

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

July 24, 2013

[Cite as *07/24/2013 Case Announcements*, 2013-Ohio-3210.]

MERIT DECISIONS WITHOUT OPINIONS

2012-1787. U.S. Bank Natl. Assn. v. Higgins.

Montgomery App. No. 24963, 2012-Ohio-4086. Upon consideration of the jurisdictional memoranda filed in this case, the court accepts the appeal, and this cause is remanded to the court of appeals for application of our decision in Supreme Court case Nos. 2011-1201 and 2011-1362, *Fed. Home Loan Mtge. Corp. v. Schwartzwald*, 134 Ohio St.3d 13, 2012-Ohio-5017, 979 N.E.2d 1214.

It is further ordered that a mandate be sent to the Court of Appeals for Montgomery County by certifying a copy of this judgment entry and filing it with the clerk of the Court of Appeals for Montgomery County.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, and O'Neill, JJ., concur.

French, J., dissents.

2013-0596. State ex rel. Plunderbund Media, L.L.C. v. Charles.

In Mandamus. On answer of respondent. Alternative writ granted. It is ordered by the court, sua sponte, that an alternative writ is granted and the following briefing schedule is set for 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 date of this entry; relator shall file a brief within 10 days of 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.

Pfeifer, Lanzinger, French, and O'Neill, JJ., concur.

O'Connor, C.J., and O'Donnell, J., dissent and would dismiss the cause.

Kennedy, J., not participating.

2013-0603. Cossett v. Republic Bank.

Miscellaneous Case. On complaint of James H. Cossett and Rosa A. Cossett. On S.Ct.Prac.R. 12.04 determination, cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2013-0689. State ex rel. Bishop v. Nichols.

In Mandamus. On answer of respondent. On S.Ct.Prac.R. 12.04 determination, cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2013-0695. Toliver v. Montgomery Cty. Bd. of Commrs.

In Mandamus. On respondents' answer and motion for judgment on the pleadings. Motion for judgment on the pleadings granted and cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, and French, JJ., concur.

O'Neill, J., dissents and would grant an alternative writ.

2013-0699. Marrero v. Miraldi.

In Mandamus. On motion to dismiss. Motion granted. On motion to amend complaint in accordance with Civ.R. 15(A). Motion denied. Cause dismissed as moot.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2013-0705. Harper v. Burge.

In Mandamus. On motion to dismiss of Hon. James Burge. Motion granted. Cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2013-0717. Booth v. Jennings.

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

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2013-0727. Brown v. Kasay.

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

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2013-0735. Kinstle v. Waldick.

In Mandamus. On motion to dismiss. Motion granted. Relator's motion to strike the motion to dismiss of Juergen A. Waldick, the motion for default judgment against Juergen A. Waldick, and the motion to consolidate are denied. Cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2013-0744. Kinstle v. Waldick.

In Mandamus. On motions to dismiss. Motions granted. Relator's motion to strike the motion to dismiss of Juergen A. Waldick, the motion for default judgment against Juergen A. Waldick, and the request for judicial notice are denied. Cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2013-0749. Miller v. Sutula.

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

O'Connor, C.J., and Pfeifer, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

O'Donnell, J., dissents and would grant the writ and order the respondent to rule on the February 23, 2012 motion forthwith.

2013-0768. Kinstle v. Waldick.

In Mandamus. On motion to dismiss. Motion granted. Motion to consolidate is denied. Cause dismissed.

It is further ordered that the relator, Nicholas J. Kinstle, is found to be a vexatious litigator under S.Ct.Prac.R. 4.03(B).

It is ordered by the court, sua sponte, that Nicholas J. Kinstle is prohibited from continuing or instituting legal proceedings in this court without first obtaining leave. Any request for leave shall be submitted to the clerk of this court for the court's review.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2013-0784. Bryant v. Jones.

In Mandamus. On answer of respondent and motion to dismiss. Motion to dismiss granted. Cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2013-0785. Johnson v. [Ohio] Dept. of Commerce.

