

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

March 13, 2024

[Cite as *03/13/2024 Case Announcements*, 2024-Ohio-880.]

MERIT DECISIONS WITH OPINIONS

2023-0739. Disciplinary Counsel v. Bell, Slip Opinion No. 2024-Ohio-876.

On Certified Report by the Board of Professional Conduct, No. 2022-043. Joseph Michael Bell, Attorney Registration No. 0095600, last known address in Warren, Ohio, indefinitely suspended from the practice of law with no credit for time served under the interim felony suspension imposed on June 2, 2022.

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

DeWine and Stewart, JJ., concur in part and dissent in part and would adopt the board's recommended sanction of a two-year suspension with six months of credit for time served under the interim felony suspension.

Ginger S. Bock, J., of the First District Court of Appeals, sitting for Brunner, J.

2023-0855. In re J.C., Slip Opinion No. 2024-Ohio-877.

Tuscarawas App. No. 2022 AP 11 0044, [2023-Ohio-1263](#). Judgment reversed on the authority of *In re Z.C.*, __ Ohio St.3d __, 2023-Ohio-4703, __ N.E.3d __, and cause remanded.

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

MERIT DECISIONS WITHOUT OPINIONS

2023-1236. State ex rel. AIY Properties, Inc. v. Scott.

In Mandamus and Procedendo. Sua sponte, cause dismissed.

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

2023-1402. State ex rel. Lucas v. Ohio State Hwy. Patrol Vehicle Inspection.

In Mandamus. On respondent Ohio State Highway Patrol's motion to dismiss. Motion granted. Respondent Scioto County Assistant Prosecuting Attorney Matthew Loesch's motion to dismiss in accordance with R.C. 2969.25 denied; the requirements of R.C. 2969.25 do not apply to original actions filed in the Supreme Court of Ohio. *See, e.g., State ex rel. McDougald v. Green*, 155 Ohio St.3d 216, 2018-Ohio-4200, 120 N.E.3d 216, ¶ 8. Sua sponte, cause dismissed as to respondents Matthew Loesch, Portsmouth Municipal Court Judge Steven L. Mowery, and Captain Damon Roberts. Cause dismissed.

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

2023-1427. State ex rel. Thompson v. Ninth Dist. Court of Appeals.

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

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

2023-1600. McCoy v. Cooper.

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

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

2023-1609. Bibb v. ODJFS Bur. of State Hearings.

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.

2023-1611. State ex rel. Carter v. Knece.

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.

2023-1612. State ex rel. West v. Dept. of Rehab. & Corr.

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

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

Brunner, J., concurs in part and dissents in part and would grant an alternative writ as to the records request.

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

2023-1632. McCoy v. Van Winkle.

In Prohibition. On respondent's motion to dismiss. Motion granted. Respondent's motion to strike denied. Respondent's motion to deem relator a vexatious litigator denied as moot; relator was declared a vexatious litigator in *McCoy v. Gonzales-Wells*, 172 Ohio St.3d 1479, 2024-Ohio-355, __ N.E.3d __, and *McCoy v. Land-Libby*, 172 Ohio St.3d 1480, 2024-Ohio-355, __ N.E.3d __. Respondent's motion to revoke relator's in forma pauperis status denied. Relator's motion to vacate and dismiss case No. 04CR380 denied. Cause dismissed.

Donnelly and Brunner, JJ., concur.

Kennedy, C.J., and DeWine and Deters, JJ., concur in part and dissent in part and would deny respondent's motion to deem relator a vexatious litigator on the merits.

Fischer, J., concurs in part and dissents in part and would grant respondent's motion to revoke relator's in forma pauperis status.

Stewart, J., concurs in part and dissents in part and would deny as moot respondent's motion to strike and grant respondent's motion to revoke relator's in forma pauperis status.

2023-1638. Cooper v. State.

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.

2023-1646. Gray v. 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.

2024-0007. State ex rel. Harwell v. Dayton Police Dept.

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.

2024-0013. State ex rel. Bradley v. Stormer.

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

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

MOTION AND PROCEDURAL RULINGS

2023-0069. Grim v. New Holland.

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, 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 Fischer and Stewart, JJ., dissent.

2023-1342. State ex rel. McGee v. Russo.

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

2023-1565. State ex rel. Teagarden v. Igwe.

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 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.

Fischer, J., dissents.

