

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

July 24, 2024

[Cite as *07/24/2024 Case Announcements*, 2024-Ohio-2781.]

MERIT DECISIONS WITH OPINIONS

2022-0879. McCullough v. Bennett, Slip Opinion No. 2024-Ohio-2783.

Montgomery App. No. 29390, [2022-Ohio-1880](#). Judgment affirmed.

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

Stewart, J., concurs in judgment only.

Brunner, J., concurs in judgment only, with an opinion.

2023-1386. State ex rel. Boyle v. Chambers-Smith, Slip Opinion No. 2024-Ohio-2777.

Franklin App. No. 22AP-643. Judgment affirmed.

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

2023-1465. State ex rel. Cotten v. Frericks, Slip Opinion No. 2024-Ohio-2778.

Marion App. No. 9-23-36. On appellee's motion to dismiss appeal. Motion denied. Judgment affirmed.

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

2024-0028. State ex rel. Smith v. Hamilton Cty. Court of Common Pleas, Slip Opinion No. 2024-Ohio-2779.

Hamilton App. No. C-230585. Judgment affirmed. Appellant's motion to hold appeal in abeyance denied as moot.

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

MERIT DECISIONS WITHOUT OPINIONS

2023-1601. State ex rel. Huber Hts. Veterans Club, Inc. v. Crawford.

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.

2023-1633. In re Adoption of B.B.

Lucas App. No. L-23-1078, [2023-Ohio-4134](#). Sua sponte, cause dismissed as moot.

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

2024-0235. Bibb v. U.S. Coast Guard.

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.

2024-0258. State ex rel. Boler v. Fourth Dist. Court of Appeals.

In Mandamus and Prohibition. On respondent's motion to dismiss. Motion granted. Relator's motion for judicial notice of adjudicative fact denied. Cause dismissed.

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

2024-0309. Bibb v. Cent. Intelligence Agency.

In Mandamus. Relator's request "to file peremptory mandamus" denied. Cause dismissed pursuant to S.Ct.Prac.R. 12.04.

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

2024-0311. Bibb v. Progressive Ins. Corp.

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.

2024-0350. Bibb v. NAACP, Columbus, Ohio Branch.

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.

2024-0356. Jones v. Heekin.

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

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

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

Deters, J., not participating.

2024-0360. Bibb v. Behavioral Sciences.

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.

2024-0363. Bibb v. Social Sec. Administration Office of Disability Adjudication & Rev.

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.

2024-0389. Bibb v. Ohio House of Representatives.

In Mandamus. On respondent's motion to dismiss. Motion granted. Relator's application for assistance with counsel denied. Cause dismissed.

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

2024-0402. Ferrara v. Univ. Hts.

In Mandamus. On motion to strike of respondent Shaker Heights Municipal Court Judge Anne Walton Keller. Motion denied as moot. Respondents City of University Heights, Geoff Englebrecht, and Michael Cicero's motion for judgment on the pleadings granted. Respondent Judge Anne Walton Keller's motion to dismiss granted. Relator's request for preliminary injunction denied. Sua sponte, cause dismissed as to respondent Erie Title Agency. Cause dismissed.

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

Donnelly, J., concurs but would deny the motion for judgment on the pleadings and sua sponte dismiss the cause.

DeWine and Deters, JJ., concur in part and dissent in part and would grant Judge Keller's motion.

2024-0440. Bibb v. Witting.

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.

2024-0449. State ex rel. Scott v. Rastatter.

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

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

2024-0452. State ex rel. Cantrell v. Montgomery Cty. Common Pleas Court.

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.

2024-0453. Sohi v. Searcy.

In Prohibition. On relator's motion for emergency stay. Motion denied. Respondent's motion to dismiss granted. Cause dismissed.

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

2024-0467. Jones v. Hart.

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

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

2024-0470. Bibb v. Stonewall Columbus.

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.

2024-0471. Bibb v. Franklin Cty. Common Pleas Court.

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.

2024-0509. Bibb v. Trans Union Credit Reporting Agency.

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.

2024-0510. Bibb v. Ohio Secy. of State.

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.

2024-0512. Bibb v. Supreme Court of Ohio.

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.

2024-0513. Bibb v. Experian Credit Reporting Agency.

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.

2024-0516. Bibb v. Franklin Cty. Prosecutor's Office.

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

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

2024-0517. Bibb v. Equifax Credit Reporting Agency.

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., not participating.

