

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

May 22, 2024

[Cite as *05/22/2024 Case Announcements #2, 2024-Ohio-1922.*]

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## MERIT DECISIONS WITH OPINIONS

**2023-1172. State ex rel. Yeager v. Lake Cty. Court of Common Pleas, Slip Opinion No. 2024-Ohio-1921.**

Lake App. No. 2023-L-033, [2023-Ohio-2928](#). Judgment affirmed.

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

## MERIT DECISIONS WITHOUT OPINIONS

**2023-1425. State ex rel. Fischer Asset Mgt., L.L.C. v. Scott.**

Cuyahoga App. No. 113237. On appellant's motion to consolidate case Nos. 2023-1425, 2023-1432, and 2023-1434. Motion denied as moot. Appellant's motion for oral argument denied. Sua sponte, cause dismissed as moot.

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

**2023-1426. State ex rel. AIY Properties, Inc. v. Scott.**

Cuyahoga App. No. 113276. On appellee's motion to dismiss. Motion granted. Appellee's motion to strike or prohibit appellant's motion for reconsideration denied. Appellant's motion for oral argument denied. Cause dismissed.

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

**2023-1615. State ex rel. O’Toole v. Ashtabula Cty. Court of Common Pleas.**

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.

**2024-0240. State ex rel. Lattimore v. Tenth Dist. Court of Appeals.**

In Mandamus. On motions to dismiss of respondents Franklin County Children Services and Tenth District Court of Appeals. Motions granted. Sua sponte, cause dismissed as to respondent NYAP. Cause dismissed.

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

**2024-0267. State ex rel. Mobley v. O’Shaughnessy.**

In Mandamus. On respondent’s motion to dismiss. Motion granted. Relator’s motion for sanctions and motion to strike as sham respondent’s motion to dismiss denied. 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.

**2024-0280. Pelmeear v. Henry Cty. Prosecutor.**

In Mandamus and Prohibition. On respondent’s motion to dismiss. Motion granted. Relator’s motion for leave to amend the caption of the complaint denied. Cause dismissed.

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

Stewart, J., dissents and would issue an alternative writ.

**2024-0281. Edelstein v. Flottman.**

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.

**2024-0286. Bibb v. Austin.**

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

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

Fischer, DeWine, and Deters, JJ., concur and would sua sponte declare relator to be a vexatious litigator.

**2024-0300. Bibb v. Republican Natl. Commt.**

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

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

Fischer, DeWine, and Deters, JJ., concur and would sua sponte declare relator to be a vexatious litigator.

**2024-0315. Bibb v. Office of the Clerk, United States Court of Appeals for the Sixth Circuit.**

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

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

Fischer, DeWine, and Deters, JJ., concur and would sua sponte declare relator to be a vexatious litigator.

**2024-0320. State ex rel. Thompson v. Maloney.**

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.

**2024-0321. Cole v. Parikh.**

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.

**2024-0345. Barton v. Chambers-Smith.**

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

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

**2024-0347. State ex rel. Webb v. Myser.**

In Mandamus. Sua sponte, cause dismissed as moot.

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

**2024-0377. State ex rel. Williams v. Parikh.**

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

Kennedy, C.J., and DeWine, Donnelly, Stewart, and Brunner, JJ., concur.  
Fischer and Deters, JJ., not participating.

**2024-0382. Walker v. Fuerst.**

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

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

Brunner, J., would sua sponte dismiss the cause and deny the motions as moot.

**2024-0390. State ex rel. Bey v. Tone.**

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.

**2024-0404. State ex rel. Millow v. Hamilton Cty. Prosecutor's Office.**

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.

**2024-0410. State ex rel. Ship v. Hamilton Cty. Court of Common Pleas.**

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

Kennedy, C.J., and Fischer, DeWine, Donnelly, and Stewart, JJ., concur.  
Deters, J., would deny the motion and sua sponte dismiss the cause.  
Brunner, J., dissents and would issue an alternative writ.

**2024-0412. Johnson v. McNamara.**

In Prohibition. On respondents' motion to dismiss. Motion granted. Relator's motion to strike the motion to dismiss denied. Cause dismissed.

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

**2024-0423. State v. Perry.**

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

**1994-0010. State v. Carter.**

Hamilton App. No. C-920604. On appellant's unopposed motion to vacate execution date. Motion granted.

Deters, J., not participating.

**2012-0846. State v. Diggle.**

Auglaize App. No. 2-11-19, [2012-Ohio-1583](#). On appellant's "matter related to the practice of law." Filing stricken for failure to comply with this court's Rules of Practice.

**2022-1044. State ex rel. Barr v. Wesson.**

In Mandamus. On relator's motion for order to show cause. Motion denied.

**2023-0649. In re Application of Columbia Gas of Ohio, Inc.**

Public Utilities Comm., Nos. 22-1145-EL-BLN and 22-1145-GA-BLN. On appellant's motion for an immediate stay or, in the alternative, an injunction. Motion denied.

**2024-0111. Williams v. Perez.**

In Mandamus. On relators' request for findings of fact/conclusions of law. Request denied.

**2024-0161. State ex rel. Dudley v. Yost.**

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 court's entry, relator shall file a brief within 30 days of the court's entry, 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.

**2024-0279. State ex rel. Staple v. State Emp. Relations Bd.**

Franklin App. No. 22AP-78, [2024-Ohio-140](#). On appellee's motion to stay appeal pending decision on motion to dismiss. Motion denied.

**2024-0301. State ex rel. Doogs v. Dept. of Rehab. & Corr.**

In Mandamus. On relator's motion to strike. Motion denied. Respondent's motion to dismiss granted in part and denied in part. Sua sponte, respondent ordered to file an answer to the complaint within 14 days as to Attachment A (records request No. 412174291) and Attachment B (records request No. 412337081) to the complaint. Sua sponte, alternative writ granted as to Attachments A and B. Motion to dismiss granted as to the remaining records requests. 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 court's entry, relator shall file a brief within 30 days of the court's entry, 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 petition to correct names and addresses granted. Relator's motion to strike motion to dismiss denied as moot.

Deters, J., would deny the motion to strike motion to dismiss on the merits.

Kennedy, C.J., and Fischer, JJ., dissents in part and would grant the motion to dismiss as to all the records requests and would deny the motion to strike motion to dismiss on the merits.

Donnelly, J., dissents in part and would grant the motion to dismiss as to all the records requests.

**2024-0376. Keith v. Franklin Cty. Prosecutor's Office.**

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 court's entry, relator shall file a brief within 30 days of the court's entry, 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 Fischer and DeWine, JJ., dissent.

**2024-0500. S.E. v. Edelstein.**

Warren App. No. CA2023-08-064, [2024-Ohio-1090](#). On appellants' motion for stay. Motion denied.

Fischer, J., dissents.

**APPEALS NOT ACCEPTED FOR REVIEW**

**2024-0290. State v. Lewis.**

Cuyahoga App. No. 112608, [2023-Ohio-4651](#).

Donnelly, Stewart, and Brunner, JJ., dissent.

**2024-0334. In re Jones.**

Richland App. No. 2023 CA 0028, [2024-Ohio-408](#).

Donnelly, Stewart, and Brunner, JJ., dissent.