

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

November 28, 2012

[Cite as *11/28/2012 Case Announcements*, 2012-Ohio-5459.]

MERIT DECISIONS WITH OPINIONS

2011-2025. DiFranco v. FirstEnergy Corp., Slip Opinion No. 2012-Ohio-5445.
Geauga App. No. 2010-G-2990, 2011-Ohio-5434. Judgment reversed.

O'Connor, C.J., and Lundberg Stratton, O'Donnell, Lanzinger, Cupp, and McGee Brown, JJ., concur.

Pfeifer, J., dissents and would affirm the judgment of the court of appeals.

2011-2160 and 2011-2073. LeBlanc v. Wells Fargo, Slip Opinion No. 2012-Ohio-5458.

Montgomery App. No. 24348, 196 Ohio App.3d 213, 2011-Ohio-5553. The certified question is answered in the negative. Judgment reversed and cause remanded.

O'Connor, C.J., Pfeifer, Lundberg Stratton, O'Donnell, Lanzinger, Cupp, and McGee Brown, JJ., concur.

2012-0278. Disciplinary Counsel v. Cicero, Slip Opinion No. 2012-Ohio-5457.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 11-055. Christopher T. Cicero, Attorney Registration No. 0039882, is suspended from the practice of law in Ohio for one year.

O'Connor, C.J., and Pfeifer, Lanzinger, Cupp, and McGee Brown, JJ., concur.

Lundberg Stratton and O'Donnell, JJ., dissent.

2012-0426. In re Application of Martin, Slip Opinion No. 2012-Ohio-5427.

On Report by the Board of Commissioners on Character and Fitness, No. 513. Ebonie Michelle Martin's pending application to take the bar examination is disapproved, but she may apply to take the July 2014 bar examination.

O'Connor, C.J., and Pfeifer, Lundberg Stratton, O'Donnell, Cupp, and McGee Brown, JJ., concur.

Lanzinger, J., concurs in judgment only.

2012-0656. Disciplinary Counsel v. Noel, Slip Opinion No. 2012-Ohio-5456.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 11-051. Gerald Thomas Noel Jr., Attorney Registration No. 0063972, is indefinitely suspended from the practice of law in the state of Ohio.

O'Connor, C.J., and Pfeifer, Lundberg Stratton, O'Donnell, Lanzinger, Cupp, and McGee Brown, JJ., concur.

MERIT DECISIONS WITHOUT OPINIONS

2012-1430. Johnson v. Adams.

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

O'Connor, C.J., and Pfeifer, Lundberg Stratton, O'Donnell, Lanzinger, Cupp, and McGee Brown, JJ., concur.

2012-1522. Cuyahoga Cty. v. Clancy.

In Prohibition. On motion to intervene of Musical Offices Ltd. Motion granted. On consideration of respondents' motions to dismiss. Motions to dismiss granted. Cause dismissed.

O'Connor, C.J., and Pfeifer, Lundberg Stratton, O'Donnell, Lanzinger, Cupp, and McGee Brown, JJ., concur.

2012-1563. State ex rel. McGlown v. Bates.

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

O'Connor, C.J., and Pfeifer, Lundberg Stratton, O'Donnell, Lanzinger, Cupp, and McGee Brown, JJ., concur.

2012-1565. In re Shelborne ex rel. v. Miller.

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

O'Connor, C.J., and Pfeifer, Lundberg Stratton, O'Donnell, Lanzinger, Cupp, and McGee Brown, JJ., concur.

2012-1583. State ex rel. Fernbach v. Warren Cty. Court of Appeals.

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

O'Connor, C.J., and Pfeifer, Lundberg Stratton, O'Donnell, Lanzinger, Cupp, and McGee Brown, JJ., concur.

2012-1593. Simmons v. Jefferson Cty. Judge Assigned to Case No. 05-CR-130.

In Mandamus. On answer of respondent. On S.Ct.Prac.R. 10.5 determination, cause dismissed.