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

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2013-0799. State ex rel. Ouellette v. Fais.

In Prohibition. On relator's motion requesting immediate issuance of an alternative writ of prohibition. Motion denied. On respondent's motion to dismiss. Motion granted. Cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2013-0801. State v. Painter.

Clermont App. No. CA2012-04-041. On review of order certifying a conflict. It is determined that no conflict exists. Cause dismissed.

Pfeifer, O'Donnell, Kennedy, and French, JJ., concur.

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

2013-0814. Rodriguez v. Columbus City Police Dept.

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

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2013-0820. State ex rel. Christner v. Farmer.

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

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2013-0838. Williams v. Hamilton Cty. Judge Assigned to Case No. B 0906840.

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

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

MOTION AND PROCEDURAL RULINGS

1998-1483. State v. Jones.

Ashtabula C.P. No. 97CR221. On pro se motion for relief from judgment, 60(B), second pro se motion for relief from judgment, 60(B)(5), and motion to hold 60(B) motions in abeyance until appellant can acquire key documents from former counsel. Motions denied.

O'Neill, J., not participating.

2012-1848. Nash v. Bradshaw.

In Habeas Corpus. On motion for relief per Civ.R. 60(B). Motion denied.

2013-0113. Elam v. Cuyahoga Cty. Dept. of Emp. & Family Servs.

Cuyahoga App. No. 98323, 2012-Ohio-5076. On motion for relief and relief from judgment. Motion denied.

2013-0197. JP Morgan Chase v. Brown.

Hamilton App. No. C-120676. On motion to clarify court order/decision. Motion denied.

O'Neill, J., dissents.

2013-0817. State v. Darby.

Richland App. No. 13CA4. On motion for delayed appeal. Motion denied.

Kennedy, J., dissents.

2013-0823. State v. Simms.

Cuyahoga App. No. 99435. On motion for delayed appeal. Motion denied.

Pfeifer and Kennedy, JJ., dissent.

2013-0832. State v. Van Maurer.

Stark App. No. 2013CA00019. On motion for delayed appeal. Motion denied.

Pfeifer, J., dissents.

2013-0833. State v. Palmer.

Franklin App. No. 12AP-460. On motion for delayed appeal. Motion granted.

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

2013-0837. State v. Walker.

Trumbull App. No. 2011-T-0069, 2012-Ohio-3303. On motion for delayed appeal. Motion denied.

2013-0853. State v. Miller.

Franklin App. No. 11AP-899, 2013-Ohio-1242. On motion for delayed appeal and motion to substitute exhibit. Motions granted.

O'Donnell and French, JJ., dissent.

2013-0857. State v. Daniels.

Summit App. No. 26406, 2013-Ohio-358. On motion for delayed appeal. Motion granted.

O'Connor, C.J., and O'Donnell and French, JJ., dissent.

2013-0863. Brown Cty. Bd. of Health v. Raichyk.

Brown App. No. CA2012-06-011, 2013-Ohio-1727. On motion for stay of court of appeals judgment. Motion denied.

Pfeifer, J., dissents.

2013-0867. State v. Jones.

Lucas App. Nos. L-10-1256 and L-10-1361, 2013-Ohio-1263. On motion for delayed appeal. Motion denied.

Pfeifer and O'Neill, JJ., dissent.

2013-0871. State v. Seals.

Clark App. No. 2009 CA 4, 2010-Ohio-2843. On motion for delayed appeal. Motion denied.

2013-0879. State v. Feliciano.

Lorain App. No. 11CA010053, 2012-Ohio-6149. On motion for delayed appeal. Motion denied.

Pfeifer and O'Neill, JJ., dissent.

2013-0883. State v. McKinney.

Franklin App. No. 12AP-424, 2013-Ohio-1149. On motion for delayed appeal. Motion granted.

O'Connor, C.J., and O'Donnell and French, JJ., dissent.

2013-0897. State v. Porter.

Cuyahoga App. No. 94049, 2010-Ohio-4491. On motion for delayed appeal. Motion denied.

