

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

March 11, 2015

[Cite as *03/11/2015 Case Announcements*, 2015-Ohio-842.]

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## MERIT DECISIONS WITH OPINIONS

**2014-1380. Ohio State Bar Assn. v. Salerno, Slip Opinion No. 2015-Ohio-791.**

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 2014-040. Amelia Angela Salerno, Registration No. 0032253, is publicly reprimanded.

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

## MERIT DECISIONS WITHOUT OPINIONS

**2014-1690. State ex rel. Bank of New York Mellon v. Martin.**

In Mandamus and Prohibition. On motion of Western & Southern Life Insurance Company et al. to intervene as respondents. Motion granted. On motions to dismiss. Motions granted. Cause dismissed.

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

**2014-1946. State ex rel. Indus. Energy Users-Ohio v. Pub. Util. Comm. of Ohio.**

In Mandamus and Prohibition. On motions to dismiss. Motions granted. Cause dismissed.

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

Pfeifer, J., dissents.

**2014-2154. Robinson v. Rocco.**

In Mandamus. On motion to dismiss of Ute L. Vilfroy. Motion granted. Cause dismissed. On motion to dismiss of Andrea F. Rocco, Clerk of the Cuyahoga County Court of Appeals. Motion granted. Cause dismissed.

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

**2014-2193. Wright v. Second Dist. Court of Appeals.**

In Procedendo. On motion to dismiss of Second District Court of Appeals. Motion granted. Cause dismissed.

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

**2014-2196. State ex rel. Lee v. First Dist. Court of Appeals.**

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

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

**2014-2241. State ex rel. Barton v. Barton.**

In Mandamus and Prohibition. On motions to dismiss. Motions granted. Cause dismissed.

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

**2014-2249. Richie v. O'Connell.**

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.

**2014-2253. State ex rel. Hill-Foster v. Indus. Comm. of Ohio.**

Franklin App. No. 14AP-335. On motion to dismiss. Motion granted. Cause dismissed.

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

**2015-0006. State ex rel. Victor v. Stupika.**

In Prohibition. On motion for stay. Motion denied. On motion to dismiss of respondent James M. Gillette and answer of respondent Judge Terri L. Stupica. Motion to dismiss granted. Cause dismissed.

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

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

**2015-0011. Quinn v. Madison Cty. Court of Common Pleas.**

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

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

**2015-0043. Rouse v. Joseph.**

In Mandamus and Prohibition. 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**

**2007-1197. Stoneman v. Turner Metal Prods.**

Cuyahoga App. No. 88206, 2007-Ohio-1719. On motion to vacate. Motion denied.

**2013-0062. Fackelman v. Micronix.**

Cuyahoga App. No. 98320, 2012-Ohio-5513. On motion to vacate order granting leave to file amicus brief. Motion denied.

Pfeifer, J., dissents.

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

In Mandamus. On request for clarification or nunc pro tunc entry regarding dismissal. Request denied.

**2014-0244. State ex rel. Schiffbauer v. Banaszak.**

In Mandamus. On respondents' motion to dismiss. Motion denied. Respondents shall file an answer to the complaint within 21 days of the date of the entry denying the motion to dismiss.

**2014-0579. State v. Brown.**

Mahoning App. No. 11 MA 117, 2013-Ohio-5528. On motion for notification. Motion denied.

**2014-1094. State v. Wilcox.**

Franklin App. No. 13AP-477, 2014-Ohio-1068. On motion for order or relief pursuant to S.Ct.Prac.R. 4.01(A). Motion denied.

**2014-1174. State v. Rosario.**

Cuyahoga App. No. 101558. On motion to dismiss. Motion denied.

**2014-1175. State v. Jenkins.**

Cuyahoga App. No. 101560. On motion to dismiss. Motion denied.

**2014-1176. State v. Harris.**

Cuyahoga App. No. 101562. On motion to dismiss. Motion denied.

**2014-1177. State v. Scott.**

Cuyahoga App. No. 101565. On motion to dismiss. Motion denied.

**2014-1363. State v. Washington.**

Cuyahoga App. No. 101406. On motion to dismiss. Motion denied.

**2014-1368. State v. Washington.**

Cuyahoga App. No. 101407. On motion to dismiss. Motion denied.

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

Franklin App. No. 06AP-1034, 2007-Ohio-2938. On motion to vacate or suspend payment of fine and/or court costs. Motion denied.

O'Donnell and French, JJ., not participating.

**2014-1933. Hupp v. Beck Energy Corp.**

Monroe App. No. 12MO6, 2014-Ohio-4255. On second revised motion to strike and correct the record. Motion denied.