2024-0525. State ex rel. Stevens v. Sylvania Police Dept.

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

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

Donnelly, Brunner, and Deters, JJ., dissent and would issue an alternative writ.

2024-0526. Bibb v. Bockbrader.

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.

2024-0527. Gipson v. McGuffey.

In Mandamus. On motions to dismiss of respondents Governor Mike DeWine and Hamilton County Sheriff Charmaine McGuffey. Motions granted. Sua sponte, cause dismissed as to respondents Cincinnati Mayor Aftab Pureval and Hamilton County Coroner Lakshmi Kode Sammarco. Cause dismissed.

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

2024-0535. Weatherford v. Aramark Food Serv.

Miscellaneous case. On motions to dismiss of respondents WKYC-TV, L.L.C.; Department of Rehabilitation and Correction Director Annette Chambers Smith, Governor Mike DeWine, Warden Chae Harris, and Attorney General Dave Yost; WCPO ABC Channel 9; and Aramark Correctional Services, L.L.C. Motions granted. Sua sponte, cause dismissed as to respondent John Zillmer. Cause dismissed.

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

2024-0538. Byerly v. Third Dist. Court of Appeals.

Miscellaneous case. On respondent's motion to dismiss. Motion granted. Cause dismissed.

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

2024-0556. Coleman v. State.

In Mandamus. On respondent Thomas Ewing's motion to dismiss. Motion denied. Cause dismissed, including as to respondent Angela Glaser, pursuant to S.Ct.Prac.R. 12.04.

Kennedy, C.J., and DeWine, Stewart, Brunner, and Deters, JJ., concur.
Fischer and Donnelly, JJ., concur but would grant the motion to dismiss.

2024-0559. Bibb v. Fed. Election Comm.

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.

2024-0570. State ex rel. Demecus v. Allen.

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

Kennedy, C.J., and Fischer, DeWine, Donnelly, and Stewart, JJ., concur.
Brunner and Deters, JJ., dissent and would issue an alternative writ.

2024-0575. Bibb v. Dept. of Pub. Safety.

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.

2024-0577. Chavis v. Luper Schuster.

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

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

2024-0613. State ex rel. Gregory v. Cook.

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

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

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

2024-0619. State ex rel. Ware v. Riddell.

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

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

Stewart and Deters, JJ., dissent and would issue an alternative writ.

Brunner, J., dissents and would issue an alternative writ and refer the matter to a master commissioner to hold a hearing, *see State ex rel. Ware v. Booth*, [2024-Ohio-2102](#).

2024-0620. State ex rel. Swift v. Miraldi.

In Mandamus. On respondent's motion to dismiss. Motion granted. Relator's "motion per Civ.R. 60(B)(1)" denied. Cause dismissed.

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

2024-0658. State ex rel. Alston v. Rothgery.

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.

2024-0671. State ex rel. Ataliya v. Kimbler.

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

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

Stewart and Brunner, JJ., concur but would sua sponte dismiss the cause.

Deters, J., concurs but would sua sponte dismiss the cause as moot.

2024-0689. Patrick v. Cross.

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.

2024-0690. Jones v. Ruehlman.

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.

2024-0698. Bibb v. Ford Motor Co.

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.

2024-0699. State ex rel. Wilson v. Solle.

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

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

Donnelly, J., concurs but would deny the motion and dismiss the cause as moot.

2024-0723. State ex rel. Nickell v. Dupree.

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

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

Brunner, J., concurs in part and dissents in part and would deny the motion as to statutory damages and would award \$1,000 for respondent's failure to respond for three months.

2024-0726. Vaughn v. Columbus Police Dept. SWAT Unit.

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

2006-1761. State v. Alston.

Lorain App. No. 05CA008769. On appellant's motion for judicial notice. Motion denied. Appellant's motion for an opportunity to be heard and motion for appointment of counsel denied.

2019-1323. State v. Knuff.

Cuyahoga C.P. No. CR-17-618285-A. On appellant's motion for stay of execution. Motion granted. The stay shall remain in effect pending completion of all state collateral and habeas review, including any appeals.

Fischer, J., dissents.

2019-1787. State v. Nicholson.

Cuyahoga C.P. No. CR-18-634069. On appellant's motion to stay execution of death sentence pending disposition of state remedies. Motion granted. The stay shall remain in effect until exhaustion of all state and federal proceedings, including any appeals.

Fischer, J., dissents.

2020-0652. State v. Drain.