O'Connor, C.J., and Pfeifer, Lundberg Stratton, O'Donnell, Lanzinger, Cupp, and McGee Brown, JJ., concur.

2012-1601. Pou v. Ohio Bur. of Sentence Computation.

In Procedendo. On S.Ct.Prac.R. 10.5 determination, cause dismissed.

O'Connor, C.J., and Pfeifer, Lanzinger, Cupp, and McGee Brown, JJ., concur.

Lundberg Stratton and O'Donnell, JJ., dissent and would grant an alternative writ.

2012-1623. State ex rel. Plunderbund Media, L.L.C. v. Mandel.

In Mandamus. On answer of respondent. On S.Ct.Prac.R. 10.5 determination, alternative writ granted and a schedule for the presentation of evidence and briefs is issued.

O'Connor, C.J., and Pfeifer, Lundberg Stratton, O'Donnell, Lanzinger, Cupp, and McGee Brown, JJ., concur.

2012-1629. Dumas v. Carro.

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

O'Connor, C.J., and Pfeifer, Lundberg Stratton, O'Donnell, Lanzinger, Cupp, and McGee Brown, JJ., concur.

2012-1640. State ex rel. McGlown v. Coleman.

In Habeas Corpus. On petition for writ of habeas corpus of Christopher A. McGlown. Sua sponte, cause dismissed.

O'Connor, C.J., and Pfeifer, Lundberg Stratton, O'Donnell, Lanzinger, Cupp, and McGee Brown, JJ., concur.

2012-1767. Boddie v. Robinson.

In Habeas Corpus. On motion for leave to amend habeas corpus petition. Motion granted. On amended petition for writ of habeas corpus of Howard Boddie Jr. Sua sponte, cause dismissed.

O'Connor, C.J., and Pfeifer, Lundberg Stratton, O'Donnell, Lanzinger, Cupp, and McGee Brown, JJ., concur.

MOTION AND PROCEDURAL RULINGS

1996-0536. State v. Henness.

Franklin App. No. 94APA02-240. This cause came on for further consideration upon appellee's motion to set execution date.

Upon consideration thereof, it is ordered by the court that the motion is granted.

It is further ordered that Warren K. Henness's sentence be carried into execution by the warden of the Southern Ohio Correctional Facility, or in his absence, by the deputy warden on Wednesday, January 7, 2015, in accordance with the statutes so provided.

It is further ordered that a certified copy of this entry and a warrant under the seal of this court be duly certified to the warden of the Southern Ohio Correctional Facility and that said warden shall make due return thereof to the clerk of the Court of Common Pleas of Franklin County.

2011-0686. State v. Keck.

Washington App. No. 09CA50, 2011-Ohio-1643. The stay of briefing in this case is vacated. The clerk shall issue an order for the transmittal of the record from the Court of Appeals for Washington County, and the parties shall brief this case in accordance with the Rules of Practice of the Supreme Court of Ohio.

Pfeifer and Cupp, JJ., dissent and would dismiss the appeal as having been improvidently accepted.

2011-0996. State ex rel. Gregley v. Friedman.

Cuyahoga App. No. 96255, 2011-Ohio-2293. On motion to reinstate appeal. Motion denied.

2011-2104. Bank of Am., Natl. Assn. v. Jimenez.

Delaware App. No. 2011CAE050046, 2011-Ohio-5606. On motion for stay of sheriff's sale scheduled for October 10, 2012, pending decision of the Supreme Court of Ohio. Motion denied.

2012-0438. Leopold v. Ace Doran Hauling & Rigging Co.

Cuyahoga App. No. 97277, 2012-Ohio-497. On motion to strike appellees' merit brief. Motion denied.

O'Donnell and Lanzinger, JJ., dissent.

2012-0613. Freshwater v. Mt. Vernon City School Dist. Bd. of Edn.

Knox App. No. 2011-CA-000023, 2012-Ohio-889. On motion to strike Propositions of Law I and II, appendix pages 49, 55, and 56, and supplement pages 103-116 from the merit brief of appellant. Motion denied.

