

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

August 28, 2024

[Cite as *08/28/2024 Case Announcements*, 2024-Ohio-3227.]

MERIT DECISIONS WITH OPINIONS

2023-1649. State ex rel. Goldschmidt v. Triggs, Slip Opinion No. 2024-Ohio-3225.

Hamilton App. No. C-230555. Judgment affirmed.

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

MERIT DECISIONS WITHOUT OPINIONS

2024-0569. State ex rel. Mack v. Hoffman.

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

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

2024-0786. State ex rel. Pinckney v. Hensal.

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

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

2024-0852. State ex rel. Lattimore v. Tenth Dist. Court of Appeals.

In Procedendo. On respondent's notice of mootness. Cause dismissed pursuant to S.Ct.Prac.R. 12.04.

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

Brunner, J., concurs and would refer the matter to the Board on the Unauthorized Practice of Law.

2024-0853. State ex rel. Lattimore v. Tenth Dist. Court of Appeals.

In Procedendo. On respondent's notice of mootness. Notice stricken. Relator's amended motion for default judgment denied. Cause dismissed pursuant to S.Ct.Prac.R. 12.04.

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

Kennedy, C.J., and DeWine, J., concur but would deny relator's amended motion as moot.

2024-0868. State ex rel. Feathers v. Eleventh Dist. Court of Appeals.

In Prohibition, Mandamus, and Procedendo. On respondents' motion to dismiss. Motion granted. Cause dismissed.

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

2024-0877. State ex rel. Robinson v. Lombardi.

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

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

2024-0890. State ex rel. Jones v. O'Shaughnessy.

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

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

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

2024-0905. State ex rel. Baker v. Reed.

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.

2024-0910. Byerly v. Third Dist. Court of Appeals.

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.

2024-1138. Reese v. Davis.

In Habeas Corpus. On petitioner's request for immediate hearing. Sua sponte, writ allowed. Allowing the writ means only that a return is ordered. *See Reed v. Kinkela*, 84 Ohio St.3d 1427 (1998); *Hernandez v. Kelly*, [2005-Ohio-6400](#). Respondent shall file a return of writ within 21 days of the date of service of the petition, and petitioner may file a response within 10 days after the return is filed. Petitioner's physical presence before the court is not required.

Fischer, DeWine, and Deters, JJ., dissent and would deny the request and dismiss the cause.

MOTION AND PROCEDURAL RULINGS

2021-1473, 2023-0111, and 2023-0130. In re Application of Dayton Power & Light Co.

Public Utilities Commission, Nos. 18-1875-EL-GRD, 18-1876-EL-WVR, 18-1877-EL-AAM, 19-1121-EL-UNC, 20-680-EL-UNC, and 20-1041-EL-UNC. On appellee/cross-appellant's motion to dismiss appeals filed by appellant/cross-appellee as moot. Motion denied. Sua sponte, case No. 2021-1473 deconsolidated from case Nos. 2023-0111 and 2023-0130.

Kennedy, C.J., dissents in part and would not deconsolidate the cases.

Deters, J., not participating.

2022-1444. State ex rel. Copley Ohio Newspapers, Inc. v. Akron.

In Mandamus. On relator's motion to strike exhibits and testimony submitted by respondents. Motion denied. Relator's motion for leave to file rebuttal evidence granted and rebuttal evidence attached to motion deemed filed.

2023-0113. State ex rel. Barr v. Wesson.

In Mandamus. On relator's motion to issue writ of execution on judgment instanter. Motion denied. Sua sponte, respondent ordered to show cause within 14 days why he should not be held in contempt of this court's February 21, 2024 order awarding relator statutory damages. *See* [2023-Ohio-3645](#).

2024-0203. State ex rel. Castellon v. O'Malley.

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.

DeWine, J., dissents in part and would limit the alternative writ to the sexual-assault nurse examiner's report.

Fischer and Brunner, JJ., dissent and would grant the motion.

2024-0251. State ex rel. Price v. Wesson.

In Mandamus. On relator's motion for relief from judgment. Motion denied.

2024-0325. State ex rel. Platt v. Montgomery Cty. Bd. of Elections.

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. Sua sponte, respondents ordered to file under seal for in camera inspection unredacted copies of the documents withheld on grounds of attorney-client privilege.

Brunner, J., would not order respondents to file the unredacted copies at this time.

2024-0715. State ex rel. Ayers 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 for consolidation and referral to mediation denied.

2024-0843. State ex rel. Adkins v. Cole.

In Mandamus. 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. Motion of respondent Ellen Myers and the State of Ohio to set a briefing schedule denied as moot.

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

2024-0846. State ex rel. Adkins v. Cole.

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, 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 and would dismiss the cause.

2024-0857. State ex rel. Fenstermaker v. Grogan.

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 dismiss the cause.

2024-0858. State ex rel. Fenstermaker v. Phillips.

In Mandamus. 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.

2024-0875. State ex rel. Macksyn v. Spencer.

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, 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 and would dismiss the cause.

2024-0876. State ex rel. Robinson v. Wesson.

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. Relator's motion for production of electronic filings, motion to proceed to judgment on statutory damages, motion for default judgment denied, and relator's motion to strike respondent's opposition to motion for default judgment denied.

Kennedy, C.J., and DeWine, J., would deny relator's motion to strike as moot.

2024-0880. State ex rel. Howard v. Shuler.

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. Relator's motion for leave to submit corrections and additions to complaint granted.

Brunner, J., would deny the motion as moot.

Fischer, J., dissents and would deny the motion and dismiss the cause.

2024-0919. State ex rel. Clark v. Dept. of Rehab. & Corr.

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 dismiss the cause.

2024-0999. Gault v. Medina Cty. Court of Common Pleas Clerk.

Medina App. No. 9-22-13. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue as stated in paragraph 4 of the court of appeals’ June 28, 2024 entry: “Does R.C. 2303.20(H) authorize the county clerk to impose a computerization/technology fee under R.C. 2303.20(B)(1) of ‘one dollar for each page of making complete record, including indexing’ or one dollar total?” The conflict case is *State v. Hare*, [2019-Ohio-3047](#) (5th Dist.). Sua sponte, cause consolidated with 2024-0757, *Gault v. Medina Cty. Court of Common Pleas Clerk*, and briefing in case Nos. 2024-0757 and 2024-0999 consolidated.

APPEALS ACCEPTED FOR REVIEW

2024-0757. Gault v. Medina Cty. Court of Common Pleas Clerk.

Medina App. No. 2023 CA 0035-M, [2024-Ohio-1530](#). Sua sponte, cause consolidated with 2024-0999, *Gault v. Medina Cty. Court of Common Pleas Clerk*, and briefing in case Nos. 2024-0757 and 2024-0999 shall be consolidated.

Fischer, J., dissents.

2024-0814. Olentangy Local School Dist. Bd. of Edn. v. Delaware Cty. Bd. of Revision.

Delaware App. No. 23 CAE 09 0061, [2024-Ohio-1566](#). Sua sponte, cause consolidated with case No. 2024-0815.

2024-0815. Olentangy Local School Dist. Bd. of Edn. v. Delaware Cty. Bd. of Revision.

Delaware App. No. 23 CAE 09 0057, [2024-Ohio-1566](#). Sua sponte, cause consolidated with case No. 2024-0814.

APPEALS NOT ACCEPTED FOR REVIEW

2023-1575. State v. Hale.

Cuyahoga App. No. 112163, [2023-Ohio-3894](#).

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

2024-0851. State v. Rowland.

Jackson App. No. 21CA11, [2024-Ohio-1660](#).

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