12/27/2023 Case Announcements*, 2023-Ohio-4695.]

MERIT DECISIONS WITH OPINIONS

2022-1251. In re Z.C., Slip Opinion No. 2023-Ohio-4703.

Ashtabula App. No. 2022-A-0014, [2022-Ohio-3199](#). Judgment reversed and cause remanded.

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

MERIT DECISIONS WITHOUT OPINIONS

2023-0447. Longo v. Lorain Cty. Court of Common Pleas, Probate Div.

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

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

2023-1029. Epling v. State.

Miscellaneous case. On relators' motion for counsel. Motion denied. Motions to dismiss of respondents Fairfield Medical Center and Fairfield County Juvenile and Probate Court Judge Terre L. Vandervoort granted. Sua sponte, cause dismissed as to remaining respondents. Cause dismissed.

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

2023-1035. State ex rel. Dowell v. Byrd.

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.

2023-1072. Stralka v. Malesic.

In Quo Warranto. On respondent Bishop Edward C. Malesic's motion to dismiss. Motion granted. Sua sponte, cause dismissed as to respondent Pope Francis. Cause dismissed.

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

2023-1106. State ex rel. Mulinix v. Gill.

In Mandamus and Prohibition. On relator's motion for an expedited decision on the remaining issues or, in the alternative, for a stay of the appellate-court proceedings. Motion denied as moot. Relator's motion for an expedited clarification of the court's decision dated September 8, 2023, and motion "to strike the 'motion to dismiss complaint' " or, in the alternative, for leave of court to file a response denied. Sua sponte, cause dismissed.

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

2023-1153. State ex rel. Hughes v. Allen.

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

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

Deters, J., not participating.

2023-1203. Holloway v. Parikh.

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

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

Fischer and Deters, JJ., not participating.

2023-1210. Smith v. Baldwin.

In Mandamus. 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 and would grant an alternative writ.

2023-1217. State ex rel. Brown v. Defendants Have Rights.

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

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

Stewart and Brunner, JJ., dissent and would grant an alternative writ.

2023-1220. Durham v. Parikh.

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

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

DeWine, J., concurs in part and dissents in part and as to respondent Hamilton County Clerk of Courts Pavan Parikh, would deny the motion and grant an alternative writ.

Deters, J., not participating.

2023-1221. State ex rel. Brown v. Columbiana Cty. Sheriff's Office.

In Mandamus. On respondents' motion for judgment on pleadings. Motion granted. Cause dismissed.

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

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

2023-1222. State ex rel. Ferrell v. Eighth Dist. Court of Appeals Judges.

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

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

2023-1224. State ex rel. Brown v. Columbiana Cty. Prosecutor’s Office.

In Mandamus. On respondents’ motion for judgment on pleadings. Motion granted. Cause dismissed.

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

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

2023-1237. Epling v. State.

In Mandamus and Prohibition. On relator’s motions to amend case type and request to “add HHS.” Motions and request denied as moot. Motions to dismiss of respondents Lancaster Police Department and Lancaster Utilities Collection Office; Department of Job and Family Services; Community Action Program Commission of the Lancaster Fairfield County Area; state of Ohio; and White House, United States Environmental Protection Agency, United States Secretary of Defense Lloyd J. Austin III, United States House of Representatives, and Federal Bureau of Investigation granted. Sua sponte, cause dismissed as to remaining respondents. Cause dismissed.

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

2023-1255. Griffin v. Booth.

In Mandamus. On respondent’s motion to dismiss. Motion granted. Relator’s motion to submit evidence denied as moot. Cause dismissed.

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

Kennedy, C.J., dissents and would deny the motions and grant an alternative writ.

2023-1270. State ex rel. Bradford v. Hanni.

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

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

Fischer, J., not participating.

2023-1272. Weatherford v. DeWine.

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

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

2023-1291. State ex rel. Fenstermaker v. Madden.

In Mandamus. 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 and would grant an alternative writ.

2023-1297. State ex rel. Pitts v. VanEerten.

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

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

2023-1302. State ex rel. Robinson v. Lombardi.

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.

2023-1307. State ex rel. Robinson v. Reed.

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

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

Brunner, J., would sua sponte dismiss the cause.

2023-1311. State ex rel. Hale v. Spaeth.

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.

2023-1324. Sanders v. O'Brien.

