

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

December 3, 2014

[Cite as *12/03/2014 Case Announcements*, 2014-Ohio-5251.]

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## MERIT DECISIONS WITH OPINIONS

**2011-0451. State v. Herring, Slip Opinion No. 2014-Ohio-5228.**

Mahoning App. No. 08-MA-213, 2011-Ohio-662. Judgment affirmed.

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

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

**2014-0518. Cleveland Metro. Bar Assn. v. Hill, Slip Opinion No. 2014-Ohio-5239.**

On Final Report by the Board on the Unauthorized Practice of Law, No. UPL 10-09. William Hill and the Advocacy Group, Inc., are enjoined from any further acts that constitute the unauthorized practice of law. Civil penalty of \$20,000 imposed.

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

**2014-0716. State ex rel. Roberts v. Marsh, Slip Opinion No. 2014-Ohio-5242.**

Hamilton App. No. C-140180. Judgment affirmed.

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

O'Neill, J., dissents and would dismiss the appeal.

## MERIT DECISIONS WITHOUT OPINIONS

**2013-1833. Fed. Home Loan Mtge. Corp. v. Koch.**

Geauga App. No. 2012-G-3084. It is ordered by the court, sua sponte, that this cause is no longer held for the decision in 2013-0304, *Bank of Am., N.A. v. Kuchta*,

and that this cause is dismissed, sua sponte, as having been improvidently accepted.

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

**2013-1860. U.S. Bank Natl. Assn. v. LaPierre.**

Franklin App. No. 13AP-339. It is ordered by the court, sua sponte, that this cause is no longer held for the decision in 2013-0304, *Bank of Am., N.A. v. Kuchta*, and the judgment of the court of appeals is affirmed.

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

Pfeifer and O'Neill, JJ., dissent and would reverse the judgment of the court of appeals.

**2013-2011 and 2014-0209. Deutsche Bank Natl. Trust Co. v. Finney.**

Franklin App. Nos. 13AP-198 and 13AP-373. It is ordered by the court, sua sponte, that this cause is no longer held for the decision in 2013-0304, *Bank of Am., N.A. v. Kuchta*, and the judgment of the court of appeals is affirmed.

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

O'Neill, J., dissents and would reverse the judgment of the court of appeals.

**2014-0172. State ex rel. Evans v. Ohio Lottery Comm.**

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.

**2014-0296 and 2014-0297. U.S. Bank, N.A. v. Cooper.**

Medina App. No. 12CA0084-M. It is ordered by the court, sua sponte, that this cause is no longer held for the decision in 2013-0304, *Bank of Am., N.A. v. Kuchta*, and the judgment of the court of appeals is reversed.

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

Pfeifer and O'Neill, JJ., dissent and would affirm the judgment of the court of appeals.

**2014-0749. School Choice Ohio, Inc. v. Cincinnati Pub. School Dist.**

In Mandamus. Upon consideration of the merits, it is sua sponte ordered that an alternative writ is granted, and that 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; 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.

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

**2014-1091. State ex rel. McGinty v. Eighth Dist. Court of Appeals.**

In Prohibition. On motion to dismiss. Motion granted. Cause dismissed. The motions of Michael Madison to intervene as respondent, to dismiss, for judgment on the pleadings, and to supplement the record with a document filed under seal are denied as moot. Relator's motion to file a memorandum in response to intervening respondent's motion to dismiss and for judgment on pleadings under seal is denied as moot.

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

**2014-1214. Huth v. New Philadelphia Mun. Court.**

In Mandamus and Prohibition. On answer and motion to dismiss. Motion to dismiss granted. Cause dismissed. The motions of Fitzpatrick, Zimmerman & Rose Co., L.P.A., and Steven A. Anderson to intervene as respondents and for judgment on the pleadings are denied as moot.

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

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

**2014-1431. State ex rel. Jackson v. Brigano.**

In Mandamus. On complaint in mandamus of Edward Jackson. Sua sponte, cause dismissed. Motion to amend complaint denied as moot.

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

**2014-1579. In re Dunkle v. Woods.**

In Mandamus. On complaint in mandamus of David Dunkle. Sua sponte, cause dismissed. Motion to amend complaint denied as moot.

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

**2014-1590. Patton v. Dech.**

In Mandamus. On complaint in mandamus of Daurin Patton. Sua sponte, cause dismissed. Motion for judgment on pleadings denied as moot.

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

**2014-1616. Stenson v. Stegmaier.**

In Mandamus. On complaint in mandamus of Eric M. Stenson. Sua sponte, cause dismissed.

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

**2014-1636. Conley v. Ohio Health-Grant Med.**

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.

**2014-1649. State ex rel. Davis v. Rocco.**

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.

**2014-1673. Greenlee v. Gentry.**

In Habeas Corpus. Emergency petition for writ of habeas corpus of Kiel T. Greenlee on behalf of Anthony Tyler Greenlee. Sua sponte, cause dismissed.