Warren C.P. No. 19CR35870. On appellant's motion to set execution date. Motion granted. Sentence ordered to be carried into execution by the warden of the Southern Ohio Correctional Facility or, in his absence, by the deputy warden on Tuesday, January 11, 2028, in accordance with the statutes so provided.

Brunner, J., dissents.

2020-1166. State v. Alston.

Lorain App. No. 19CA011532, [2020-Ohio-4258](#). On appellant's motion for judicial notice. Motion denied. Appellant's motion for an opportunity to be heard, motion to consolidate, and motion for appointment of counsel denied.

Brunner, J., would deny the motion for appointment of counsel as moot.

2022-1070. State ex rel. Clark v. Dept. of Rehab. & Corr.

In Mandamus. On relator's motion to hold respondent in contempt of court. Motion denied. Sua sponte, respondent ordered to show cause within 14 days why it should not be held in contempt for failing to provide the requested record pursuant to the terms of the writ that this court granted in [2023-Ohio-4183](#). Respondent's motion for sanctions and allowance of attorney fees as costs taxed to relator denied.

2023-0387. State ex rel. Clark v. Dept. of Rehab. & Corr.

In Mandamus. On relator's motion to hold respondent in contempt of court. Respondent ordered to show cause why it should not be held in contempt of this court's judgment in [2024-Ohio-770](#).

Fischer, J., dissents.

2023-0862. Townsend v. Gaul.

Cuyahoga App. No. 112510, [2023-Ohio-1485](#). On appellant's motion for relief from judgment. Motion denied.

2023-0936. State ex rel. Huwig v. Dept. of Health.

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

2023-1242. State v. Turner.

Cuyahoga App. No. 111808, [2023-Ohio-2874](#). On appellant's motion to lift stay and order briefing. Motion granted. The parties shall brief this case in accordance with the Rules of Practice of the Supreme Court of Ohio.

Fischer and Brunner, JJ., dissent.

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

In Mandamus. On relator's motion for oral argument. Motion granted. The date and time for oral argument will be released at a later date.

2023-1580. State v. Tall.

Union App. No. 14-22-26, [2023-Ohio-1853](#). On appellant's motion to reopen case. Motion denied.

2024-0231. Munyan v. Gonzalez-Wells.

In Quo Warranto. On relator's motion requesting facts and findings. Motion denied.

2024-0234. Bibb v. Sinclair Broadcast Group.

In Mandamus. On relator’s request “to file peremptory mandamus.” Request denied.

2024-0282. State ex rel. Barr v. Wesson.

In Mandamus. On relator’s motion to issue writ of execution on judgment. Motion denied.

Donnelly, J., would order respondent to show cause why he should not be compelled to comply with the judgment.

2024-0310. Yoonessi v. State Med. Bd.

Franklin App. No. 23AP-160, [2024-Ohio-169](#). On appellant’s motion for an order or relief. Motion denied.

2024-0364. State v. Rocubert.

Shelby App. No. 17-23-11, [2024-Ohio-395](#). On appellee’s motion for clarification of court’s order. Motion denied as moot.

2024-0401. State v. Clark.

Medina App. No. 20CA0020-M, [2023-Ohio-4839](#). On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue as stated on page 2 of the court of appeals’ March 7, 2024 entry: “In circumstances where an appellant’s application for reconsideration is granted under App.R. 26(B)(5) on the grounds that there was a genuine issue as to whether the applicant was deprived of the effective assistance of counsel on appeal but appellant then fails to separately address in their brief the claim that representation by prior appellate counsel was deficient and that the applicant was prejudiced by that deficiency as required by App.R. 26(B)(7), can the appellate court presume appellant is arguing that appellate counsel was ineffective for failing to raise the arguments set forth in his new assignments of error, or must the court affirm its previous judgment due to appellant’s failure to comply with the explicit requirements set forth in App.R. 26(B)(7)?” The conflict cases are *State v. Carver*, [2023-Ohio-2839](#) (4th Dist.), and *State v. Talley*, [2023-Ohio-883](#) (11th Dist.). Sua sponte, cause consolidated with 2024-0539, *State v. Clark*, and briefing in case Nos. 2024-0401 and 2024-0539 consolidated. Appellant’s motion to appoint counsel granted.

Brunner, J., dissents and would decline the conflict and deny the motion as moot.

DeWine and Deters, JJ., dissent.

2024-0412. Johnson v. McNamara.

