

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

December 1, 2010

[Cite as *12/01/2010 Case Announcements*, 2010-Ohio-5762.]

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## MERIT DECISIONS WITH OPINIONS

**2009-0941. In re Application of Middletown Coke Co., Slip Opinion No. 2010-Ohio-5725.**

Power Siting Board, No. 08-0281-EL-BGN. Order of the Power Siting Board reversed, and cause remanded.

Pfeifer, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

Lundberg Stratton, J., dissents.

Brown, C.J., not participating.

**2009-1149. State v. Dye, Slip Opinion No. 2010-Ohio-5728.**

Lake App. No. 2008-L-106, 2009-Ohio-2949. Judgment of the court of appeals affirmed.

Pfeifer, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

Lundberg Stratton, J., dissents.

Brown, C.J., not participating.

**2010-1199. Cleveland Metro. Bar Assn. v. Hildebrand, Slip Opinion No. 2010-Ohio-5712.**

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 09-071. John Patrick Hildebrand Jr., Attorney Registration No. 0068874, is permanently disbarred from the practice of law in Ohio.

Brown, C.J., and Pfeifer, Lundberg Stratton, O'Connor, Lanzinger, and Cupp, JJ., concur.

O'Donnell, J., dissents and would indefinitely suspend the respondent from the practice of law in Ohio.

**2010-1201. Mahoning Cty. Bar Assn. v. Sakmar, Slip Opinion No. 2010-Ohio-5720.**

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 09-080. Michael A. Sakmar, Attorney Registration No. 0062443, is suspended from the practice of law in Ohio for two years, with one year stayed on condition, and probation imposed.

Brown, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

**2010-1229. State ex rel. Dehler v. Kelly, Slip Opinion No. 2010-Ohio-5724.**

Trumbull App. No. 2009-T-0084, 2010-Ohio-3053. Judgment of the court of appeals affirmed.

Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

Brown, C.J., dissents.

**2010-1240. State ex rel. Dehler v. Spatny, Slip Opinion No. 2010-Ohio-5711.**

Trumbull App. No. 2009-T-0075, 2010-Ohio-3052. Judgment of the court of appeals affirmed.

Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

Brown, C.J., dissents.

## **MERIT DECISIONS WITHOUT OPINIONS**

**2010-0582. State ex rel. Am. Greetings Corp. v. Fuerst.**

In Mandamus and Prohibition. Motion for admission pro hac vice of Kevin K. Green, James I. Jaconette, and Michael F. Ghosland by Jack Landskroner and Paul W. Flowers granted. On S.Ct.Prac.R. 10.5 determination, cause dismissed.

Brown, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

**2010-1296. [State ex rel.] Huff v. O'Toole.**

In Mandamus. Motion to amend complaint granted. Motion to dismiss granted. Cause dismissed.

Brown, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

**2010-1490. State ex rel. Barksdale v. Sutula.**

In Procedendo. Motion for default judgment denied. Motions to dismiss granted. Relator's motions to disqualify and for relief denied as moot. Cause dismissed.

Brown, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

**2010-1556. State ex rel. Pesci v. Corrigan.**

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

Brown, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

**2010-1573. State ex rel. Waters v. Butler Cty. Clerk.**

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

Brown, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

**2010-1587. [State ex rel.] Waters v. Internal Revenue Serv.**

In Mandamus. On complaint in mandamus of Kirk Waters. On S.Ct.Prac.R. 10.5 determination, cause dismissed.

Brown, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

**2010-1591. State ex rel. Waters v. Spaeth.**

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

Brown, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

**2010-1624. [State ex rel.] Chinnock v. Avon Lake Mun. Court.**

In Mandamus. On answer of respondent Judge Darrel A. Bilancini. On S.Ct.Prac.R. 10.5 determination, cause dismissed.

Brown, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

**2010-1627. State ex rel. Colin v. Moore.**

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

Brown, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

**2010-1633. [State ex rel.] Huelsman v. Lindeman.**

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

Brown, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

**2010-1653. State ex rel. Goshay v. Ambrose.**

In Procedendo and Prohibition. Relator's motion for default denied. Respondents' motion to dismiss granted. Relator's motion for disqualification denied as moot. Cause dismissed.

Brown, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

**2010-1666. [State ex rel.] Townsend v. Lynch.**

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

Brown, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

**2010-1668. [State ex rel.] Rowser v. State.**

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

Brown, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

**2010-1670. State ex rel. Vinson v. Franklin Cty. Court of Common Pleas.**

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

Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

Brown, C.J., dissents and would grant an alternative writ.

**2010-1676. State ex rel. Bandarapalli v. Cuyahoga Cty. Court of Common Pleas.**

In Prohibition. On motion to dismiss. Motion to dismiss denied. Cause dismissed.

Brown, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

**2010-1687. Jordan v. Santiago.**

In Habeas Corpus. On petition for writ of habeas corpus of William Jordan. Sua sponte, cause dismissed.