O'Connor, C.J., and Lanzinger, J., dissent.

Cupp, J., dissents and would grant the motion to strike as to Proposition of Law No. II only.

2012-0882. Baldwin v. United Nations Sec. Council.

In Mandamus. Motion to subpoena duces tecum (civil case). Motion denied.

2012-1092. State v. Hazel.

Clark App. No. 2011 CA 16, 2012-Ohio-835. On motion to clarify the record. Motion denied.

Lundberg Stratton, J., dissents.

2012-1650. State v. Merry.

Stark App. No. 2011CA00203, 2012-Ohio-2910. On motion for delayed appeal. Motion denied.

Pfeifer, Lanzinger, and Cupp, JJ., dissent.

2012-1664. State v. Langston.

Hamilton App. No. C-090718. On amended motion for delayed appeal. Motion denied.

2012-1728. State v. Babcock.

Stark App. No. 2011CA00286, 2012-Ohio-3627. On motion for delayed appeal. Motion granted.

Lundberg Stratton, O'Donnell, and McGee Brown, JJ., dissent.

On jurisdictional question. Appeal not accepted based on the jurisdictional memoranda filed in 2012-1619, *State v. Babcock*, Stark App. No. 2011CA00286, 2012-Ohio-3627. Discretionary appeal not accepted.

2012-1736. State v. Heflin.

Lucas App. No. L-10-1268. On motion for delayed appeal. Motion denied.

2012-1753. State v. Eldridge.

Scioto App. No. 11CA3441, 2012-Ohio-3747. On motion for delayed appeal. Motion denied.

Pfeifer, J., dissents.

2012-1766. State v. Dillard.

Hamilton App. No. C-120058, 2012-Ohio-4018. On motion for stay of execution. Motion denied.

2012-1771. Klayman v. Luck.

Cuyahoga App. No. 97074, 2012-Ohio-3354. On motion for stay. Motion denied.

Pfeifer, J., dissents.

2012-1777. State v. DeBartolo.

Cuyahoga App. No. 97453, 2012-Ohio-3449. On motion for delayed appeal. Motion denied.

Pfeifer, Lanzinger, and Cupp, JJ., dissent.

2012-1783. State v. Wallace.

Cuyahoga App. No. 97069, 2012-Ohio-812. On motion for delayed appeal. Motion denied.

APPEALS ACCEPTED FOR REVIEW

2012-1525. Ballard v. State.

Cuyahoga App. No. 97882, 2012-Ohio-3086. Discretionary appeal accepted and cause held for the decision in 2012-0565, *Dunbar v. State*, Cuyahoga App. No. 97364, 2012-Ohio-707; and briefing schedule stayed.

Pfeifer, J., dissents.

2012-1534. State v. Lees.

Franklin App. No. 12AP-243. Discretionary appeal accepted and cause held for the decision in 2012-0059, *In re Bruce S.*, Hamilton App. No. C-110042, 2011-Ohio-6634; and briefing schedule stayed.

Pfeifer, Lundberg Stratton, and Lanzinger, JJ., dissent.

2012-1615. McDonald’s Corp. v. Union Cty. Bd. of Revision.

Union App. No. 14-12-14, 2012-Ohio-3751. Discretionary appeal accepted on Proposition of Law No. II.

Pfeifer and Cupp, JJ., dissent and would not accept the appeal.

APPEALS NOT ACCEPTED FOR REVIEW

2012-1243. Westgate Ford Truck Sales, Inc. v. Ford Motor Co.

Cuyahoga App. No. 96978, 2012-Ohio-1942. Discretionary appeal and cross-appeal not accepted.

2012-1413. State v. Grenter.

Ashtabula App. No. 2011-A-0076, 2012-Ohio-3419.

2012-1417. State ex rel. Gleason v. Cincinnati.

Hamilton App. No. C-110008.

Pfeifer and O’Donnell, JJ., dissent.

2012-1418. Laborers’ Internatl. Union of N. Am., Local Union No. 500 v. Ecological Servs., Inc.