In Prohibition. On relator's motion citing Civ.R. 60(B)(3) and (5). Motion denied.

2024-0437. State ex rel. Clark v. 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 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.

Brunner, J., would also order relator to file an amended complaint that complies with S.Ct.Prac.R. 12.02(B)(2).

Fischer, J., dissents and would grant the motion to dismiss.

2024-0455. State ex rel. Anderson v. Wilson.

In Mandamus. On respondents' motion to dismiss. Motion denied. 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 court's entry, relator shall file a brief within 30 days of the court's entry, 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, Stewart, and Brunner, JJ., dissent and would grant the motion to dismiss.

2024-0514. State ex rel. Ware v. O'Malley.

In Mandamus. On respondent's motion for judgment on the pleadings. Motion granted as to public-records request Nos. 1, 2, 3, 5, 6, 7, 9, 10, 11, 14, 16, and 19. Motion denied and sua sponte alternative writ granted as to public-records request Nos. 4, 8, 12, 13, 15, 17, 18, 20, and 21. 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 motion to compel respondent to submit unredacted copies of the requested records for in camera review denied.

Stewart, J., dissents in part and would deny the motion for judgment on the pleadings in its entirety and issue an alternative writ as to all the requests.

Brunner, J., dissents in part and would grant the motion for judgment on the pleadings in its entirety.

2024-0530. State ex rel. Hartman v. Tavares.

In Prohibition. On respondents' motion to dismiss. Motion denied as moot. Relator's motion for leave to file instanter second verified supplemental and amended complaint granted. Second verified supplemental and amended complaint accepted for filing and respondents ordered to file responsive pleading within 14 days of the court's entry.

Kennedy, C.J., and Fischer, J., dissent and would deny the motion for leave and grant the motion to dismiss.

2024-0533. State ex rel. Clark v. 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 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, Stewart, and Brunner, JJ., dissent and would grant the motion to dismiss.

2024-0545. State ex rel. Ali v. Dept. of Rehab. & Corr.

In Mandamus. On respondents' motion to dismiss. Motion denied. 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 court's entry, relator shall file a brief within 30 days of the court's entry, 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 and Brunner, JJ., dissent and would grant the motion to dismiss.

2024-0562. State ex rel. Howard v. Sackett.

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. Relator's motion to strike/sanction denied.

2024-0564. State ex rel. Conard v. Wesson.

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 and would grant the motion to dismiss.

2024-0565. State ex rel. Howard v. Willoughby Hills Police Dept.

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 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 motion to strike/sanction denied.

Fischer and DeWine, JJ., dissent in part and would grant the motion for judgment on the pleadings.

Brunner, J., dissents in part and would grant the motion for judgment on the pleadings only as to the writ claim, would deny the writ as moot, and would limit the alternative writ to the damages issue.

2024-0586. State v. Green.

Marion App. No. 9-22-13, [2023-Ohio-4360](#). On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause consolidated with 2024-0670, *State v. Green*, and held for the decision in 2022-1626, *State v. Wagner*.

Brunner, J., would hold the cause for the decisions in 2022-1449, *State v. Miree*, and 2022-1458, *State v. Duncan*.

2024-0621. State ex rel. Ware v. Smith.

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 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 and Donnelly, JJ., dissent and would sua sponte dismiss the cause.

2024-0640. State v. Kisil.

Erie App. No. E-23-0019. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue as stated in [2024-Ohio-2441](#), ¶ 26: "Under the International Property Maintenance Code, are the terms 'clean,' 'safe,' and 'sanitary' relating to property maintenance unconstitutionally void for vagueness in that they fail to apprise an ordinary property owner or occupant as to what is prohibited?" The conflict case is *State v. ACV Realty*, [2016-Ohio-3247](#) (7th Dist.). Appellant's motion to consolidate case Nos. 2024-0640 and 2024-0751 denied.

Kennedy, C.J., and DeWine and Deters, JJ., dissent in part and would decline the conflict.

Donnelly and Brunner, JJ., dissent in part and would grant the motion.

2024-0688. State ex rel. Ealom v. Booth.

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 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.

2024-0709. State ex rel. Robinson v. Clemons.

In Mandamus. On relator's motion for default judgment. 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 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 and Stewart, JJ., would strike respondent's answer.

2024-0717. State ex rel. Ware v. Gabbard.

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 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 and would sua sponte dismiss the cause.