Brown, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

**2010-1690. State ex rel. McIntosh v. Kubicki.**

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

Brown, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

**2010-1691. Henderson v. Santiago.**

In Habeas Corpus. On petition for writ of habeas corpus of Paul Henderson. Sua sponte, cause dismissed.

Brown, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

**2010-1752. Pickett v. Santiago.**

In Habeas Corpus. On petition for writ of habeas corpus of Albert Pickett. Sua sponte, cause dismissed.

Brown, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

**2010-1784. Richardson v. Alexander.**

In Habeas Corpus. On petition for writ of habeas corpus of Millard Richardson. Sua sponte, cause dismissed.

Brown, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

**2010-1796. Gibson v. Ohio Adult Parole Auth.**

In Habeas Corpus. On petition for writ of habeas corpus of Dennis R. Gibson Jr. Sua sponte, cause dismissed.

Brown, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

**2010-1816. Davis v. Alexander.**

In Habeas Corpus. On petition for writ of habeas corpus of Donald W. Davis. Sua sponte, cause dismissed.

Brown, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

**2010-1824. Dorman v. Alexander.**

In Habeas Corpus. On petition for writ of habeas corpus of Antuan Dorman. Sua sponte, cause dismissed.

Brown, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

**MOTION AND PROCEDURAL RULINGS**

**2009-0627. DIRECTV, Inc. v. Levin.**

Franklin App. No. 08AP-32, 181 Ohio App.3d 92, 2009-Ohio-636. On motion for admission pro hac vice of John Bergmayer by Peter A. Rosato. Motion granted.

**2009-1806. State ex rel. Merrill v. Ohio Dept. of Natural Resources.**

Lake App. Nos. 2008-L-007 and 2008-L-008, 2009-Ohio-4256. On motions for admission pro hac vice of R.S. Radford and Luke A. Wake by David M. Gareau, of David L. Powers by Douglas G. Leak, and of Shannon Lee Goessling by James F. Lang. Motions granted.

**2009-2127. [State ex rel.] Evans v. Sheward.**

In Mandamus. On motion to clarify the court's August 25, 2010 entry. Motion denied.

**2010-0114. Nationwide Mut. Ins. Co. v. Briggs.**

Stark App. No. 2009 CA 00108, 2009-Ohio-6452. On motion to dismiss. Motion to dismiss denied.

Lanzinger, J., dissents.

**2010-0211. State ex rel. Baker v. Coast to Coast Manpower, L.L.C.**

Franklin App. No. 09AP-287, 2009-Ohio-6663. On motions to strike argument in supplemental citations and to consolidate. Motions denied. Motion to strike denied as moot.

Brown, C.J., would grant the motion to consolidate.

Lanzinger, J., not participating.

**2010-0659. State v. Estrada-Lopez.**

Butler App. No. CA2008-12-291, 186 Ohio App.3d 328, 2010-Ohio-732. On motion to hold cause in abeyance and to stay briefing. The motion is granted, and

briefing is stayed until further notice. The parties shall notify the court when the Supreme Court of the United States has issued its decision in *Bullcoming v. New Mexico*.

Pfeifer, J., dissents.

**2010-0731. In re C.P.**

Athens App. No. 09CA41, 2010-Ohio-1484. On motion for admission pro hac vice of Nadia Natasha Seeratan by Brooke M. Burns. Motion granted.

**2010-0776. State v. Smith.**

Hamilton App. Nos. C-090335 and C-090342. On motion for relief under App.R. 26(B). Motion denied.

Pfeifer, J., dissents.

**2010-1570. State ex rel. Zeigler v. Koher.**

In Quo Warranto. Relator's motion for appointment of counsel is denied. Relator's suggestion for substitution as respondent is recognized. Respondent's motion for judgment on the pleadings is denied. Sua sponte, 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. 10.6:

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 ten 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 seven days after filing of respondent's brief.

**2010-1651. State v. Hudson.**

Clark App. No. 09-CA-01, 2010-Ohio-839. On motion for leave to file delayed appeal. Motion denied.

Brown, C.J., and Pfeifer, J., dissent.

**2010-1677. State v. Sands.**

Lake App. No. 2007-L-003. On motion for leave to file delayed appeal. Motion denied.

Lundberg Stratton, J., dissents.

**2010-1682. State v. McCornell.**

Cuyahoga App. No. 93274, 2010-Ohio-3086. On motion for leave to file delayed appeal. Motion denied.

Brown, C.J., and Pfeifer and Cupp, JJ., dissent.

**2010-1685. State v. Literal.**

Scioto App. No. 07CA3207, 2009-Ohio-199. On motion for leave to file delayed appeal. Motion denied.

**2010-1686. State v. Darget.**

Scioto App. No. 09CA3306, 2010-Ohio-3541. On motion for leave to file delayed appeal. Motion denied.

Brown, C.J., and Pfeifer, J., dissent.