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

**2014-1689. State ex rel. Williams v. Clancy.**

In Mandamus. On motion to dismiss. Motion granted. Cause dismissed. Motion to stay denied as moot. Motion to view attached exhibit to confirm respondent received complaint denied as moot.

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

## **MOTION AND PROCEDURAL RULINGS**

**2014-0228. State v. Clemons.**

Cuyahoga App. No. 99754, 2013-Ohio-5131. On motion to dismiss. Motion denied.

Lanzinger and O'Neill, JJ., dissent.

**2014-0485. SRMOF 2009-1 Trust v. Lewis.**

Butler App. Nos. CA2012-11-239 and CA2013-05-068, 2014-Ohio-71. On motion to strike appellee's appendix A-1. Motion granted.

Pfeifer and O'Neill, JJ., dissent.

**2014-1241. Haight v. Cheap Escape Co.**

Montgomery App. No. 25983, 2014-Ohio-2447. On motion of Mark Kosir to realign parties. Motion denied.

O'Neill, J., dissents.

On motion of John Haight and Christopher Pence to dismiss Mark Kosir from the appeal. Motion granted.

French and O'Neill, JJ., dissent.

**2014-1623. Whitmore v. Cuyahoga Cty. Bd. of Revision.**

Cuyahoga App. No. 101443. On motion for stay of Board of Tax Appeals decision and court of appeals' judgment. Motion denied.

Pfeifer, J., dissents.

**2014-1659. State ex rel. M.L. v. O'Malley.**

Cuyahoga App. No. 101191, 2014-Ohio-3927. On motion for stay of lower court proceedings. Motion denied. Renewed motion for an expedited stay of the lower court trial date and other proceedings. Motion denied.

French, J., dissents.

**2014-1723. Tadijanac v. Jefferson Twp. Bellville Fire Dept.**

Richland App. Nos. 14CA20 and 14CA24, 2014-Ohio-4332. On motion for immediate stay of court of appeals' judgment. Motion granted.

Kennedy, J., dissents.

**2014-1770. State v. Campbell.**

Ashtabula App. No. 2013-A-0047, 2014-Ohio-972. On motion for delayed appeal. Motion denied.

O'Neill, J., dissents.

**2014-1787. State v. Mackey.**

Licking App. No. 13-CA-94, 2014-Ohio-2288. On motion for delayed appeal. Motion denied.

Pfeifer, J., dissents.

**2014-1790. State v. Moody.**

Franklin App. No. 06AP-1034. On motion for delayed appeal. Motion denied.  
O'Donnell and French, JJ., not participating.

**2014-1806. State v. Armstrong.**

Clermont App. Nos. CA2014-01-007, CA2014-01-008, and CA2014-01-009,  
2014-Ohio-3555. On motion for delayed appeal. Motion denied.  
Lanzinger, Kennedy, and O'Neill, JJ., dissent.

**2014-1838. Phillips v. Farmers Ethanol, L.L.C.**

Jefferson App. No. 12 JE 27, 2014-Ohio-4043. On motion for stay of execution of  
court of appeals' judgment. Motion denied.  
Pfeifer and O'Neill, JJ., dissent.

**APPEALS ACCEPTED FOR REVIEW**

**2014-1161. World Harvest Church v. Grange Mut. Cas. Co.**

Franklin App. No. 13AP-290, 2014-Ohio-5707. Discretionary appeal accepted.  
Cross-appeal not accepted.

O'Connor, C.J., dissents and would accept the discretionary appeal, and  
would accept the cross-appeal on Proposition of Law No. IV.

French, J., dissents and would accept the discretionary appeal, and would  
accept the cross-appeal on Proposition of Law No. II.

Lanzinger and O'Neill, JJ., dissent and would not accept the discretionary  
appeal or the cross-appeal.

**2014-1315. In re M.R..**

Jefferson App. No. 13 JE 30, 2014-Ohio-2623. Discretionary appeal accepted;  
cause held for the decision in 2014-0607, *In re D.S.*, 5th Dist. Licking No. 13-CA-  
58; and briefing schedule stayed.

**2014-1413. Bigelow v. Am. Family Ins.**

Coschocton App. No. 2013CA24, 2014-Ohio-2945. Discretionary appeal accepted;  
cause held for the decision in 2014-0451, *Dillon v. Farmers Ins. of Columbus, Inc.*,  
5th Dist. Coschocton No. 2013CA0014; and briefing schedule stayed.

Pfeifer, J., dissents.

## **APPEALS NOT ACCEPTED FOR REVIEW**

**2014-1254. State v. Householder.**

Portage App. No. 2013-P-0092, 2014-Ohio-2455.

**2014-1261. In re C.D.**

Hamilton App. No. C-130740.

**2014-1264. Copeland v. St. Clair.**

Stark App. No. 2014CA00079.