2013-0905. State v. Robinson.

Summit App. No. 26791. On motion for delayed appeal. Motion denied.

2013-0926. State v. Hillman.

Wayne App. Nos. 12CA0028 and 12CA0029, 2013-Ohio-982. On motion for delayed appeal. Motion denied.

2013-0928. State v. Ginley.

Cuyahoga App. No. 90724, 2009-Ohio-30. On motion for delayed appeal. Motion denied.

2013-0943. State v. Green.

Summit App. No. 26323, 2012-Ohio-5648. On motion for delayed appeal. Motion denied.

O'Neill, J., dissents.

2013-0944. State v. Jackson.

Ross App. No. 12CA3309, 2012-Ohio-5619. On motion for delayed appeal. Motion denied.

O'Neill, J., dissents.

2013-0948. State v. Paige.

Cuyahoga App. No. 99155. On motion for delayed appeal. Motion denied.

2013-0969. State v. Rye.

Summit App. No. 26576, 2013-Ohio-1774. On motion for stay of court of appeals judgment. Motion denied.

Pfeifer, Acting C.J.

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

2013-1008. Wells Fargo Bank, N.A., v. Rahman.

Franklin App. No. 13AP-376. On motion for an immediate stay pending appeal. Motion denied.

APPEALS ACCEPTED FOR REVIEW

2013-0414. State v. Harris.

Hamilton App. No. C110472, 2013-Ohio-349. Discretionary appeal accepted. Discretionary cross-appeal not accepted.

O'Connor, C.J., and Pfeifer and O'Neill, JJ., dissent and would not accept the appeal.

Kennedy, J., dissents and would accept the cross-appeal.

2013-0654. Cleveland Clinic Found. v. Cleveland Bd. of Zoning Appeals.

Cuyahoga App. No. 98115, 2012-Ohio-6008.

O'Donnell and Kennedy, JJ., dissent.

O'Neill, J., not participating.

2013-0656. State ex rel. Walgate v. Kasich.

Franklin App. No. 12AP-548, 2013-Ohio-946. Discretionary appeal accepted; cause held for the decision in Supreme Court case No. 2012-1272, *ProgressOhio.org, Inc. v. JobsOhio*, 10th Dist. Franklin No. 11AP-1136, 2012-Ohio-2655.

O'Donnell, J., not participating.

2013-0711. State v. Belew.

Lucas App. No. L-11-1279, 2013-Ohio-1078.

Pfeifer, O'Donnell, and French, JJ., dissent.

2013-0742. In re N.P.

Ashtabula App. No. 2012-A-0024, 2013-Ohio-1288. Discretionary appeal accepted; cause held for the decision in Supreme Court case No. 2012-1688, *In re H.V.*, 9th Dist. Lorain Nos. 11CA010139 and 11CA010140, 2012-Ohio-3742.

Pfeifer, J., dissents.

APPEALS NOT ACCEPTED FOR REVIEW

2013-0200. State v. Shepherd.

Scioto App. No. 12CA3469, 2012-Ohio-5631.

2013-0201. State v. Perry.

Lake App. No. 2011-L-125, 2012-Ohio-4888.

2013-0453. U.S. Bank v. Downey.

Cuyahoga App. No. 98598, 2013-Ohio-494.

2013-0538. State v. Hill.

Cuyahoga App. No. 98366, 2013-Ohio-578. Discretionary appeal and cross-appeal not accepted.

2013-0609. EMC Mtge. Corp. v. Atkinson.

Summit App. No. 25968, 2013-Ohio-782.

O'Donnell, J., dissents.

2013-0614. State v. Auerswald.

Medina App. No. 11CA0053-M, 2013-Ohio-742.

O'Neill, J., dissents.

2013-0615. State v. Perryman.

Lucas App. No. L-12-1083, 2013-Ohio-1087.

O'Donnell, Kennedy, and French, JJ., dissent.

2013-0617. State v. Clark.

Lucas App. No. L-10-1092, 2013-Ohio-832.

