

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

December 4, 2013

[Cite as *12/04/2013 Case Announcements*, 2013-Ohio-5285.]

MERIT DECISIONS WITH OPINIONS

2012-0623. Parrish v. Jones, Slip Opinion No. 2013-Ohio-5224.

Ross App. No. 11CA3238, 2012-Ohio-1145. Judgment affirmed.

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

O'Donnell and Kennedy, JJ., dissent.

MERIT DECISIONS WITHOUT OPINIONS

2013-1517. State ex rel. Dudley v. Lucas Cty. Court of Common Pleas.

In 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.

2013-1540. Long v. Henson.

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.

2013-1541. Hawes v. Singer.

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.

2013-1542. State ex rel. Baptiste v. Reece.

In Mandamus. On answer and motion for judgment on the pleadings of respondent. Motion for judgment on the pleadings granted. Cause dismissed.

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

2013-1577. State ex rel. McGee v. Russo.

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.

2013-1607. State ex rel. Morris v. Cain.

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.

2013-1645. Saxon Mtge. Servs., Inc. v. Whitely.

Summit App. No. 26739, 2013-Ohio-3221. On review of order certifying a conflict. The court determines that no conflict exists. Cause dismissed.

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

Pfeifer and O'Neill, JJ., dissent.

2013-1675. State v. Dominy.

Franklin App. No. 13AP-124, 2013-Ohio-3744. On review of order certifying a conflict. The court determines that no conflict exists. Cause dismissed.

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

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

MOTION AND PROCEDURAL RULINGS

2013-1543. Sullins v. Raycom Media, Inc.

Cuyahoga App. No. 99235, 2013-Ohio-3530. On motion for leave to file additional briefing of Cuyahoga County Crime Stoppers. Motion denied.

Pfeifer and O'Donnell, JJ., dissent.

2013-1631. State v. Isreal.

Warren App. No. CA2011-11-115, 2012-Ohio-4876. On motion for delayed appeal. Motion denied.

O'Neill, J., dissents.

2013-1639. State v. Hopings.

Lucas App. No. L-12-1244. On motion for delayed appeal. Motion denied.

2013-1650. State v. Marks.

Cuyahoga App. No. 99474, 2013-Ohio-3734. On motion for delayed appeal. Motion granted.

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

2013-1657. State v. Parson.

Montgomery App. No. 25123, 2013-Ohio-1069. On motion for delayed appeal. Motion denied.

2013-1667. State v. Williams.

Warren App. No. CA2013-02-011. On motion for delayed appeal. Motion denied.

2013-1686. HSBC Mtge. Servs., Inc. v. Ballard.

Butler App. No. CA2012-12-253. On motion for immediate stay of court of appeals' judgment. Motion denied.

2013-1768. Chiro v. Foley.

Cuyahoga App. No. 99888. On motion for stay of court of appeals' judgment. Motion denied.

APPEALS ACCEPTED FOR REVIEW

2013-1277. Walker v. Toledo.

Lucas App. No. L-12-1056, 2013-Ohio-2809. Discretionary appeals accepted.

Pfeifer, J., dissents

O'Donnell, J., not participating.

2013-1290. State v. Nolan.

Portage App. No. 2012-P-0047, 2013-Ohio-2829.

Pfeifer, Lanzinger, and French, JJ., dissent.

2013-1405. Hoyle v. DTJ Ents., Inc.

Summit App. No. 26579, 2013-Ohio-3223

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

APPEALS NOT ACCEPTED FOR REVIEW

2013-1282. Foor v. Columbus Real Estate Pros.com.

Delaware App. No. 12 CAE 08 0063, 2013-Ohio-2848.

O'Donnell, J., dissents.

2013-1287. State v. Moore.

Mahoning App. No. 12 MA 91, 2013-Ohio-1431.

2013-1289. State v. Vargas.

Wood App. No. WD-12-061, 2013-Ohio-2812.

2013-1294. Chessman v. State.

Montgomery App. No. 25413, 2013-Ohio-2757.

Lanzinger and Kennedy, JJ., dissent.

2013-1296. Meyers Lake Sportman's Club, Inc. v. Meyers Lake Preserve, Inc.

Stark App. No. 2012CA00198, 2013-Ohio-3227.

French, J., dissents.

2013-1297. State v. Sanders.

Summit App. No. 26396, 2013-Ohio-2672.

O'Donnell, J. dissents.

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

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

2013-1299. State v. Richmond.

Cuyahoga App. No. 98915, 2013-Ohio-2887. Discretionary appeal and cross-appeal not accepted.

O'Neill, J., dissents.

2013-1300. State v. Hubbard.

Franklin App. No. 11AP-945, 2013-Ohio-2735.

2013-1302. State v. Gatliff.

Clermont App. No. CA2012-06-045, 2013-Ohio-2862.

2013-1309. State v. Steers.

Washington App. No. 11CA33, 2013-Ohio-3266.

