

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

April 9, 2015

[Cite as *04/09/2015 Case Announcements*, 2015-Ohio-1374.]

MERIT DECISIONS WITH OPINIONS

2013-0509. State ex rel. Metz v. GTC, Inc., Slip Opinion No. 2015-Ohio-1348.
Franklin App. No. 12AP-56, 2013-Ohio-461. Judgment reversed.

O'Connor, C.J., and Lanzinger, Kennedy, French, and O'Neill, JJ., concur.
Pfeifer and O'Donnell, JJ., dissent and would affirm the judgment of the court of appeals.

2013-1218. State ex rel. Alhamarshah v. Indus. Comm., Slip Opinion No. 2015-Ohio-1357.

Franklin App. No. 12AP-220, 2013-Ohio-2737. Judgment affirmed.

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

2014-1022. Russell v. Duffey, Slip Opinion No. 2015-Ohio-1358.

Hocking App. No. 14CA5. Judgment affirmed.

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

MOTION AND PROCEDURAL RULINGS

2013-0521. In re Application of Columbus S. Power Co.

Public Utilities Commission, No. 11-326-EL-SSO. It is ordered by the court, sua sponte, that oral argument in this case shall proceed as follows: the Kroger Co., Industrial Energy Users-Ohio, the Office of the Ohio Consumers' Counsel and the Ohio Energy Group shall argue first and are permitted ten minutes of oral-argument time. Ohio Power Company shall argue second and is permitted ten

minutes of oral-argument time. The Public Utilities Commission of Ohio and Industrial Energy Users-Ohio shall argue third and are permitted ten minutes of oral-argument time.

The Kroger Co., Industrial Energy Users-Ohio, the Office of the Ohio Consumers' Counsel, the Ohio Energy Group, and Ohio Power Company may reserve any portion of their allotted time for rebuttal, and rebuttal shall proceed in the same order as specified above.

2014-0319. State ex rel. Ohio Civ. Serv. Emps. Assn. v. State.

Franklin App. No. 12AP-1064, 2013-Ohio-4505. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County, and is scheduled for oral argument on Wednesday May 20, 2015.

It is ordered by the court, sua sponte, that oral argument in this case shall proceed as follows: appellants/cross-appellees shall argue first and are permitted ten minutes of oral-argument time. Appellees/cross-appellants shall argue second and are permitted ten minutes of oral-argument time. Appellees/cross-appellees shall argue third and are permitted ten minutes of oral-argument time.

Appellants/cross-appellees and appellees/cross-appellants may reserve any portion of their allotted time for rebuttal, and rebuttal shall proceed in the same order as specified above.

2014-1290. In re Comm. Rev. of Ohio Adm.Code Chapter 4901:1-10 regarding Elec. Cos.

Public Utilities Commission, No. 12-2050-EL-ORD. This cause is pending before the court as an appeal from the Public Utilities Commission of Ohio.

It is ordered by the court, sua sponte, that the stay of the briefing schedule is hereby extended. The parties shall notify the court within 60 days from the date of this entry of the status and whether the stay may be lifted.

2014-1594. Jefferson Industries Corp. v. Madison Cty. Bd. of Revision.

Board of Tax Appeals, No. 2012-3624. This cause is pending before the court as an appeal from the Board of Tax Appeals.

Upon consideration of appellant's motion for argument before the full court, it is ordered by the court that the motion is denied.

2014-1977. Megaland GP, L.L.C. v. Franklin Cty. Bd. of Revision.

Board of Tax Appeals, No. 2014-3677. This cause is pending before the court as an appeal from the Board of Tax Appeals.

It is ordered by the court, sua sponte, that appellant show cause within 20 days of the date of this entry why the appeal should not be dismissed for lack of a

final appealable order pursuant to R.C. 2505.02(B)(2). *See Southside Community Dev. Corp. v. Levin*, 116 Ohio St.3d 1209, 2007-Ohio-6665, 878 N.E.2d 1048, ¶ 7. Appellant shall also submit evidence and authority for its assertion that it qualifies as a “taxpayer” under R.C. 5703.021. Appellees may file a reply to appellant’s response to the show-cause order within ten days of the filing of appellant’s response.

2014-2012. Giddens v. Testa.

Board of Tax Appeals, No. 2012-359. This cause is pending before the court as an appeal from the Board of Tax Appeals.