**2014-2097. State v. Brown.**

Mahoning App. No. 11 MA 117, 2014-Ohio-4831. On motion for notification. Motion denied.

**2014-2195. State v. Hartsock.**

Warren App. No. CA2014-01-020, 2014-Ohio-4528. On motion for delayed appeal. Motion granted.

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

**2015-0010. State v. Burden.**

Summit App. No. 27593. On motion for stay of court of appeals' judgment. Motion denied.

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

**2015-0013. Ziegler v. Burton Carol Mgt., L.L.C.**

Lake App. No. 2014-L-022, 2014-Ohio-4740. On motion to stay enforcement of judgment pending appeal. Motion denied.

**2015-0038. Burton Carol Mgt., L.L.C. v. Ziegler.**

Lake App. No. 2014-L-039, 2014-Ohio-4741. On motion to stay enforcement of judgment pending appeal. Motion denied.

**2015-0061. State v. Van Buskirk.**

Allen App. No. 1-14-16. On motion for delayed appeal. Motion denied.

**2015-0071. State v. Dixon.**

Seneca App. No. 13-13-53, 2014-Ohio-4539. On motion for delayed appeal. Motion denied.

Kennedy and O'Neill, JJ., dissent.

**2015-0077. State v. Pittman.**

Marion App. No. 9-13-65, 2014-Ohio-5001. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated at page 1 of the court of appeals' judgment entry filed December 19, 2014:

“Is a person subject to prosecution under R.C. 2929.21(B) for the nonpayment of an arrearage-only child support order when he or she has no current legal obligation to support the emancipated child?”

The conflict case is *State v. Dissinger*, 5th Dist. Delaware No. 02CA-A-02-010, 2002-Ohio-5301.

**2015-0079. State v. Quinn.**

Lucas App. Nos. L-14-1037 and L-14-1045, 2014-Ohio-5211. On motion for delayed appeal. Motion denied.

O'Neill, J., dissents.

**2015-0090. State v. Chaffins.**

Scioto App. No. 13CA3559, 2014-Ohio-1969. On motion for delayed appeal. Motion denied.

**2015-0093. State v. Lipker.**

Clark App. No. 2012-CA-55, 2013-Ohio-3278. On motion for delayed appeal. Motion denied.

**2015-0101. State v. Thomas.**

Franklin App. Nos. 11AP-293 and 11AP-294. On motion for delayed appeal. Motion denied.

**2015-0103. State v. Frye.**

Scioto App. No. 14CA3604, 2014-Ohio-5016. On motion for delayed appeal. Motion denied.

**2015-0165. State v. Bryant.**

Ross App. No. 14CA3434, 2014-Ohio-5535. On motion for delayed appeal. Motion denied.

Pfeifer and O'Neill, JJ., dissent.

**2015-0228. State v. Carpenter.**

Lawrence App. No. 14CA13, 2014-Ohio-5698. On emergency motion for stay of court of appeals' judgment. Motion granted and bond stayed.

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

**APPEALS ACCEPTED FOR REVIEW**

**2014-1655. Dahlgren v. Brown Farm Properties, L.L.C.**

Carroll App. No. 13 CA 896, 2014-Ohio-4001. Discretionary appeal accepted. Cause held for the decisions in 2014-0803, *Walker v. Shondrick-Nau*, 7th Dist. Noble No. 13 NO 402, 2014-Ohio-1499, and 2014-0804, *Corban v. Chesapeake Exploration, L.L.C.*, United States District Court, Southern District of Ohio, Eastern Division, No. 2:13-CV-246.

**2014-1767. Eisenbarth v. Reusser.**

Monroe App. No. 13 MO 10.

O'Connor, C.J., and O'Donnell and Lanzinger, JJ., would hold the cause for the decisions in 2014-0803, *Walker v. Shondrick-Nau*, 7th Dist. Noble No. 13 NO 402, 2014-Ohio-1499, and 2014-0067, *Chesapeake Exploration, L.L.C. v. Buell*, United States District Court, Southern District of Ohio, Eastern Division, No. 2:12-CV-916.

## **APPEALS NOT ACCEPTED FOR REVIEW**

**2014-1576. Prasser v. Solon.**

Cuyahoga App. No. 101641.

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

**2014-1580. State Dept. of Dev. v. Matrix Centennial, L.L.C.**

Franklin App. No. 14AP-47, 2014-Ohio-3251.

**2014-1583. State v. Croskey.**

Richland App. No. 13CA102, 2014-Ohio-2608.

**2014-1588. Zanesville v. Rouse.**

Muskingum App. No. CT2014-0016, 2014-Ohio-3393.

**2014-1589. State v. Hale.**

Cuyahoga App. No. 100447.