2013-1317. Bank of Am., N.A. v. McGlothlin.

Clark App. No. 2012 CA 96, 2013-Ohio-2755.

O'Neill, J., dissents.

2013-1327. Bates v. Reynard.

Ross App. No. 13CA3384.

2013-1328. Simic v. Cuyahoga Cty. Bd. of Revision.

Cuyahoga App. No. 99168, 2013-Ohio-3000.

2013-1329. Fether v. Conkey.

Defiance App. No. 4-13-01, 2013-Ohio-3196.

2013-1330. Am. Gen. Fin. v. Griffin.

Cuyahoga App. No. 99088, 2013-Ohio-2909.

2013-1331. State v. Baldeh.

Hamilton App. Nos. C-120729, C-120730, C-120731, and C-120732.

O'Neill, J., dissents.

2013-1335. State v. Hall.

Cuyahoga App. No. 98615, 2013-Ohio-2900.

Pfeifer, J., dissents.

2013-1336. State v. Howard.

Summit App. No. 26569, 2013-Ohio-3120.

2013-1338. McBroom v. Bob-Boyd Lincoln Mercury, Inc.

Franklin App. Nos. 12AP-829 and 12AP-830, 2013-Ohio-1679.

2013-1340. Martin v. Morgan Cty. Agricultural Soc.

Morgan App. No. 12 AP 0009, 2013-Ohio-3106.

2013-1341. State v. Masters.

Cuyahoga App. No. 99219, 2013-Ohio-3147.

2013-1349. State v. Hoop.

Brown App. No. CA2012-10-019, 2013-Ohio-3078.

2013-1351. State v. Kilis.

Ottawa App. No. OT-12-018, 2013-Ohio-3059.

O'Donnell, J., dissents.

2013-1352. In re Estate of Garza.

Franklin App. No. 12AP-1000, 2013-Ohio-2750.

2013-1357. 2115-2121 Ontario Bldg., L.L.C. v. Anter.

Cuyahoga App. Nos. 98255 and 98296, 2013-Ohio-2993.

Pfeifer, J., dissents.

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

2013-1358. Tillimon v. Eby.

Lucas App. No. L-12-1190, 2013-Ohio-2025.

2013-1359. State v. Ambartsoumov.

Franklin App. No. 12AP-878, 2013-Ohio-3011.

French, J., not participating.

2013-1360. State v. Veliev.

Franklin App. Nos. 12AP-877 and 12AP-889, 2013-Ohio-3011.

French, J., not participating.

2013-1361. State v. Moore.

Franklin App. Nos. 11AP-1116 and 11AP-1117, 2013-Ohio-3365.

2013-1363. Ohio Metal Servs., L.L.C. v. TrueForge Global Mach. Corp.

Summit App. No. 26401, 2013-Ohio-1776.

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

2013-1365. Discover Bank v. Bailey.

Franklin App. No. 12AP-1001, 2013-Ohio-1809.

2013-1368. Stevens v. Ohio Dept. of Mental Health.

Franklin App. No. 12AP-1015, 2013-Ohio-3014.

2013-1370. Bader v. Ferri.

Allen App. No. 1-13-01, 2013-Ohio-3074.

O'Donnell, J., dissents.

2013-1372. 21st Century Concrete Constr., Inc. v. Reginella Constr. Co., Ltd.

Cuyahoga App. No. 99366, 2013-Ohio-3006.

Pfeifer, J., dissents.

2013-1373. State v. Mullett.

Champaign App. No. 2012 CA 45, 2013-Ohio-3041.

O'Donnell, J., dissents.

2013-1374. State v. Garrett.

Montgomery App. No. 25426, 2013-Ohio-3035.

O'Donnell and Lanzinger, JJ., dissent.

2013-1377. Camp v. Sandusky.

Erie App. No. E-12-032, 2013-Ohio-3053.

2013-1379. Peng v. Fink.

Lucas App. No. L-12-1279, 2013-Ohio-3063.

2013-1380. In re T.J.

Lucas App. No. L-12-1347, 2013-Ohio-3057.

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

Pfeifer and O'Neill, JJ., dissent.

2013-1381. In re K.A.

Cuyahoga App. Nos. 98924 and 99144, 2013-Ohio-2997.

Pfeifer and Lanzinger, JJ., dissent.

2013-1382. State v. Nguyen.

Athens App. No. 12CA14, 2013-Ohio-3170.

Pfeifer, J., dissents.

2013-1383. Miller v. Milner.

Franklin App. Nos. 13AP-682 and 13AP-683.

2013-1386. Capital One Bank (USA), N.A. v. Ryan.
Franklin App. No. 13AP-401.

2013-1387. Fifth Third Mtge. Co. v. Wizzard.
Butler App. No. CA2012-11-226, 2013-Ohio-3084.

2013-1389. State v. Clemons.
Highland App. No. 12CA9, 2013-Ohio-3415.
Lanzinger and French, JJ., dissent.