In Prohibition. On relator's motion for order to show cause. Motion denied as moot. Respondent's motion to dismiss granted. Cause dismissed.

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

2023-1333. State ex rel. Gregory v. Lucas Cty. Common Pleas Clerk of Court.
In Mandamus. Upon consideration of respondent's answer and pursuant to S.Ct.Prac.R. 12.04, cause dismissed.

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

Stewart and Brunner, JJ., dissent and would grant an alternative writ.

Deters, J., dissents and would grant an alternative writ as to requested documents A through G and I.

2023-1338. State ex rel. Barker v. Adult Parole Auth.

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

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

2023-1342. State ex rel. McGee v. Russo.

In Mandamus. On respondent's motion to dismiss and request to declare relator a vexatious litigator. Motion granted and request denied. Cause dismissed.

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

2023-1348. State ex rel. Fenstermaker v. Schiffel.

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.

2023-1351. State ex rel. Baker v. McBride.

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

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

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

Brunner, J., dissents and would grant an alternative writ as to requested document No. 6.

Deters, J., dissents and would grant an alternative writ as to requested document Nos. 2, 6, and 7.

MOTION AND PROCEDURAL RULINGS

2015-0080. State ex rel. McIntyre v. Summit Cty. Court of Common Pleas.

In Mandamus and Prohibition. On relator's motion to show cause and to compel respondents to dispose of all charges and provide relator with a final, appealable order. Motion denied.

2023-0439. State ex rel. Moro v. Freeman.

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.

2023-0809. Caldwell v. Whirlpool Corp.

Marion App. No. 9-22-61, [2023-Ohio-1530](#). On appellee's motion to strike appellant Bureau of Workers' Compensation's merit brief. Motion denied.

Kennedy, C.J., dissents.

Stewart, J., not participating.

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

In Mandamus. 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.

2023-1192. State ex rel. Satta v. Ohio Dept. of Rehab. & Corr.

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, 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.

2023-1212. Makuch v. Makuch.

Geauga App. No. 2023-G-0007, [2023-Ohio-2729](#). Sua sponte, Joseph G. Stafford, counsel of record for appellant, ordered to show cause within 14 days why he should not be sanctioned under S.Ct.Prac.R. 4.03(A) for instituting a frivolous appeal.

2023-1218. State ex rel. Brown v. Columbiana Cty. Jail.

In Mandamus. On respondents' motion for judgment on the 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, 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, J., dissents.

Donnelly and Deters, JJ., dissent and would dismiss the petition as moot.

2023-1290. State ex rel. Fenstermaker v. Drake.

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, 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 Stewart, JJ., dissent.

Deters, J., not participating.

2023-1339. Akron City Schools Bd. of Edn. v. Summit Cty. Bd. of Revision.

Board of Tax Appeals, No. 2021-2377. On appellee Akron City School District Board of Education's motion to dismiss. Motion granted. Because the appeal instituted by appellants originated from a board-of-revision proceeding, this court lacks jurisdiction under R.C. 5717.04 to decide it. Sua sponte, it is ordered that Donald Vargo's name is stricken from all documents filed in the case and Vargo is prohibited from filing any other documents in this court on behalf of another. The clerk of this court shall refer the matter to the Board on the Unauthorized Practice of Law for investigation and review as it deems appropriate. Sua sponte, cause dismissed as to remaining parties. Cause dismissed.

2023-1392. Sanders v. O'Brien.

Summit App. No. 30876, [2023-Ohio-3614](#). On appellant's motion for stay. Motion denied. Appellant's motion for supersedeas appeal bond denied.

2023-1406. Henry Cty. Land Reutilization Corp. v. Pelmeear.

Henry App. No. 7-23-03, [2023-Ohio-2718](#). On appellant's motion for stay pending appeal. Motion denied.

APPEALS ACCEPTED FOR REVIEW

2023-1149. State v. Riley.

Cuyahoga App. No. 112302, [2023-Ohio-2588](#). Appeal accepted on proposition of law No. I.

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

APPEALS NOT ACCEPTED FOR REVIEW

2023-1234. State v. Castile.

Franklin App. No. 23AP-155, [2023-Ohio-2860](#).

2023-1267. State v. Sebring.

Wayne App. No. 22AP0032, [2023-Ohio-2911](#).

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