2023-1566. State ex rel. Mobley v. Whitt.

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 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.

2023-1573. State ex rel. Slager v. Trelka.

In Mandamus. On respondents’ motion to dismiss. Motion granted in part and denied in part. Sua sponte, respondents ordered to file an answer to the complaint within 14 days as to the following record-request exhibits attached to the complaint: Exhibits C (Aug. 23, 2023), D (Aug. 28, 2023) E (Sept. 4, 2023), H and I (Sept. 19, 2023), GG, HH, and NN (Oct. 2, 2023), BB (Oct. 4, 2023), MM and OO (Oct. 8, 2023), B and W (Oct. 18, 2023), EE (Oct. 19, 2023), and PP (Oct. 24, 2023). Sua sponte, alternative writ granted as to the foregoing record requests. Motion granted as to the remaining record requests. 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 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.

Fischer and Deters, JJ., dissent in part and would grant the motion as to the entire complaint.

Donnelly, Stewart, and Brunner, JJ., dissent in part and would deny the motion and grant an alternative writ as to all the record requests.

2023-1599. Camara v. Gill Dairy, L.L.C.

Madison App. No. CA2022-10-023, [2023-Ohio-2339](#). 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 8 of the court of appeals’ November 27, 2023 entry: “Must an employee prove, in addition to the employer having mere knowledge of a missing

safety guard, that the employer, besides doing nothing, made a deliberate decision not to replace the guard in order to establish a deliberate removal under R.C. 2745.01(C)?” The conflict case is *Thompson v. Oberlander’s Tree & Landscape, Ltd.*, 2016-Ohio-1147 (3d Dist.). Sua sponte, cause consolidated with 2024-0064, *Camara v. Gill Dairy, L.L.C.*, and briefing in case Nos. 2023-1599 and 2024-0064 consolidated.

Kennedy, C.J., dissents.

2023-1603. State v. Hearing.

Muskingum App. No. CT2022-0026, [2023-Ohio-3704](#). On review of order certifying a conflict. The court determines that no conflict exists. Cause dismissed.

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

Jill Flagg Lanzinger, J., of the Ninth District Court of Appeals, sitting for Brunner, J.

2024-0008. State ex rel. Mobley v. O’Toole.

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 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. Relator’s motion for sanctions denied.

Donnelly, J., dissents in part and would grant respondent’s motion to dismiss.

Fischer, J., dissents.

2024-0052. State ex rel. Schreiner v. Erie Cty. Bd. of Elections.

In Prohibition. On intervening respondent Steven W. Kraus’s motion for sanctions. Motion denied.

Brunner, J., dissents.

2024-0074. Snyder v. Old World Classics, L.L.C.

Medina App. No. 23CA0019-M, [2023-Ohio-4019](#). 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 3 of the court of appeals’ January 5, 2024 entry: “Does R.C. 2711.03 require a trial court to hold an oral hearing on a motion to compel arbitration?” The conflict cases are *Chrysler Fin. Servs. v. Henderson*, 4th Dist.

Athens No. 11CA4, 2011-Ohio-6813, and *Mattox v. Dillard's, Inc.*, 8th Dist. Cuyahoga No. 90991, 2008-Ohio-6488. Sua sponte, cause consolidated with 2023-1616, *Snyder v. Old World Classics, L.L.C.*, and briefing in case Nos. 2023-1616 and 2024-0074 consolidated.

APPEALS ACCEPTED FOR REVIEW

2023-1616. Snyder v. Old World Classics, L.L.C.

Medina App. No. 2023CA0019-M, 2023-Ohio-4019. Sua sponte, cause consolidated with 2024-0074, *Snyder v. Old World Classics, L.L.C.*, and briefing in case Nos. 2023-1616 and 2024-0074 consolidated.

Fischer, J., dissents.

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

Lucas App. No. L-23-1078, [2023-Ohio-4134](#). Appeal accepted on proposition of law Nos. I through IV.

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

2024-0064. Camara v. Gill Dairy, L.L.C.

Madison App. No. CA2022-10-023, [2023-Ohio-2339](#). Sua sponte, cause consolidated with 2023-1599, *Camara v. Gill Dairy, L.L.C.*, and briefing in case Nos. 2023-1599 and 2024-0064 consolidated.

Kennedy, C.J., and Fischer, J., dissent.