Lucas App. No. L-11-1012, 2012-Ohio-3110.

2012-1421. State v. Wilder.

Lucas App. No. L-11-1021, 2012-Ohio-3115.

2012-1424. State v. Rodriguez.

Ashland App. No. 12-COA-024.

2012-1425. In re Setzer.

Lake App. No. 2012-L-005, 2012-Ohio-2246.

2012-1433. State v. Carter.

Hamilton App. No. C-110437.

2012-1434. State v. Clark.
Hamilton App. No. C-110137.

2012-1436. Tichon v. Wright Tool & Forge.
Summit App. No. 26071, 2012-Ohio-3147.
O'Donnell, J., dissents.

2012-1437. State v. Terry.
Warren App. No. CA2012-06-054.

2012-1438. State v. Blake.
Butler App. No. CA2011-07-130, 2012-Ohio-3124.

2012-1440. State v. Kormos.
Clermont App. No. CA2011-08-059, 2012-Ohio-3128.

2012-1442. State v. Hawkins.
Fairfield App. No. 12 CA 4, 2012-Ohio-3137.
O'Donnell, J., dissents.

2012-1445. State v. Pound.
Montgomery App. Nos. 24789 and 24980, 2012-Ohio-3392.

2012-1447. State v. Timmons.
Franklin App. No. 11AP-895, 2012-Ohio-2079.

2012-1448. State v. Sweeney.
Cuyahoga App. No. 97414, 2012-Ohio-3152.
Lundberg Stratton, Cupp, and McGee Brown, JJ., dissent and would hold the cause for the decision in 2011-2134, *State v. Gardner*, Montgomery App. No. 24308, 2011-Ohio-5692.

2012-1450. State v. Parrish.
Cuyahoga App. No. 97482, 2012-Ohio-3153.

2012-1451. Cox v. Metrohealth Med. Ctr. Bd. of Trustees.
Cuyahoga App. No. 96848, 2012-Ohio-2383.
O'Donnell, J., dissents.

2012-1453. State v. Gatlin.

Stark App. No. 2011-CA-00235, 2012-Ohio-3226.

2012-1455. State v. Duran.

Lorain App. No. 11CA009969, 2012-Ohio-2114.

2012-1456. Cincinnati v. State.

Hamilton App. No. C-110680, 2012-Ohio-3162.

Lundberg Stratton, Cupp, and McGee Brown, JJ., dissent.

2012-1460. Hamilton v. Ebbing.

Butler App. No. CA2011-01-001, 2012-Ohio-2250.

2012-1462. State v. Dickerson.

Franklin App. No. 11AP-789, 2012-Ohio-3268.

2012-1466. State v. Hassan.

Lucas App. No. L-11-1188, 2012-Ohio-3509.

2012-1470. State v. Landers.

Butler App. No. CA2011-11-213, 2012-Ohio-3201.

2012-1472. State v. Stallings.

Cuyahoga App. No. 97480, 2012-Ohio-2925.

O'Connor, C.J., and Lundberg Stratton, J., dissent.

2012-1475. Szymczak v. Tanner.

Medina App. No. 10CA0101-M, 2012-Ohio-540.

Pfeifer, Acting C.J.

O'Connor, C.J., not participating.

2012-1482. State v. Stage.

Medina App. No. 11CA0077-M, 2012-Ohio-3300.

2012-1485. Wilson v. Jo-Ann Stores, Inc.

Summit App. No. 26154, 2012-Ohio-2748.

2012-1486. State v. Steinfurth.

Cuyahoga App. No. 97549, 2012-Ohio-3257.

2012-1487. State v. Johnson.

Stark App. No. 2011-CA-237, 2012-Ohio-3227.

2012-1488. State v. Nash.

Cuyahoga App. No. 96575, 2012-Ohio-3246.
O'Connor, C.J., dissents.

2012-1489. Diemling v. Kimble.

Tuscarawas App. No. 11AP120047, 2012-Ohio-3323.
Pfeifer and O'Donnell, JJ., dissent.