2024-0718. State ex rel. Ware v. Akron Police Dept.

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 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. Respondent's motion to declare relator a vexatious litigator denied.

Brunner, J., would refer the matter to a master commissioner to hold a hearing on damages and costs and would defer the motion to declare relator a vexatious litigator pending that hearing, *see State ex rel. Ware v. Booth*, [2024-Ohio-2102](#).

DeWine, J., dissents in part and would grant the motion for judgment on the pleadings.

Deters, J., dissents in part and would limit the alternative writ to the requested copy of the use-of-force policy and would grant the motion for judgment on the pleadings as to the other requested documents.

Fischer, J., dissents and would grant both motions.

2024-0739. Sassya v. Morgan.

Trumbull App. No. 2023-T-0048, [2024-Ohio-1344](#). On appellant's motion for stay. Motion denied.

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

APPEALS ACCEPTED FOR REVIEW

2024-0450. U.S. Acute Care Solutions, L.L.C. v. Doctors Co. Risk Retention Group Ins. Co.

Stark App. No. 2023 CA 00084, [2024-Ohio-605](#).

Donnelly and Stewart, JJ., dissent.

2024-0522. State v. Reed.

Fairfield App. No. 2023 CA 00012, [2024-Ohio-43](#).

Fischer, J., would accept the appeal on proposition of law Nos. I, II, and III only.

Brunner, J., would accept the appeal on proposition of law No. IV only.

Donnelly and Stewart, JJ., dissent.

2024-0534. Durig v. Youngstown.

Mahoning App. No. 22 MA 0044.

DeWine and Brunner, JJ., dissent.

2024-0539. State v. Clark.

Medina App. No. 20CA0020-M, [2023-Ohio-4839](#). Sua sponte, cause consolidated with 2024-0401, *State v. Clark*, and briefing in case Nos. 2024-0401 and 2024-0539 consolidated.

Fischer, DeWine, and Deters, JJ., dissent.

2024-0670. State v. Green.

Marion App. No. 9-22-13, [2023-Ohio-4360](#). Sua sponte, cause consolidated with 2024-0586, *State v. Green*, and held for the decision in 2022-1626, *State v. Wagner*.

Fischer, DeWine, and Deters, JJ., dissent.

APPEALS NOT ACCEPTED FOR REVIEW

2023-0997. State v. Grate.

Ashland App. No. 22-COA-029, [2023-Ohio-2103](#).

Donnelly, Stewart, and Brunner, JJ., dissent and would accept the appeal on proposition of law No. I and hold the cause for the decision in 2023-1149, *State v. Riley*.

2024-0015. State v. Ratliff.

Cuyahoga App. No. 111874, [2023-Ohio-1970](#).

Donnelly and Stewart, JJ., dissent.

2024-0372. Duz v. Advance Materials Prods., Inc.

Summit App. No. 30267, [2024-Ohio-316](#).

Donnelly and Brunner, JJ., dissent.

2024-0407. Einbecker v. Gates Corp.

Allen App. No. 1-22-62, [2024-Ohio-385](#).

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

2024-0504. State v. Crawford.

Clermont App. No. CA2023-04-022, [2024-Ohio-691](#).

Kennedy, C.J., and Brunner, J., dissent.

2024-0622. Cuyahoga Cty. v. Ohio Patrolmen’s Benevolent Assn.

Cuyahoga App. No. 112924, [2024-Ohio-1055](#).

Kennedy, C.J., and Brunner, J., dissent.

2024-0751. State v. Kisel.

Erie App. No. E-23-019. Appellant’s motion to consolidate case Nos. 2024-0640 and 2024-0751 denied.

Fischer, J., dissents in part and would accept the appeal.

Donnelly and Brunner, JJ., dissent.

MISCELLANEOUS DISMISSALS

2024-0238. State ex rel. LeadingAge Ohio, Ohio Health Care Assn. v. Ohio Dept. of Medicaid.

In Mandamus. On respondents’ motion for discovery and scheduling order. Motion denied as moot. Sua sponte, cause dismissed without prejudice for noncompliance with S.Ct.Prac.R. 12.02(B)(2).

Brunner, J., would order relators to file an amended complaint that complies with S.Ct.Prac.R. 12.02(B)(2) and would deny the motion on the merits.

2024-0594. Redman v. Dept. of Rehab. & Corr.

In Mandamus. Sua sponte, cause dismissed without prejudice for relator’s failure to file affidavit.

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