**2014-1591. State v. Dent.**

Cuyahoga App. No. 100605, 2014-Ohio-3141.

**2014-1592. Columbus v. Fuentes.**

Franklin App. No. 13AP-802, 2014-Ohio-3337.

O'Donnell and Kennedy, JJ., dissent.

**2014-1595. State v. Pontious.**

Perry App. No. 13-CA-00016, 2014-Ohio-3394.

O'Neill, J., dissents.

**2014-1598. Cleveland v. Rowan.**

Cuyahoga App. No. 100316.

O'Donnell, J., dissents.

**2014-1604. State v. Petrone.**

Stark App. No. 2013 CA 00213, 2014-Ohio-3395.

**2014-1609. Provident Funding Assocs., L.P. v. Turner.**

Cuyahoga App. No. 100493, 2014-Ohio-2190.

**2014-1611. State v. Lovano.**

Cuyahoga App. No. 100578, 2014-Ohio-3418.

O'Connor, C.J., and O'Donnell, J., dissent and would hold the cause for the decision in 2014-0733, *State v. Kona*, 8th Dist. Cuyahoga No. 100191, 2014-Ohio-1242.

**2014-1615. State v. Garrett.**

Gallia App. No. 13CA13, 2014-Ohio-3462.

**2014-1620. Navy Portfolio, L.L.C. v. Avery Place, L.L.C.**

Franklin App. Nos. 13AP-1071, 13AP-1072, and 13AP-1073, 2014-Ohio-3401.  
On motion to declare defendants-appellants vexatious litigators. Motion denied.

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

Cuyahoga App. No. 101443.

O'Donnell, J., dissents.

**2014-1624. State v. Heid.**

Scioto App. No. 14CA3632, 2014-Ohio-4714.

**2014-1625. Blue Ash v. Hensley.**

Hamilton App. No. C-130802, 2014-Ohio-3428.

**2014-1629. Bank of Am., N.A. v. Jackson.**

Warren App. No. CA2014-01-018, 2014-Ohio-2480.

**2014-1630. State v. Rock.**

Seneca App. No. 13-13-38, 2014-Ohio-1786.

**2014-1631. State v. Shuster.**

Morgan App. Nos. 13AP0001 and 13AP0002, 2014-Ohio-3486. On motion to dismiss the appeal only as to Morgan App. No. 13AP0002 and to withdraw Proposition of Law No. II. Motion granted. Discretionary appeal not accepted.



Lanzinger and O’Neill, JJ., dissent and would accept the cause on Proposition of Law No. I.

French, J., dissents.

**2014-1634. In re R.L.H.**

Cuyahoga App. No. 100327, 2014-Ohio-3411.

**2014-1635. State v. Powell.**

Muskingum App. No. CT 2014-0029.

**2014-1639. Mayo v. Bethesda Lutheran Communities.**

Cuyahoga App. No. 100637, 2014-Ohio-3499.

**2014-1643. State v. Patterson.**

Franklin App. Nos. 14AP-50 and 14AP-290, 2014-Ohio-2740.

O’Connor, C.J., and O’Donnell and French, JJ., dissent and would accept the cause on Proposition of Law No. I.

**2014-1648. State v. Mitchell.**

Lorain App. No. 13CA010427, 2014-Ohio-3444.

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

**2014-1650. State v. Platt.**

Warren App. No. CA2013-12-116, 2014-Ohio-3450.

Pfeifer and French, JJ., dissent.

**2014-1652. Wynn v. Duke Energy Ohio, Inc.**

Hamilton App. No. C-130781, 2014-Ohio-3464.

O’Donnell and O’Neill, JJ., dissent.

**2014-1653. Oyler v. Oyler.**

Stark App. No. 2014CA00015, 2014-Ohio-3468.

**2014-1654. Consolo v. Menter.**

Summit App. No. 26857, 2014-Ohio-1033.

**2014-1660. In re Application of K.J.**

Franklin App. No. 13AP-1050, 2014-Ohio-3472.

**2014-1662. William Powell Co. v. OneBeacon Ins. Co.**

Hamilton App. No. C-130681, 2014-Ohio-3528.

**2014-1666. Cook v. ProBuild Holdings, Inc.**

Franklin App. No. 13AP-430, 2014-Ohio-3518.

**2014-1668. State v. Taylor.**

Montgomery App. No. 23990, 2014-Ohio-3647.

**2014-1670. Wodtke v. Swanton.**

Fulton App. No. F-14-001, 2014-Ohio-1456.

O'Connor, C.J., dissents and would accept the cause on Proposition of Law No. II.

**2014-1676. Bank of Am. v. Saadey.**

Mahoning App. No. 12 MA 196, 2014-Ohio-3569.

