

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

May 30, 2024

[Cite as *05/30/2024 Case Announcements #4, 2024-Ohio-2087.*]

MOTION AND PROCEDURAL RULINGS

2024-0675. State ex rel. Shubert v. Breaux.

In Mandamus and Prohibition. On relator's motion for immediate issuance of peremptory writs of mandamus and prohibition. Motion denied. Relator's motion for leave to file instant verified supplemental and amended complaint granted and proposed verified supplemental and amended complaint deemed filed. Respondent's motion to dismiss denied. Sua sponte, respondent ordered to file an answer to the verified supplemental and amended complaint within three days from the court's entry. Sua sponte, alternative writ granted. The following schedule is set for presentation of evidence and filing of briefs: The parties shall file any evidence they intend to present within three days after the filing of the answer; relator shall file a brief within three days after the filing of the evidence; respondent shall file a brief within three days after the filing of relator's brief; and relator may file a reply brief within three days after the filing of respondent's merit brief. All filings are due by 4:00 p.m. on the date they are due to be filed. The issuance of the alternative writ does not stay proceedings in the action sought to be prohibited.

Brunner, J., dissents in part and would deny relator's motion to strike respondent's second motion to dismiss, would treat respondent's second motion to dismiss as filed instant, would deny respondent's original motion to dismiss as moot, and would not sua sponte expedite the case or issue an alternative writ at this time.