2012-1491. State v. Krause.

Butler App. No. CA2011-10-191.

2012-1492. State v. Brock.

Hancock App. No. 5-12-22. Discretionary appeal not accepted. Appellant's motion against state's repeated refusal to acknowledge due process and motion that the record include trial court case No. 05CR138 denied as moot.

2012-1493. State v. Scott.

Richland App. No. 11CA80, 2012-Ohio-3482.

2012-1497. PNC Mtge. v. Oyortey.

Delaware App. No. 11 CAE 10 0093, 2012-Ohio-3237.

2012-1498. State v. Alihassan.

Franklin App. No. 11AP-578, 2012-Ohio-825. Discretionary appeal and cross-appeal not accepted.
Lundberg Stratton, J., dissents.

2012-1501. State v. Hatfield.

Franklin App. No. 11AP-1045, 2012-Ohio-3473.

2012-1502. State v. Harris.

Hamilton App. Nos. C-110598 and C-110599.

2012-1503. Webb v. Higgs.

Miami App. No. 2011-CA-22, 2012-Ohio-3291.

2012-1504. Bank of Am., N.A. v. Davidson.

Clermont App. No. CA2012-03-024.

2012-1505. State v. Welch.

Cuyahoga App. No. 95577, 2012-Ohio-3351.

2012-1506. State v. Henson.

Erie App. No. E-11-068, 2012-Ohio-3730.

2012-1507. State v. Dudley.

Montgomery App. No. 24408.

2012-1511. Knecht v. Knecht.

Clinton App. No. CA2011-06-010, 2012-Ohio-3316.

O'Donnell, J., dissents.

2012-1512. State v. Abuhilwa.

Summit App. No. 26183, 2012-Ohio-3441.

2012-1513. State v. Jackson.

Hamilton App. No. C-110645, 2012-Ohio-3348.

2012-1516. Hyde Park Neighborhood Council, Inc. v. Cincinnati.

Hamilton App. No. C-110579, 2012-Ohio-3331. Discretionary appeal and second appeal not accepted.

O'Connor, C.J., dissents and would accept Proposition of Law No. I of the appeal and Proposition of Law No. II of the second appeal.

2012-1519. State v. Campbell.

Hamilton App. No. C-110627, 2012-Ohio-3332.

O'Connor, C.J., and Lanzinger and Cupp, JJ., dissent and would accept the appeal and hold the cause for the decision in 2011-1066, *State v. Brunning*, Cuyahoga App. No. 95376, 2011-Ohio-1936.

2012-1520. State v. Williams.

Lorain App. No. 11CA010026, 2012-Ohio-3417.

2012-1524. State ex rel. DeWine v. 9150 Group L.P.

Summit App. No. 25939, 2012-Ohio-3339.

O'Connor, C.J., dissents and would accept the appeal on Proposition of Law Nos. I, II, and IV.

2012-1527. Wiltz v. Clark Schaefer Hackett & Co.
Franklin App. No. 12AP-169.

2012-1529. State v. Anderson.
Hamilton App. No. C-110029, 2012-Ohio-3347.

2012-1531. State v. Rhines.
Montgomery App. No. 24417, 2012-Ohio-3393.

2012-1532. State v. Tucker.
Franklin App. No. 12AP-158, 2012-Ohio-3477.

2012-1536. State v. Sheppard.
Hamilton App. No. C-110345.

2012-1537. Mun. Constr. Equip. Operators' Labor Council v. Cleveland.
Cuyahoga App. No. 97358, 2012-Ohio-3358.
O'Donnell, J., dissents.

2012-1538. Dotson Plumbing, Heating & Air Conditioning, Inc. v. Tel. Serv. Co.
Auglaize App. No. 2-12-02.
Pfeifer, J., dissents.

2012-1539. State v. Byerly.
Richland App. Nos. 12-CA-0041 and 12-CA-0048.

2012-1541. Rice v. Bowler.
Summit App. No. 25960, 2012-Ohio-2612.