O'Neill, J., dissents.

2013-0618. State v. Williams.

Montgomery App. No. 24548, 2012-Ohio-4179.

2013-0620. State v. Pettway.

Cuyahoga App. No. 99432.

2013-0621. State v. Lockett.

Columbiana App. No. 12 CO 13, 2013-Ohio-896.

O'Neill, J., dissents.

2013-0622. Chiquita Brands Internatl., Inc., v. Natl. Union Fire Ins. Co. of Pittsburgh, PA.

Hamilton App. No. C-120019, 2013-Ohio-759.

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

2013-0625. In re W.W.

Cuyahoga App. No. 98784, 2013-Ohio-827.

Pfeifer, Lanzinger, and O'Neill, JJ., dissent.

2013-0628. State v. Oliver.

Portage App. No. 2010-P-0017, 2012-Ohio-122.

2013-0630. Sparks v. Sparks.

Warren App. No. CA2012-09-090.

2013-0631. Jodrey v. Ohio Dept. of Rehab. & Corr.

Franklin App. No. 12AP-477, 2013-Ohio-289.

2013-0632. State v. Williams.

Cuyahoga App. No. 98100, 2013-Ohio-368.

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

2013-0634. Ameritech Publishing, Inc. v. Mayo Bail Bonds & Sur., Inc.

Erie App. No. E-12-012, 2013-Ohio-831.

O'Donnell, J., dissents.

2013-0635. JPMCC 2004-CIBC10 7th St. Office, L.L.C. v. URS Tower, L.L.C.

Hamilton App. No. C-120294, 2013-Ohio-796.

Pfeifer and O'Donnell, JJ., dissent.

2013-0637. State v. Freeman.

Trumbull App. No. 2004-T-0055, 2011-Ohio-2457.

2013-0638. State v. Freeman.

Trumbull App. No. 2010-T-0069, 2011-Ohio-2457.

2013-0640. State v. Bloom.

Cuyahoga App. No. 97535, 2013-Ohio-1171.

2013-0642. State v. Johnson.

Stark App. No. 2012 CA 0054.

O'Donnell, J., dissents.

2013-0650. State v. Rich.

Butler App. No. CA2012-03-044, 2013-Ohio-857.

O'Donnell, J., dissents and would remand the cause for application of *United States v. Jones*, ___ U.S. ___, 132 S.Ct. 954, 181 L.E.2d 911 (2012).

Lanzinger, J., dissents.

Kennedy, J., dissents and would accept the appeal on Proposition of Law No. I.

2013-0651. Paridon v. Trumbull Cty. Children Servs. Bd.

Trumbull App. No. 2012-T-0035, 2013-Ohio-881.

Pfeifer, Lanzinger, and Kennedy, JJ., dissent.

2013-0652. Dudley v. Dudley.

Butler App. No. CA2012-04-074, 2013-Ohio-859.

2013-0653. State v. Bondurant.

Highland App. No. 11CA25.

2013-0655. Wells Fargo Bank v. Smith.

Brown App. No. CA2012-04-006, 2013-Ohio-855.

Pfeifer and O'Neill, JJ., dissent.

2013-0657. State v. Vore.

Warren App. No. CA2012-06-049, 2013-Ohio-1490.

2013-0658. State v. West.

Franklin App. No. 11AP-548, 2013-Ohio-942.

2013-0659. Ohio Receivables, L.L.C. v. Williams.

Montgomery App. No. 25427, 2013-Ohio-960.

O'Donnell and O'Neill, JJ., dissent.

2013-0660. Tanio v. Ultimate Wash.

Cuyahoga App. No. 98826, 2013-Ohio-939.

2013-0661. Howkins v. Walsh Jesuit High School.

Summit App. No. 26438, 2013-Ohio-917.

Pfeifer, Acting C.J.

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

2013-0663. Columbus v. Oronoz.

Franklin App. Nos. 13AP-276 and 13AP-277. Discretionary appeal not accepted; Emergency Petition for Writ of Supersedeas denied.