O'Neill, J., dissents.

**2014-1677. State v. Adams.**

Cuyahoga App. No. 100500, 2014-Ohio-3496.

O'Neill, J., dissents.

**2014-1680. State v. Blake-Taylor.**

Cuyahoga App. No. 100419, 2014-Ohio-3495.

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

**2014-1685. State v. Martin.**

Franklin App. No. 14AP-58, 2014-Ohio-3698.

O'Neill, J., dissents.

**2014-1693. Shaw v. Bretz.**

Marion App. No. 9-13-31, 2014-Ohio-3672.

French and O'Neill, JJ., dissent and would accept the cause on Proposition of Law No. I.

**2014-1697. State v. Thomas.**

Darke App. No. 2013-CA-11, 2014-Ohio-2666.

**2014-1698. State v. Cobb.**

Medina App. No. 13CA0087-M, 2014-Ohio-3530.

**2014-1703. State v. Hill.**

Hamilton App. No. C-130784.

**2014-1709. Porter v. Probst.**

Belmont App. No. 13 BE 36, 2014-Ohio-3789.

**2014-1711. State v. Salim.**

Delaware App. No. 14 CAA 01 0005, 2014-Ohio-3602.

**2014-1719. State v. Benitez-Maranon.**

Summit App. Nos. 26461 and 26659, 2014-Ohio-3575.

French, J., dissents.

**2014-1727. State v. Taylor.**

Franklin App. No. 14AP-166, 2014-Ohio-3574.

**2014-1728. State v. Jackson.**

Cuyahoga App. No. 100125, 2014-Ohio-3583.

**2014-1730. State v. Besteder.**

Lucas App. No. L-13-1257, 2014-Ohio-3760.

**2014-1777. State v. Hodge.**

Hamilton App. No. C-140277.

**2014-1780. State v. Brown.**

Montgomery App. No. 25653, 2014-Ohio-2551.

**2014-1791. State v. Johnson.**

Butler App. No. CA2011-11-212, 2014-Ohio-3776.

French, J., dissents.

**2014-1811. State v. Clay.**

Summit App. No. 27015, 2014-Ohio-3806.

O'Neill, J., dissents.

**2014-1817. State v. Brown.**

Mahoning App. No. 13 MA 176, 2014-Ohio-4008.

**2014-1821. State v. Mayes.**

Montgomery App. No. 26095, 2014-Ohio-4409.

**2014-1849. State v. Morris.**

Lucas App. No. L-14-1097, 2014-Ohio-4114.

**2014-1866. State v. Eacholes.**

Butler App. No. CA2013-11-195, 2014-Ohio-3993.

**2014-1878. State v. Dudas.**

Lake App. Nos. 2013-L-048 and 2013-L-049, 2014-Ohio-4292.

**2014-2130. State v. Lane.**

Geauga App. No. 2013-G-3144, 2014-Ohio-2010.

Pfeifer and O'Neill, JJ., dissent.

**2014-2180. State v. Diggs.**

Franklin App. No. 14AP-18, 2014-Ohio-3340.

O'Neill, J., dissents.

**2014-2231. State v. James.**

Lucas App. No. L-12-1284, 2014-Ohio-2689.

**2015-0030. State v. Dye.**

Franklin App. No. 13AP-420, 2014-Ohio-1067.

**2015-0062. State v. Jarrells.**

Lake App. No. 2013-L-090, 2014-Ohio-2703.

O'Neill, J., dissents.

**2015-0067. State v. Willis.**

Montgomery App. No. 25357, 2013-Ohio-4507.

**2015-0082. State v. Taylor.**

Montgomery App. No. 23990, 2014-Ohio-3647.

**2015-0152. In re M.H.**

Summit App. Nos. 27313 and 27317.

O'Donnell and French, JJ., dissent.

**RECONSIDERATION OF PRIOR DECISIONS**

**2014-0467. State ex rel. Stokes v. Adrine.**

In Mandamus. Reported at 140 Ohio St.3d 1505, 2014-Ohio-5098, 19 N.E.3d 922. On motion for reconsideration of the November 19, 2014 order dismissing the alternative writ of prohibition, converting the motion for clarification of respondent to a motion for reconsideration, granting the same, and denying relator's motion to show cause. Motion denied.

Pfeifer and Kennedy, JJ., dissent.

**2014-2181. In re A.G.**

Lucas App. No. L-14-1079. Reported at 141 Ohio St.3d 1458, 2015-Ohio-239, 23 N.E.3d 1198. On motion for stay. Motion denied. On motion for reconsideration. Motion denied. On motion to seal. Motion denied.

O'Neill, J., dissents.