2012-1544. State v. Harper.
Guernsey App. No. 12CA000003, 2012-Ohio-3541.

2012-1546. State v. Bryant.
Butler App. No. CA2011-06-109, 2012-Ohio-678.

2012-1547. State v. Braggs.
Hamilton App. No. C-120137.

2012-1556. State v. Harper.

Guernsey App. No. 12CA000008, 2012-Ohio-3541. Discretionary appeal not accepted. Appellant's motion to strike memorandum response denied as moot.

2012-1557. State v. Rice.

Summit App. No. 26116, 2012-Ohio-2174.

2012-1559. State v. Collins.

Cuyahoga App. No. 97496, 2012-Ohio-3687.

2012-1562. State v. Chappell.

Portage App. No. 2011-P-0064, 2012-Ohio-3422.

2012-1566. State v. Betsacon.

Franklin App. No. 12AP-54, 2012-Ohio-3475.

2012-1567. State v. Swiergosz.

Lucas App. No. L-10-1013, 2012-Ohio-830.

2012-1576. State v. Runyon.

Butler App. No. CA2005-06-157.

2012-1577. State v. Farley.

Ashland App. No. 11-COA-042, 2012-Ohio-3620.

2012-1578. State v. Howard.

Cuyahoga App. No. 97695, 2012-Ohio-3459.

2012-1580. State v. Freshwater.

Cuyahoga App. No. 98097, 2012-Ohio-3468.

2012-1582. State v. Covic.

Medina App. No. 11CA0055-M, 2012-Ohio-3633.

2012-1594. State v. Jones.

Franklin App. No. 09AP-700.

2012-1596. State v. Collins.

Warren App. No. CA2011-08-083.

2012-1607. State v. Kelly.

Butler App. No. 2009-10-252.

2012-1619. State v. Babcock.

Stark App. No. 2011CA00286, 2012-Ohio-3627.

2012-1622. State v. Warner.

Hamilton App. No. C-110198, 2012-Ohio-716.

RECONSIDERATION OF PRIOR DECISIONS

2011-0215. In re M.W.

Cuyahoga App. No. 94737, 2010-Ohio-6362. Reported at ___ Ohio St.3d ___, 2012-Ohio-4538, ___ N.E.2d ___. On motion for reconsideration. Motion denied. O'Connor, C.J., and Pfeifer, J., dissent.

2011-1053. Rowell v. Smith.

Franklin App. Nos. 10AP-675 and 10AP-708, 2011-Ohio-2809. Reported at ___ Ohio St.3d ___, 2012-Ohio-4313, ___ N.E.2d ___. On amended motion for reconsideration. Motion denied. O'Donnell, J., dissents.

2012-0098. State v. Sutton.

Cuyahoga App. No. 96408, 2011-Ohio-6270. Reported at 132 Ohio St.3d 1529, 2012-Ohio-4381, 974 N.E.2d 1207. On motion for reconsideration. Motion denied. O'Donnell, J., dissents.

2012-0935. Dismuke v. Grier.

Montgomery App. No. 24676. Reported at 132 Ohio St.3d 1532, 2012-Ohio-4381, 974 N.E.2d 1209. On motion for reconsideration. Motion denied. On motion to certify conflict and motion for oral hearing. Motions denied as moot.

2012-0936. Cobb v. Shipman.

Trumbull App. No. 2011-T-0049, 2012-Ohio-1676. Reported at 132 Ohio St.3d 1532, 2012-Ohio-4381, 974 N.E.2d 1209. On motion for reconsideration. Motion denied. Lundberg Stratton, J., dissents.

Lanzinger and Cupp, JJ., dissent and would grant the motion as to Proposition of Law No. 2.

2012-0969. State v. Garcia.

Putnam App. No. 12-11-07, 2012-Ohio-1795. Reported at 132 Ohio St.3d 1532, 2012-Ohio-4381, 974 N.E.2d 1209. On motion for reconsideration. Motion denied.

2012-1000. State v. Baker.