**2014-1265. Brumage v. Green.**

Champaign App. No. 2014-CA-7, 2014-Ohio-2552.

**2014-1268. Anderson v. Massillon.**

Stark App. No. 2013CA00144, 2014-Ohio-2516.

Lanzinger and O'Neill, JJ., dissent.

**2014-1271. State v. Seitz.**

Shelby App. No. 17-12-11, 2014-Ohio-2463.

Kennedy and O'Neill, JJ., dissent.

**2014-1275. Wells Fargo Bank, N.A. v. Odit.**

Franklin App. No. 13AP-663, 2014-Ohio-2540.

**2014-1276. Southerland v. Rankin.**

Franklin App. No. 13AP-1040, 2014-Ohio-2542.

**2014-1280. State v. Davenport.**

Hamilton App. No. C-130307, 2014-Ohio-2800.

**2014-1281. St. Marys v. Internatl. Assn. of Firefighters.**

Auglaize App. No. 2-13-29, 2014-Ohio-2575.

French, J., dissents.

**2014-1284. Savage v. Ohio State Univ.**

Franklin App. No. 13AP-896, 2014-Ohio-2504.

Kennedy, J., dissents.

**2014-1287. Cotton v. Sheldon.**

Marion App. No. 9-13-48, 2014-Ohio-756.

**2014-1288. State v. Nia.**

Cuyahoga App. No. 99387, 2014-Ohio-2527.

**2014-1291. Levy v. Levy.**

Cuyahoga App. No. 100609, 2014-Ohio-1291.

**2014-1293. Lundin v. Niepsuj.**

Summit App. No. 26015, 2014-Ohio-1212.

**2014-1369. Morgan v. Ohio State Univ. College of Dentistry.**

Franklin App. No. 13AP-287, 2014-Ohio-1846.

**2014-1370. State v. Campbell.**

Fairfield App. No. 13-CA-57, 2014-Ohio-2823.

Kennedy, J., dissents.

**2014-1371. State v. Bass.**

Franklin App. No. 13AP-1052, 2014-Ohio-2915.

**2014-1373. In re I.A.G.**

Cuyahoga App. No. 100486, 2014-Ohio-2767.

**2014-1386. State v. Ross.**

Summit App. No. 26694, 2014-Ohio-2867.

Pfeifer, J., Acting C.J.

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

**2014-1395. State v. Brown.**

Stark App. No. 2014CA00005, 2014-Ohio-2945.

**2014-1418. State v. Jordan.**

Summit App. No. 27005, 2014-Ohio-2857.

Kennedy and O'Neill, JJ., dissent.

**2014-1422. State v. Brown.**

Ashtabula App. No. 2013-A-0065, 2014-Ohio-2878.



**2014-1426. State v. Phipps.**

Franklin App. No. 13AP-640, 2014-Ohio-2905.

**2014-1449. State v. Wilson.**

Richland App. No. 14CA16, 2014-Ohio-3286.

**2014-1450. State v. Haynes.**

Clark App. No. 2013 CA 90, 2014-Ohio-2675.

**2014-1464. State v. Suntoke.**

Muskingum App. No. CT2014-0017, 2014-Ohio-3320.

**2014-1684. State v. Mangan.**

Greene App. No. 2013-CA-3, 2014-Ohio-960.

**2014-1750. State v. Lemasters.**

Madison App. No. CA2012-12-028.

**2014-1818. State v. Dew.**

Mahoning App. No. 08 MA 62, 2014-Ohio-4042.

**RECONSIDERATION OF PRIOR DECISIONS**

**2013-0304. Bank of Am., N.A. v. Kuchta.**

Medina App. No. 12CA0025-M, 2012-Ohio-5562. Reported at \_\_\_ Ohio St.3d \_\_\_, 2014-Ohio-4275, \_\_\_ N.E.3d \_\_\_. On motion for reconsideration. Motion denied.

Pfeifer and O'Neill, JJ., dissent.

**2014-1017. Fox v. Fox.**

Clermont App. No. CA2013-08-066, 2014-Ohio-1887. Reported at 140 Ohio St.3d 1451, 2014-Ohio-4414, 17 N.E.3d 598. On motion for reconsideration. Motion denied.

Kennedy, J., dissents.

**2014-1125. Kurtock v. Cleveland Bd. of Zoning Appeals.**

Cuyahoga App. No. 100266, 2014-Ohio-1836. Reported at 140 Ohio St.3d 1454, 2014-Ohio-4414, 17 N.E.3d 599. On motion for reconsideration. Motion denied.

Kennedy and O'Neill, JJ., dissent.

**2014-1256. State ex rel. Chappell v. Morgan.**

In Mandamus. Reported at 140 Ohio St.3d 1449, 2014-Ohio-4414, 17 N.E.3d 596.

On motion for reconsideration. Motion denied.

O'Neill, J., dissents.