Upon consideration of appellants’ motion to restrict public access to Board of Tax Appeals record, it is ordered by the court that the motion is granted and the clerk of court shall not provide access to the exhibits listed in the motion to restrict public access, unless the personal identifiers are first redacted.

2014-2149. State v. Mack.

Cuyahoga App. No. 100965, 2014-Ohio-4817. This cause is pending before the court as a jurisdictional appeal.

Upon consideration of amicus curiae the Ohio Public Defender’s motion to strike appellant’s memorandum in support of jurisdiction or, in the alternative, to order the state to serve a copy of its notice of appeal and for leave to file a jurisdictional memorandum in response, it is ordered by the court that the motion to strike is denied and the motion for leave to file is granted. The Ohio Public Defender may file a memorandum in response within 30 days of the date of this entry.

2015-0424. Kingrey v. Duke Energy Corp.

Hamilton App. No. C-140308, 2015-Ohio-491. This cause is pending before the court as a jurisdictional appeal.

Upon consideration of the motions for admission pro hac vice of Joe J. Fisher II and Jennifer Job, it is ordered by the court that the motions are granted. Pursuant to Gov.Bar R. XII(4), counsel shall file a notice of permission to appear pro hac vice with the Supreme Court’s Office of Attorney Services within 30 days of the date of this entry.

2015-0483. Newegg, Inc. v. Testa.

Board of Tax Appeals, No. 2012-234. This cause is pending before the court as an appeal from the Board of Tax Appeals.

Upon consideration of the motions for admission pro hac vice of Martin I. Eisenstein and Matthew P. Schaefer, it is ordered by the court that the motions are

granted. Pursuant to Gov.Bar R. XII(4), counsel shall file notices of permission to appear pro hac vice with the Supreme Court's Office of Attorney Services within 30 days of the date of this entry.

2015-0530. Ziegler v. Ohio Dept. of Pub. Safety.

Lake App. No. 2014-L-064, 2015-Ohio-139. This cause was filed as a jurisdictional appeal. Upon consideration of appellant's memorandum in support of jurisdiction, it is determined by the court that this cause originated in the court of appeals and, therefore, should proceed as an appeal of right pursuant to S.Ct.Prac.R. 5.01.

It is ordered by the court that the clerk shall issue an order for the transmission of the record from the Court of Appeals for Lake County, and the parties shall otherwise proceed in accordance with S.Ct.Prac.R. 16.02 through 16.07.

MEDIATION MATTERS

The following cases have been referred to mediation pursuant to S.Ct.Prac.R. 19.01(A):

2015-0484. Defiance Cty. v. Testa.

Board of Tax Appeals, No. 2014-2059.

2015-0495. State ex rel. Pietrangelo v. Avon Lake.

Lorain App. No. 14CA010571.

2015-0501. Columbus City Schools Bd. of Edn. v. Franklin Cty. Bd. of Revision.

Board of Tax Appeals, No. 2014-2483.

2015-0515. Schwartz v. Cuyahoga Cty. Bd. of Revision.

Board of Tax Appeals, Nos. 2013-6573 and 2013-6574.

2015-0516. Azer v. Cuyahoga Cty. Bd. of Revision.

Board of Tax Appeals, No. 2013-6575.

2015-0517. Ross v. Cuyahoga Cty. Bd. of Revision.

Board of Tax Appeals, No. 2013-6389.

2015-0518. Schottenstein v. Cuyahoga Cty. Bd. of Revision.

Board of Tax Appeals, No. 2013-6577.

The following case has been returned to the regular docket pursuant to S.Ct.Prac.R. 19.01(E). The appellant in this case shall file a brief within 40 days of the date of this entry, and the parties shall otherwise proceed in accordance with S.Ct.Prac.R. 16.02 through 16.07. As provided in S.Ct.Prac.R. 16.07, the court may dismiss this case or take other action if the parties fail to timely file merit briefs.

2015-0313. Moskowitz v. Cuyahoga Cty. Bd. of Revision.

Board of Tax Appeals, No. 2014-1160.

The following cases have been returned to the regular docket pursuant to S.Ct.Prac.R. 19.01(E). The respondents in each case shall file a response to the complaint within 21 days of the date of this entry.

2015-0035. State ex rel. George v. Buehrer.

In Mandamus.

2015-0188. State ex rel. Workman v. Culp.

In Mandamus.