

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

February 21, 2024

[Cite as *02/21/2024 Case Announcements, 2024-Ohio-597.*]

MERIT DECISIONS WITH OPINIONS

2022-0359. In re T.D.S., Slip Opinion No. 2024-Ohio-595.

Cuyahoga App. No. 110471, [2022-Ohio-525](#). Judgment affirmed.

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

Donnelly, J., dissents, with an opinion.

Brunner, J., dissents, with an opinion joined by Stewart, J.

2023-0113. State ex rel. Barr v. Wesson, Slip Opinion No. 2024-Ohio-596.

In Mandamus. On relator's motion to proceed to judgment on statutory damages.

Motion granted and statutory damages in the amount of \$1,000 awarded.

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

Fischer, J., dissents.

MERIT DECISIONS WITHOUT OPINIONS

2023-0617. State ex rel. WIN Waste Innovations of Seneca Cty., L.L.C. v. Seneca Cty. Bd. of Health.

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

Relator's motion for judicial notice denied as moot. Cause dismissed.

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

Fischer and DeWine, JJ., would sua sponte dismiss the cause.

2023-1058. State ex rel. Fischer v. Woessner.

In Prohibition. On respondent's motion for judgment on pleadings. Motion granted. Relator's motion for leave to amend complaint to add nominal party denied as moot. Cause dismissed.

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

2023-1230. State ex rel. Bellville v. Washington Twp.

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

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

2023-1428. State ex rel. Robinson v. Sims.

In Mandamus. On respondent's motion to dismiss. Motion granted. Relator's motion for en banc hearing and ruling denied. Cause dismissed.

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

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

Stewart, J., would sua sponte dismiss the cause.

Brunner, J., concurs in part and dissents in part and would issue an alternative writ.

2023-1477. La Riccia v. Eighth Dist. Court of Appeals.

In Mandamus. On respondent's motion to dismiss. Motion denied as moot. Relator's motion for leave to amend petition granted. Respondent's motion to dismiss amended petition granted. Cause dismissed.

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

Brunner, J., would deny the motion and sua sponte deem the amended complaint filed.

2023-1484. State ex rel. Griffin v. Booth.

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

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

DeWine, J., concurs in part and dissents in part and would issue an alternative writ as to the October 24, 2023 public-records request.

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

2023-1499. Bailey v. Ohio Dept. of Rehab. & Corr., Bur. of Classification & Reception.

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.

2023-1502. State v. Johnson.

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.

2023-1505. State ex rel. Robinson v. Wesson.

In Mandamus. On respondent's motion to dismiss. Motion granted. Relator's motion for en banc hearing and ruling denied. Cause dismissed.

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

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

Donnelly, J., concurs in part and dissents in part and would issue an alternative writ.

2023-1506. Newsome v. Wilt.

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

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

2023-1510. State ex rel. Anderson v. Obeng.

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

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

Deters, J., concurs in part and dissents in part and would issue an alternative writ as to all public-records requests except for kite No. 276719731.

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

2023-1513. State ex rel. Conant v. Free.

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

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

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

2023-1522. McCoy v. Moore.

In Prohibition. On respondent's motion to dismiss. Motion granted. Relator's motions for leave denied as moot. Cause dismissed.

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

Deters, J., would deny the motions for leave on the merits.

2023-1523. State v. Contreras.

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.

2024-0060. McCoy v. Licking Cty.

In Prohibition. On respondents' motions to dismiss. Motions granted. Respondent Licking County's motion to strike denied as moot. Respondent Licking County's motion to deem relator a vexatious litigator denied as moot; relator was declared a vexatious litigator in *McCoy v. Gonzales-Wells*, __ Ohio St.3d __, 2024-Ohio-355, __ N.E.3d __, and *McCoy v. Land-Libby*, __ Ohio St.3d __, 2024-Ohio-355, __ N.E.3d __. Respondent Licking County's motion to revoke relator's in forma pauperis status denied. Relator's motion to supplement motion to vacate & dismiss denied. Cause dismissed.

Kennedy, C.J., would deny as moot respondent's motion to revoke and relator's motion to supplement.

Fischer and DeWine, JJ., would grant the motion to strike and the motion to revoke.

Donnelly and Brunner, JJ., would deny the motion to revoke on the merits.

Stewart, J., would deny the motion to deem relator a vexatious litigator and would deny the motion to revoke as moot.

Deters, J., would deny the motion to deem relator a vexatious litigator and would grant the motion to revoke.

MOTION AND PROCEDURAL RULINGS

2023-0709. Craig v. Gilchrist.

Franklin App. Nos. 22AP-52 and 22AP-55, [2022-Ohio-4477](#). On appellant G.T.'s motion for relief in aid of the appeal via correction, modification, and supplementation of the record. Motion denied.

2023-1069. State ex rel. Barr v. Securus Technologies.

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

2023-1297. State ex rel. Pitts v. VanEerten.

In Mandamus. On relator's motion for relief from judgment. Motion denied.
Deters, J., would deny the motion as moot.

