

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

January 24, 2024

[Cite as *01/24/2024 Case Announcements, 2024-Ohio-202.*]

MERIT DECISIONS WITH OPINIONS

2023-0125. *State ex rel. AWMS Water Solutions, L.L.C. v. Mertz*, Slip Opinion No. **2024-Ohio-200**.

Trumbull App. No. 2016-T-0085, [2022-Ohio-4571](#). On appellants' motion for oral argument. Motion denied. Judgment reversed and cause remanded.

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

2023-0711. *State ex rel. Edward Smith Corp. v. Marsh*, Slip Opinion No. **2024-Ohio-201**.

Hamilton App. No. C-230127. Judgment affirmed.

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

Deters, J., not participating.

MERIT DECISIONS WITHOUT OPINIONS

2023-0994. *Shank v. Ninth Dist. Court of Appeals*.

In Mandamus and Procedendo. On respondent's motion to dismiss. Motion granted; the Ninth District Court of Appeals is not sui juris and therefore may not be sued. Cause dismissed.

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

2023-1142. State ex rel. Taylor v. Matia.

In Prohibition. On Jane Roe and Jane Doe’s motion to intervene. Motion denied. Respondent’s motion to dismiss granted. Cause dismissed.

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

2023-1223. State ex rel. Turner v. Cuyahoga Cty.

In Mandamus. On motions to dismiss of respondent city of Cleveland and respondents Cuyahoga County, Clerk of Courts Nailah K. Byrd, and Court of Common Pleas Judge Reeve W. Kelsey. Motions granted. Sua sponte, cause dismissed as to respondent Cheryl M. Wiltshire. Cause dismissed.

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

2023-1235. Turner v. Hochheiser.

In Mandamus. On motion to dismiss of respondents Cuyahoga County and Magistrate Yosef Hochheiser. Motion granted. Sua sponte, cause dismissed as to respondent Cheryl M. Wiltshire. Cause dismissed.

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

2023-1347. Davis v. Canton.

In Mandamus. On relator’s request to seal this matter. Request denied. Respondent city of Canton’s motion to dismiss granted. Sua sponte, cause dismissed as to remaining respondents. Cause dismissed.

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

Fischer and Donnelly, JJ., concur and would rule on relator’s “request for forgiveness and notice” and would deny it.

2023-1390. State ex rel. Turner v. Cuyahoga Cty.

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

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

2023-1391. State ex rel. Turner v. Wiltshire.

In Mandamus. On motion to dismiss of respondents Cheryl Michelle Wiltshire, city of Cleveland, and Mayor Justin Bibbs. Motion granted. Sua sponte, cause dismissed as to Chief Prosecutor Aqueelah Jordan. Cause dismissed.

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

2023-1393. State ex rel. Pesta v. Blakeman.

In Mandamus. On respondent's amended motion to dismiss complaint with attachments. Motion granted. Relator's motion to strike denied. Cause dismissed.

Kennedy, C.J., and Fischer, J., concur.

Stewart, J., concurs but would deny the motion to strike as moot.

Donnelly, J., concurs in part and dissents in part and would deny the motion to dismiss and issue an alternative writ.

Deters, J., concurs in part and dissents in part and would grant the motion to strike.

DeWine and Brunner, JJ., dissent and would deny the motion to dismiss, issue an alternative writ, and grant the motion to strike.

2023-1429. Conyers v. Warden, Allen Corr. Inst.

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

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

Stewart, J., concurs but would deny the motion for stay as moot.

Brunner, J., concurs in part and dissents in part and would deny the motion to dismiss and sua sponte dismiss the cause.

2023-1436. Fields v. Muskingum Cty. Prosecutor.

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

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

2023-1445. Newman v. Warden, Allen Corr. Inst.

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.

2023-1461. State ex rel. Past, Present, & Future Viable Preborn Citizens of Ohio v. Yost.

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.

2023-1468. State ex rel. Robinson v. Adult Parole Auth.

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

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

Kennedy, C.J., and DeWine, J., dissent and would order respondent to file an answer within 14 days and would issue an alternative writ.

2023-1469. State ex rel. Mitchell v. Eleventh Dist. Court of Appeals Judges.

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

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

2023-1470. Jabr v. Franklin Cty. Mun. Court, Criminal Div.

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.

2023-1472. Green v. Costello.

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.

2023-1473. State ex rel. Pierce v. Ohio Supreme Court Clerk.

In Mandamus. On relator's motion to correct complaint. Motion denied as moot. Respondent's motion to dismiss granted. Cause dismissed.

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

Stewart, J., concurs in part and dissents in part and would grant relator's motion, sua sponte dismiss the cause, and deny respondent's motion as moot.

Brunner, J., concurs in part and dissents in part would grant relator's motion, deny respondent's motion, and sua sponte dismiss the cause.