Allen App. No. 1-11-49, 2012-Ohio-1890. Reported at 132 Ohio St.3d 1533, 2012-Ohio-4381, 974 N.E.2d 1210. On motion for reconsideration. Motion denied.

2012-1006. Dragon v. Dragon.

Ashtabula App. No. 2011-A-0037, 2012-Ohio-978. Reported at 132 Ohio St.3d 1533, 2012-Ohio-4381, 974 N.E.2d 1210. On motion for reconsideration. Motion denied.

2012-1030. State v. Mitchell.

Erie App. No. E-11-039, 2012-Ohio-1992. Reported at 132 Ohio St.3d 1533, 2012-Ohio-4381, 974 N.E.2d 1210. On motion for reconsideration. Motion denied.

O'Donnell, J., dissents.

2012-1048. Clark v. Ohio Dept. of Rehab. & Corr.

Richland App. No. 11-CA-88. Reported at ___ Ohio St.3d ___, 2012-Ohio-4650, 975 N.E.2d 1029. On motion for reconsideration. Motion denied.

2012-1073. De Noma v. Deters.

Hamilton App. No. C-110616. Reported at 132 Ohio St.3d 1534, 2012-Ohio-4381, 974 N.E.2d 1210. On motion for reconsideration. Motion denied. On motion for judicial notice. Motion denied.

2012-1089. EverHome Mtge. Co. v. Behrens.

Lake App. No. 2011-L-128, 2012-Ohio-1454. Reported at ___ Ohio St.3d ___, 2012-Ohio-4650, 975 N.E.2d 1029. On motion for reconsideration. Motion denied.

Lundberg Stratton and O'Donnell, JJ., dissent.

2012-1099. Puritas Metal Prods. v. Cook.

Lorain App. No. 10CA009866, 2012-Ohio-2116. Reported at ___ Ohio St.3d ___, 2012-Ohio-4650, 975 N.E.2d 1029. On motion for reconsideration. Motion denied.

O'Connor, C.J., dissents and would grant reconsideration as to Proposition of Law No. I.

Pfeifer, J., dissents.

2012-1107. Disciplinary Counsel v. Joseph.

On certified order of the Court of Appeals of Maryland, Misc. Docket AG No. 11. Reported at 133 Ohio St.3d 1221, 2012-Ohio-4550, ___ N.E.2d ___. On petition for rehearing. Rehearing denied.

2012-1142. State v. Palmer.

Hamilton App. No. C-010583. Reported at ___ Ohio St.3d ___, 2012-Ohio-4650, 975 N.E.2d 1030. On motion for reconsideration and to hold this case for the decision in *State v. Washington*, case No. 2012-1070. Motion denied.

2012-1169. State ex rel. Harsh v. Oney.

In Mandamus and Prohibition. Reported at 132 Ohio St.3d 1528, 2012-Ohio-4381, 974 N.E.2d 1207. On motion for reconsideration. Motion denied. On motion for release on own recognizance bail/bond. Motion denied.

2012-1197 and 2012-1221. SST Bearing Corp. v. Twin City Fan Cos., Ltd.

Hamilton App. No. C-110611, 2012-Ohio-2490. Reported at ___ Ohio St.3d ___, 2012-Ohio-4650, 975 N.E.2d 1027. On motion for reconsideration. Motion denied.

O'Connor, C.J., and Lundberg Stratton and Lanzinger, JJ., dissent.

2012-1230. In re M.D.

Knox App. No. 11-CA-9, 2012-Ohio-31. Reported at ___ Ohio St.3d ___, 2012-Ohio-4650, 975 N.E.2d 1031. On motion for reconsideration. Motion denied.

Pfeifer, Lundberg Stratton, and O'Donnell, JJ., dissent.

2012-1325 and 2012-1441. State v. Holdcroft.

Wyandot App. No. 16-10-13, 2012-Ohio-3066.

Reported at ___ Ohio St.3d ___, 2012-Ohio-4650, 975 N.E.2d 1028. On motion for reconsideration of Propositions of Law Nos. III, IV, and VI. Motion denied.