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

Cuyahoga App. No. 113276, [2023-Ohio-3893](#). On appellee's emergency request to expedite appeal. Request denied.

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

Cuyahoga App. No. 113276, [2023-Ohio-3893](#). On appellee's amended emergency request to expedite appeal. Request denied as moot.

2023-1446. State v. Zamora.

Clermont App. Nos. CA2022-10-060 and CA2022-11-071, [2023-Ohio-1847](#). On motion for leave to file delayed appeal. Motion denied.
Donnelly, Stewart, and Brunner, JJ., dissent.

2023-1457. State ex rel. Brinkman v. Toledo City School Dist. Bd. of Edn.

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 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; 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 submit under seal for in camera inspection all documents believed to be exempt from disclosure under the attorney-client privilege.

2023-1578. State ex rel. Adkins v. Myers.

In Mandamus. Sua sponte, alternative writ granted. 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. Relator's motion for in camera inspection denied.

Kennedy, C.J., would deny relator's motion as moot.

Stewart, J., would defer ruling on relator's motion pending consideration of the briefs and evidence.

2023-1582. State ex rel. Adkins v. Ohio Dept. of Rehab. & Corr. Legal Dept.

In Mandamus. Sua sponte, alternative writ granted. 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. Relator's motion for in camera inspection denied.

Kennedy, C.J., would deny relator's motion as moot.

Stewart, J., would defer ruling on relator's motion pending consideration of the briefs and evidence.

2023-1584. AIY Properties, Inc. v. Scott.

Cuyahoga App. No. 113390. On appellee's amended emergency request to expedite appeal. Motion denied.

2023-1594. State ex rel. Mobley v. Bates.

In Mandamus. Sua sponte, alternative writ granted. 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.

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

2023-1645. Reigert v. State Med. Bd.

Franklin App. Nos. 23AP-310 and 23AP-316, [2023-Ohio-4557](#). On appellant's "memorandum in support of motion." Memorandum treated as a motion and denied.

2024-0019. Columbus v. S. German Village Med. Ctr.

Franklin App. No. 23AP-692. On appellant's motion for an emergency stay of the receivership, eviction of tenants, and performance of non-abatement work. Motion denied.

APPEALS ACCEPTED FOR REVIEW

2023-1419. State v. Hayes.

Muskingum App. No. CT2023-0044. Sua sponte, court of appeals' judgment reversed on the authority of *State ex rel. Penland v. Dinkelacker*, 162 Ohio St.3d 59, 2020-Ohio-3774, 164 N.E.3d 336, ¶ 3, and cause remanded to the court of appeals.

APPEALS NOT ACCEPTED FOR REVIEW

2023-1280. Arbor Rehab. & Healthcare Servs., Inc. v. Providence Healthcare Mgt., Inc.

Cuyahoga App. No. 112959. Appellee's motion for sanctions for frivolous appeal denied. Sua sponte, G. Brenda Coey, appellants' counsel of record, ordered to show cause within 14 days why she should not be sanctioned under S.Ct.Prac.R. 4.03(A) for instituting a frivolous appeal.

Kennedy, C.J., and DeWine and Deters, J., would not issue the show-cause order.

2023-1411. State v. Spencer.

Cuyahoga App. No. 112058, [2023-Ohio-3359](#).

Donnelly, Stewart, and Brunner, JJ., dissent and would accept the appeal on proposition of law No. I.

2023-1413. State v. Emch.

Tuscarawas App. No. 2023AP050031, [2023-Ohio-3553](#).

Donnelly, Stewart, and Brunner, JJ., dissent and would appoint counsel.

2023-1435. Santos v. Buckeye 5, L.L.C.

Mahoning App. No. 22 MA 0117, [2023-Ohio-3602](#).

Stewart, Brunner, and Deters, JJ., dissent.

2023-1442. Goble v. CNX Gas Co., L.L.C.
Monroe App. No. 22 MO 0014, [2023-Ohio-3603](#).

2023-1452. State v. Hopkins.
Mahoning App. No. 21 MA 0115, [2023-Ohio-3585](#).

Fischer and Brunner, JJ., dissent and would accept the appeal on proposition of law No. I.

2023-1489. State v. Jenkins.
Cuyahoga App. Nos. 109421 and 109434, [2023-Ohio-3622](#).

Fischer, Donnelly, and Brunner, JJ., dissent and would accept the appeal, summarily reverse the court of appeals' judgment, and remand the cause to that court for application of *State v. Bourn*, 172 Ohio St.3d 343, 2022-Ohio-4321, 224 N.E.3d 1.

Mary Katherine Huffman, J., of the Second District Court of Appeals, sitting for Stewart, J.

2023-1492. State v. Jenkins.
Cuyahoga App. No. 109434, [2023-Ohio-3622](#).

Fischer, Donnelly, and Brunner, JJ., dissent and would accept the appeal, summarily reverse the court of appeals' judgment, and remand the cause to that court for application of *State v. Bourn*, 172 Ohio St.3d 343, 2022-Ohio-4321, 224 N.E.3d 1.

Mary Katherine Huffman, J., of the Second District Court of Appeals, sitting for Stewart, J.