2023-1474. State ex rel. Brown v. Columbiana Cty. Sheriff's Office.

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

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

2023-1486. State ex rel. Dubose v. Ghiz.

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.

2023-1490. Sanders v. Stuff.

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

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

2023-1525. State ex rel. Weiler v. LaRose.

In Mandamus. On relator's emergency motion for temporary restraining order and preliminary injunction. Motion denied. Respondent's motion to dismiss granted. Cause dismissed.

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

MOTION AND PROCEDURAL RULINGS

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

In Mandamus. On relator's motion for relief from judgment under Civ.R. 60(B). Motion denied.

2023-0707. State ex rel. West v. Adams Cty. Sheriff.

In Mandamus. On relator's motion for alternative writ. Motion 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. Relator's motion to strike respondents' reply, motion to amend and supplement complaint, and second motion to amend denied.

Kennedy, C.J., and Fischer, J., would deny the motion for alternative writ.

Donnelly and Deters, JJ., would grant the motion to amend and supplement and the second motion to amend.

Stewart, J., would deny the motion for alternative writ and grant the second motion to amend.

2023-0751. State v. Myers.

Warren App. No. CA2023-01-013. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue as stated on the fifth page of the court of appeals' May 15, 2023 entry: "Is a trial court's decision on a motion for appointment of experts in a capital postconviction proceeding a provisional remedy pursuant to R.C. 2505.02(B)(4) and therefore a final order?" The conflict case is *State v. Powell*, 2019-Ohio-4286, 148 N.E.3d 51 (6th Dist.). Sua sponte, cause consolidated with 2023-0838, *State v. Myers*, and briefing in case Nos. 2023-0751 and 2023-0838 consolidated.

DeWine, J., dissents.

2023-0879. State ex rel. Gordon v. Clark.

In Mandamus. On relator's motion to strike. Motion denied as moot. Relator's motion for relief from judgment treated as a motion for reconsideration and stricken as untimely under S.Ct.Prac.R. 18.02(A).

Fischer and Deters, JJ., would treat relator's motion for relief from judgment as a Civ.R. 60(B) motion and deny it on the merits.

2023-0895. La Riccia v. Ohio Civ. Rights Comm.

Cuyahoga App. No. 111976, [2023-Ohio-1816](#). On appellant's "motion for review." Motion denied.

2023-0896. State v. Johnson.

Montgomery App. No. 29659, [2023-Ohio-1686](#). On appellant's motion for order or relief pursuant to S.Ct.Prac.R. 4.01(A)(1). Motion denied.

Stewart and Brunner, JJ., dissent.

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

In Mandamus. Relator's motion to strike respondent's answer to the amended complaint and/or to impose sanctions 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.

Kennedy, C.J., and Stewart and Deters, JJ., would defer ruling on the motion to strike and/or to impose sanctions.

Fischer, J., dissents and would sua sponte dismiss the cause.

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

In Mandamus. On respondent's motion for in camera review of evidence. Motion granted. Sua sponte, respondent ordered to file evidence under seal for in camera inspection within 20 days.

2023-1318. State v. Logan.

Cuyahoga App. No. 111533, [2023-Ohio-3353](#). On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue as stated on the court of appeals' September 29, 2023 entry: "Does R.C. 2929.13(F)(8) require a mandatory prison term and preclude the imposition of community-control sanctions on an underlying felony when a defendant is found guilty on a corresponding firearm specification?" The conflict cases are *State v. Wofford*, 1st Dist. Hamilton No. C-180411, 2019-Ohio-2815; *State v. Shields*, 2d Dist. Montgomery No. 28573, 2020-Ohio-3204; *State v. Wolfe*, 3d Dist. Union No. 14-21-16, 2022-Ohio-96; *State v. Culp*, 2020-Ohio-5287, 162 N.E.3d 194 (6th Dist.); *State v. Christian*, 7th Dist. Mahoning No. 02 CA 170, 2005-Ohio-1440; and *State v. White*, 10th Dist. Franklin No. 10AP-34, 2011-Ohio-2364. Sua sponte, cause consolidated with 2023-1417, *State v. Logan*, and briefing in case Nos. 2023-1318 and 2023-1417 consolidated.

2023-1327. State ex rel. Gatehouse Media Ohio Holdings II, Inc. v. Columbus Police Dept.

In Mandamus. On respondent's motion for leave to file John Doe affidavits. Motion granted. 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 submit under seal for in camera inspection all records it has withheld or redacted.

Brunner, J., would grant the motion on the condition that the affidavits be filed under seal without pseudonyms.

2023-1354. Ware v. Vigluicci.

In Mandamus. On respondent's motion for judgment on 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, 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, parties ordered to address in their briefs, and permitted to present evidence as to, whether relator should be sanctioned under R.C. 2323.51, Civ.R. 11, and/or S.Ct.Prac.R. 4.03(B).