2013-0665. Hope Academy Broadway Campus v. White Hat Mgt., L.L.C.

Franklin App. No. 12AP-116, 2013-Ohio-911.

O'Donnell, J. dissents.

French, J., dissents and would accept the appeal on Proposition of Law Nos. I and II.

2013-0667. State v. Bohanon.

Cuyahoga App. No. 98217, 2013-Ohio-261.

2013-0669. State v. Linzy.

Richland App. No. 2012-CA-33, 2013-Ohio-1129.

2013-0670. State v. Ozevin.

Clermont App. No. CA2012-06-044, 2013-Ohio-1386.

O'Donnell and French, JJ., dissent and would accept the appeal and hold the cause for the decision in Supreme Court case No. 2012-1070, *State v. Washington*, 9th Dist. Lorain No. 11CA010015, 2012-Ohio-2117.

2013-0672. State v. Norris.

Muskingum App. No. CT2012-0055, 2013-Ohio-1010.

2013-0676. State v. Ibrahim.

Medina App. No. 12CA0048-M, 2013-Ohio-983.

2013-0681. State v. Smith.

Guernsey App. No. 2012-CA-17, 2013-Ohio-1226.

2013-0685. State v. Minor.

Hamilton App. No. C-120424.

O'Neill, J., dissents and would accept the appeal on Proposition of Law No. I.

2013-0687. State v. Diallo.

Franklin App. No. 12AP-388, 2013-Ohio-1248.

O'Neill, J., dissents.

2013-0706. Jeffrey v. Marietta Mem. Hosp.

Franklin App. Nos. 11AP-492 and 11AP-502, 2013-Ohio-1055.

2013-0707. State v. Zou.

Hamilton App. No. C-120548.

2013-0715. State v. Wilson.

Montgomery App. No. 24975, 2013-Ohio-1076.

2013-0720. State v. Buchanan.

Stark App. No. 2012CA00114, 2013-Ohio-1132.

2013-0723. State v. Carreiro.

Butler App. No. CA2011-12-236, 2013-Ohio-1103.

Pfeifer and French, JJ., dissent.

2013-0738. State v. Davenport.

Franklin App. No. 11AP-1159, 2013-Ohio-1144.

O'Donnell, J., dissents and would accept the appeal on Proposition of Law No. II.

French, J., not participating.

2013-0740. State v. Green.

Hamilton App. No. C-120283, 2013-Ohio-1197.

2013-0746. State v. Osley.

Lucas App. No. L-11-1236, 2013-Ohio-1267.

2013-0753. Salyers v. Dir., Ohio Dept. of Job & Family Servs.

Franklin App. No. 12AP-576, 2013-Ohio-1209.

2013-0754. State v. Moore.

Mahoning App. No. 12 MA 8, 2013-Ohio-1435.

O'Neill, J., dissents and would accept the appeal on Proposition of Law Nos. I through IV.

2013-0762. State v. Jewett.

Franklin App. No. 11AP-1028, 2013-Ohio-1246.

2013-0766. State v. Bayer.

Franklin App. No. 11AP-733, 2012-Ohio-5469.

O'Neill, J., dissents.

French, J., not participating.

2013-0777. State v. Painter.

Clermont App. No. CA2012-04-031, 2013-Ohio-529.

O'Connor, C.J., and Lanzinger, J., dissent and would accept the appeal on Proposition of Law No. 1.

O'Neill, J., dissents.

2013-0798. State v. Jones.

Summit App. No. 25986, 2012-Ohio-4256.

2013-0813. State v. Hughes.

Cuyahoga App. No. 98667, 2013-Ohio-1550.

2013-0842. State v. Rojas.

Lucas App. No. L-11-1276, 2013-Ohio-1835.

2013-0855. State v. Kidd.

Hamilton App. No. C-120234.

O'Donnell, J., dissents.

2013-0856. State v. Nicholson.

Cuyahoga App. No. 97873, 2013-Ohio-1786.