2013-1391. Cleveland v. Schmidt.
Cuyahoga App. No. 98603, 2013-Ohio-1547.

2013-1392. Smith v. Ray Esser & Sons, Inc.
Lorain App. No. 12CA010150, 2013-Ohio-1095.
Kennedy and French, JJ., dissent.

2013-1393. Havens v. Havens.
Franklin App. No. 12AP-1051, 2013-Ohio-3166.

2013-1394. State v. McComas.
Tuscarawas App. No. 2013 AP 03 0013, 2013-Ohio-3180.

2013-1395. Nohle v. Gwiner.
Seneca App. No. 13-12-59, 2013-Ohio-3075.

2013-1397. State v. Tullis.
Greene App. No. 2012-CA-59, 2013-Ohio-3051.

2013-1399. State v. Smith.
Franklin App. No. 12AP-595, 2013-Ohio-3212.

2013-1413. Ohio Patrolmen's Benevolent Assn. v. Trenton.
Butler App. No. CA2012-11-238, 2013-Ohio-3311.
Pfeifer, J., dissents.

2013-1418. Enquip Technologies Group, Inc. v. Tycon Technoglass S.r.l.

Greene App. No. 2011-CA-39, 2012-Ohio-6181.

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

Pfeifer, J., dissents.

2013-1431. State v. Cvijetinovic.

Cuyahoga App. No. 99316, 2013-Ohio-3251.

2013-1439. State v. McIntyre.

Montgomery App. No. 25502, 2013-Ohio-3281.

2013-1440. Washington Cty. Bd. of Dev. Disabilities v. United Re AG.

Washington App. No. 12CA47, 2013-Ohio-3419.

2013-1443. Saxon Mtge. Servs., Inc. v. Whitely.

Summit App. No. 26739, 2013-Ohio-3221.

French and O'Neill, JJ., dissent.

2013-1450. State v. Cottrell.

Cuyahoga App. No. 99142, 2013-Ohio-2912.

2013-1454. State v. Carmen.

Hamilton App. No. C-120692, 2013-Ohio-3325.

2013-1458. State v. McLin.

Cuyahoga App. No. 99249, 2013-Ohio-3360.

2013-1466. State v. Eggers.

Clark App. No. 2012-CA-33, 2013-Ohio-3379.

2013-1478. State v. El-Jones.

Summit App. No. 26616, 2013-Ohio-3349.

2013-1485. State v. Croom.

Montgomery App. No. 25094, 2013-Ohio-3377.

2013-1488. State v. Ray.

Cuyahoga App. No. 99577.

2013-1489. State v. Hunter.

Montgomery App. No. 25164, 2013-Ohio-3459.

2013-1491. State v. Martin.

Franklin App. No. 13AP-248.

2013-1499. State v. Doubrava.

Cuyahoga App. No. 99105, 2013-Ohio-3526.

2013-1503. State v. Daniel.

Summit App. No. 26670, 2013-Ohio-3510.

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

2013-1510. State v. Bunch.

Mahoning App. No. 06 MA 106.

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

2013-1516. State v. Williams.

Cuyahoga App. No. 99357, 2013-Ohio-2706.

2013-1518. State v. Lowe.

Cuyahoga App. No. 99176, 2013-Ohio-3913.

2013-1523. State v. Sturgell.

Summit App. No. 26618, 2013-Ohio-3518.

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

2013-1535. State v. Dominy.

Franklin App. No. 13AP-124, 2013-Ohio-3744.

French and O'Neill, JJ., dissent.

RECONSIDERATION OF PRIOR DECISIONS

2011-0799. State ex rel. Estate of Sziraki v. Admr., Bur. of Workers' Comp.

Franklin App. No. 10AP-267, 2011-Ohio-1486. Reported at ___ Ohio St.3d ___, 2013-Ohio-4007, ___ N.E.2d ___. On motion for reconsideration. Motion for reconsideration granted to the following extent:

Paragraph 17 of the opinion issued in this case is modified to read as follows:

{¶ 17} “Scheduled loss” benefits are paid to an injured worker for the loss or loss of use of a body part according to a schedule in R.C. 4123.57(B). *State ex rel. Moorehead v. Indus. Comm.*, 112 Ohio St.3d 27, 2006-Ohio-6364, 857 N.E.2d 1203; *State ex rel. Miller v. Indus. Comm.*, 97 Ohio St.3d 418, 2002-Ohio-6664, 780 N.E.2d 268, ¶ 7.

O’Donnell, J., dissents.

2012-0819. In re Application of Pariag.

Franklin App. No. 11AP-569. Reported at ___ Ohio St.3d ___, 2013-Ohio-4010, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

Pfeifer, O’Donnell, and O’Neill, JJ., dissent.

2012-2072. Stark Cty. Bar Assn. v. Williams.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 11-060. Reported at ___ Ohio St.3d ___, 2013-Ohio-4006, ___ N.E.2d ___. On motion for reconsideration. Motion denied.