2023-1388. State ex rel. Rittman v. Spitler.

In Prohibition. On relator's emergency motion for expedited alternative writ. Motion denied as moot. Tara Boler and Trista Bise's motion to intervene as respondents granted; answer and motion for judgment on the pleadings that are attached to the motion to intervene deemed filed as of the date of the court's entry. Sua sponte, alternative writ granted. The parties shall file any evidence they intend to present within 20 days of the date of this entry; 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.

2023-1395. State ex rel. Gordon v. Henry.

In Mandamus. On respondents' motion to dismiss. Motion granted as to item Nos. 1, 5 through 12, and 14 identified on pages 3 through 5 of the motion. Sua sponte, respondents ordered to file within 14 days an answer as to item Nos. 2, 3, 4, 13, and 15 identified in the motion. Sua sponte, alternative writ granted as to item Nos. 2, 3, 4, 13, and 15 identified in the motion. 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, 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 in part and would grant the motion as to all items.

Donnelly, Stewart, and Brunner, JJ., dissent in part and would issue an alternative writ as to all items.

2023-1414. State ex rel. Culgan v. Jefferson Cty. Prosecutor.

In Mandamus. Sua sponte, respondent ordered to file an answer to the complaint within 14 days. Sua sponte, alternative writ granted. 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.

2023-1432. State ex rel. Fischer Asset Mgt., L.L.C. v. Scott.

Cuyahoga App. No. 113237, [2023-Ohio-3891](#). On appellee's motion to dismiss. Motion granted. Appellant's motion to consolidate case Nos. 2023-1425, 2023-1432, and 2023-1434 denied as moot. Cause dismissed.

2023-1433. State ex rel. AIY Properties, Inc. v. Scott.

Cuyahoga App. No. 113276, [2023-Ohio-3893](#). On appellant's motion to consolidate case Nos. 2023-1426 and 2023-1433. Motion denied as moot. Appellee's motion to dismiss granted. Appellee's motion to strike or prohibit appellant's motion for reconsideration denied as moot.

2023-1434. State ex rel. Fischer Asset Mgt., L.L.C. v. Scott.

Cuyahoga App. No. 113237, [2023-Ohio-3891](#). On appellee's motion to dismiss. Motion granted. Appellant's motion to consolidate case Nos. 2023-1425, 2023-1432, and 2023-1434 denied as moot. Cause dismissed.

2023-1564. Worthington v. Gideon.

Franklin App. No. 23AP-475. On appellant's emergency motion for stay of execution pending appeal. Motion denied.

2023-1588. Ashland Global Holdings, Inc. v. SuperAsh Remainderman, Ltd. Partnership.

Franklin App. No. 22AP-638, [2023-Ohio-3556](#). On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue as stated on the court of appeals' December 7, 2023 entry: "May a court apply the equitable principles announced in *Ward v. Washington Distribs., Inc.*, 67 Ohio App.2d 49 (6th Dist.1980), to relieve a tenant from their failure to submit a notice to renew a lease at the time required by the lease agreement?" The conflict case is *Fifth Third Bank W. Ohio v. Carrol Bldg. Co.*, 180 Ohio App.3d 490, 2009-

Ohio-57, 905 N.E.2d 1284 (2d Dist.). Sua sponte, cause consolidated with 2023-1448, *Ashland Global Holdings, Inc. v. SuperAsh Remainderman, Ltd. Partnership*, and briefing in case Nos. 2023-1448 and 2023-1588 consolidated.

APPEALS ACCEPTED FOR REVIEW

2023-0838. State v. Myers.

Warren App. No. CA2023-01-013. Sua sponte, cause consolidated with 2023-0751, *State v. Myers*, and briefing in case Nos. 2023-0751 and 2023-0838 consolidated.

DeWine, J., dissents.

2023-1417. State v. Logan.

Cuyahoga App. No. 111533, [2023-Ohio-3353](#). Sua sponte, cause consolidated with 2023-1318, *State v. Logan*, and briefing in case Nos. 2023-1318 and 2023-1417 consolidated.

2023-1448. Ashland Global Holdings, Inc. v. SuperAsh Remainderman, Ltd. Partnership.

Franklin App. No. 22AP-638, [2023-Ohio-3556](#). Sua sponte, cause consolidated with 2023-1588, *Ashland Global Holdings, Inc. v. SuperAsh Remainderman, Ltd. Partnership*, and briefing in case Nos. 2023-1448 and 2023-1588 consolidated.

APPEALS NOT ACCEPTED FOR REVIEW

2023-1528. Souders v. Jackson.

Jackson App. No. 23CA16. Appellees' motion to dismiss and motion to stay briefing denied as moot.