2013-0864. State v. Sullivan.

Franklin App. No. 10AP-997, 2011-Ohio-6384.

French, J., not participating.

2013-0911. In re J.B.

Cuyahoga App. No. 98565, 2013-Ohio-1706.

Pfeifer and O'Neill, JJ., dissent.

2013-0933. In re J. B.

Cuyahoga App. No. 98546, 2013-Ohio-1704.

Pfeifer and O'Neill, JJ., dissent.

2013-0958. In re J.N.H.

Cuyahoga App. Nos. 99089, 99090, and 99091, 2013-Ohio-1803.

RECONSIDERATION OF PRIOR DECISIONS

2012-0519. State v. Lawson.

Clermont App. No. CA2011-07-056, 2012-Ohio-548. Reported at 135 Ohio St.3d 1431, 2013-Ohio-1857, 986 N.E.2d 1021. On motion for reconsideration. Motion denied.

Pfeifer, J., dissents.

2012-0745. Zeune v. Bender.

In Mandamus. Reported at 135 Ohio St.3d 1429, 2013-Ohio-1857, 986 N.E.2d 1019. On motion for reconsideration. Motion denied.

O'Donnell, J., not participating.

2012-2161. State ex rel. Hopson v. Cuyahoga Cty. Common Pleas Court.

Cuyahoga App. No. 99053, 2012-Ohio-5701. Reported at 135 Ohio St.3d 456, 2013-Ohio-1911, 989 N.E.2d 49. On motion for reconsideration. Motion denied.

2013-0237. Boatwright v. Penn-Ohio Logistics.

Mahoning App. No. 12 MA 39, 2012-Ohio-6238. Reported at 135 Ohio St.3d 1433, 2013-Ohio-1857, 986 N.E.2d 1022. On motion for reconsideration. Motion denied.

O'Neill, J., dissents.

2013-0256. State v. Damron.

Franklin App. No. 12AP-209, 2012-Ohio-5977. Reported at 135 Ohio St.3d 1433, 2013-Ohio-1857, 986 N.E.2d 1022. On motion for reconsideration. Motion denied.

O'Neill, J., dissents.

French, J., not participating.

2013-0269. State v. Midlam.

Highland App. No. 12CA2, 2012-Ohio-6299. Reported at 135 Ohio St.3d 1434, 2013-Ohio-1857, 986 N.E.2d 1023. On motion for reconsideration. Motion denied.

2013-0288. State v. Jackson.

Cuyahoga App. No. 98157. Reported at 135 Ohio St.3d 1452, 2013-Ohio-2115, 988 N.E.2d 573. On motion for reconsideration. Motion denied.

2013-0290. State v. Goff.

Lawrence App. No. 11CA20, 2013-Ohio-42. Reported at 135 Ohio St.3d 1434, 2013-Ohio-1857, 986 N.E.2d 1023. On motion for reconsideration. Motion denied.

O'Connor, C.J., dissents and would grant the motion for reconsideration as to Proposition of Law Nos. III and IV.

Kennedy, J., dissents and would grant the motion for reconsideration as to Proposition of Law Nos. I and III.

2013-0329. State ex rel. Cuyahoga Metro. Hous. Auth. v. Ferguson.

In Mandamus and Prohibition. Reported at 135 Ohio St.3d 1430, 2013-Ohio-1857, 986 N.E.2d 1020. On motion for reconsideration. Motion denied.

2013-0397. Wells Fargo Bank, N.A. v. Hazel.

Franklin App. No. 11AP-1061, 2012-Ohio-5770. Reported at 135 Ohio St.3d 1448, 2013-Ohio-2062, 987 N.E.2d 704. On motion for reconsideration. Motion denied.

French, J., not participating.

2013-0434. State ex rel. Gilcreast v. Gallagher.

In Mandamus and Prohibition. Reported at 135 Ohio St.3d 1445, 2013-Ohio-2062, 987 N.E.2d 1445. On motion for reconsideration. Motion denied.

Pfeifer, Acting C.J.

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