

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

April 10, 2024

[Cite as *04/10/2024 Case Announcements*, 2024-Ohio-1307.]

MERIT DECISIONS WITH OPINIONS

2023-1212. Makuch v. Makuch, Slip Opinion No. 2024-Ohio-1305.

Geauga App. No. 2023-G-0007, [2023-Ohio-2729](#). On consideration of the jurisdictional memoranda filed in this case, the court declines to accept jurisdiction of the appeal pursuant to S.Ct.Prac.R. 7.08(B)(4). Appeal deemed frivolous. Joseph G. Stafford's motions for clarification and for leave to file supplemental brief denied.

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

MERIT DECISIONS WITHOUT OPINIONS

2023-1159. Klein's Pharmacy & Orthopedic Appliances, Inc. v. Summit Cty. Court of Common Pleas.

In Prohibition. On Steven Maupin and Charles Maupin's motion to intervene as respondents. Motion granted. Respondents' motion to dismiss granted as to respondent Summit County Court of Common Pleas because it is not sui juris and therefore may not be sued. Respondents' motion to dismiss denied as to respondent Summit County Court of Common Pleas Judge Mary Margaret Rowlands. Sua sponte, respondent Judge Mary Margaret Rowlands ordered to file an answer to the complaint within 14 days. Sua sponte, alternative writ granted as to respondent Judge Mary Margaret Rowlands. 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. Independent Pharmacy Cooperative et al.'s motion to file amicus curiae memorandum in support of complaint granted.

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

2023-1527. State ex rel. AIY Properties, Inc. v. Scott.

In Mandamus and Procedendo. On respondent's motion to dismiss. Motion granted. Relator's emergency request to expedite denied as moot. Cause dismissed.

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

2024-0112. Thompson v. Stone.

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

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

2024-0157. Bibb v. Fed. Bur. of Investigation.

In Mandamus. Cause dismissed pursuant to S.Ct.Prac.R. 12.04.

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

2024-0159. McCoy v. Gonzalez-Wells.

In Quo Warranto. On respondents Jenny Rebecca Gonzalez-Wells's and Officer Kenneth Wayne Oswald's motions to dismiss. Motions granted. Respondents Jenny Rebecca Gonzalez-Wells's and Officer Kenneth Wayne Oswald's motions to strike denied as moot. Sua sponte, cause dismissed as to respondent Robert Calesaric. Cause dismissed.

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

2024-0180. Bibb v. Dept. of Mental Health.

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.

MOTION AND PROCEDURAL RULINGS

2022-1449. State v. Miree.

Cuyahoga App. No. 110749, [2022-Ohio-3664](#). On appellant's motion for order deeming trial exhibits on record in consolidated/companion case of *State v. Duncan* part of the record in this case. Motion granted.

2023-0111 and 2023-0130. In re Application of Dayton Power & Light Co.

Public Utilities Commission, Nos. 08-1094-EL-SSO, 08-1095-EL-ATA, 08-1096-EL-AAM, and 08-1097-EL-UNC. Sua sponte, appellant/cross-appellee, appellee/cross-appellant, and intervening appellee/cross-appellee ordered to file within 30 days memoranda addressing (1) whether the rate stabilization charge can be considered a "provision[], term[], [or] condition[]" of the utility's most recent standard service offer" under R.C. 4928.143(C)(2)(b) and (2) the meaning of the "as is necessary" clause in R.C. 4928.143(C)(2)(b) as it relates to the commission's authority to address the lawfulness and reasonableness of the rate stabilization charge and to modify the rate charged under the rate stabilization charge. The parties may file a response within 15 days of the initial memoranda. The clerk of this court shall refuse to file any requests for or stipulations to an extension of time.

Deters, J., not participating.

2023-0411. Tera, L.L.C. v. Rice Drilling D, L.L.C.

Belmont App. No. 21 BE 0047, [2023-Ohio-427](#). On appellee's motion to strike citation to supplemental authority. Motion denied.

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

John J. Eklund, J., of the Eleventh District Court of Appeals, sitting for Brunner, J.

2023-1332. State ex rel. Johnson v. Higgins.

In Quo Warranto. 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. Motion to intervene as respondent of Brook Park Firefighters Association, Local 1141 International Association of Firefighters, AFL-CIO-CLC, denied as moot. Motion for leave to file amended motion to intervene of Brook Park Firefighters Association, Local 1141 International Association of Firefighters, AFL-CIO-CLC, granted; amended motion to intervene accepted and denied.

2023-1471. Reedy v. Astoria Skilled Nursing & Rehab.

Stark App. No. 2023CA00079. On appellee's motion for attorney fees and sanctions. Motion denied. Appellants' motion to strike denied.

Fischer, J., dissents in part and would grant appellee's motion.

2023-1622. State ex rel. Young v. Blendon Twp. Police Dept.

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. Sua sponte, respondent ordered to file within 20 days under seal for in camera inspection unredacted copies of records responsive to relator's public-records request.

2024-0351. In re B.T.

Summit App. Nos. 30683 and 30682. On appellant's motion to stay. Motion denied.

Fischer, J., dissents.