**2010-1689. State v. Jones.**

Richland App. No. 2009CA0104, 2010-Ohio-3274. On motion for leave to file delayed appeal. Motion denied.

Brown, C.J., and Pfeifer and Lundberg Stratton, JJ., dissent.

**2010-1731. State v. Wilson.**

Montgomery App. No. 23313, 2010-Ohio-3439. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

**2010-1743. State v. Metcalf.**

Cuyahoga App. No. 95419. On motion for leave to file delayed appeal. Motion denied.

Brown, C.J., and Pfeifer and Lundberg Stratton, JJ., dissent.

**2010-1753. In re Moore.**

Hamilton App. No. C-090576, 2010-Ohio-3991. On motion for stay of court of appeals' judgment. Motion granted.

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

**2010-1767. State v. Brown.**

Marion App. No. 9-10-12, 2010-Ohio-4546. On motion for stay of penalties. Motion denied.

**2010-1778. State v. Rosa.**

Cuyahoga App. No. 93108, 2010-Ohio-2215. On motion for leave to file delayed appeal. Motion denied.

Brown, C.J., and Pfeifer, J., dissent.

**2010-1797. State v. Edwards.**

Lucas App. No. L-08-1408, 2010-Ohio-2582. On motion for leave to file delayed appeal. Motion denied.

Brown, C.J., and Pfeifer, J., dissent.

**2010-1817. State v. Bunce.**

Lucas App. No. L-08-1237, 2010-Ohio-3629. On motion for leave to file delayed appeal. Motion granted.

O'Connor, J., dissents.

**2010-1822. State v. Miller.**

Lawrence App. No. 10CA2, 2010-Ohio-3710. On motion for leave to file delayed appeal. Motion granted.

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

**2010-1825. State v. Acoff.**

Cuyahoga App. No. 92342, 2009-Ohio-6633. On motion for leave to file delayed appeal. Motion denied.

**2010-1868. State v. Jordon.**

Trumbull App. No. 2009-T-0110, 2010-Ohio-5183. On motion for stay of court of appeals' judgment. Motion granted as to this case.

**2010-1873. Franklin v. Berea.**

Cuyahoga App. No. 93894, 2010-Ohio-4350. On motion for stay. Motion denied.

O'Donnell, J., dissents.

**2010-1953. State v. Helms.**

Mahoning App. No. 08 MA 199, 2010-Ohio-4872. On motion for immediate stay of court of appeals' judgment. Motion denied.

Brown, C.J., and Lundberg Stratton and Cupp, JJ., dissent.

**APPEALS ACCEPTED FOR REVIEW**

**2010-0940. State v. Sabo.**

Union App. No. 14-09-33, 2010-Ohio-1261. Discretionary appeal accepted; cause held for the decision in 2009-1997, *State v. Hodge*, Hamilton App. No. C-080968; and briefing schedule stayed.

Pfeifer and Lanzinger, JJ., dissent.

**2010-1431. Dominish v. Nationwide Ins. Co.**

Lake App. No. 2009-L-116, 2010-Ohio-3048. Discretionary appeal accepted on Proposition of Law No. I.

Lundberg Stratton, O'Donnell, and Cupp, JJ., would also accept the appeal on Proposition of Law No. II.

Brown, C.J., and Pfeifer and Lanzinger, JJ., dissent.

**2010-1448. State v. Barker.**

Lucas App. No. L-09-1139, 2010-Ohio-3067.

Brown, C.J., and Pfeifer, J., dissent.

**2010-1483. State v. Scott.**

Cuyahoga App. No. 91890, 2010-Ohio-3057. Discretionary appeal accepted on Proposition of Law Nos. VII and IX; cause held for the decisions in 2009-0477, *State v. Dunlap*, Cuyahoga App. No. 91165, 2009-Ohio-134, and 2009-0088, *State v. Williams*, Warren App. No. CA2008-02-029, 2008-Ohio-6195; and briefing schedule stayed.

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

**2010-1493. State v. Howell.**

Cuyahoga App. No. 92827, 2010-Ohio-3403. Discretionary appeal accepted on Proposition of Law No. III; cause held for the decision in 2009-1997, *State v. Hodge*, Hamilton App. No. C-080968; and briefing schedule stayed.

Pfeifer, J., dissents.

**2010-1545. State v. Phillips.**

Hamilton App. No. C-090496. Discretionary appeal accepted; cause held for the decision in 2009-1997, *State v. Hodge*, Hamilton App. No. C-080968; and briefing schedule stayed.

Pfeifer, J., dissents.

**2010-1558. State v. Clementson.**

Cuyahoga App. No. 94230, 2010-Ohio-3424. Discretionary appeal accepted; cause held for the decision in 2009-1997, *State v. Hodge*, Hamilton App. No. C-080968; and briefing schedule stayed.

Pfeifer and Lanzinger, JJ., dissent.

**2010-1563. State v. Cole.**

Cuyahoga App. No. 93271, 2010-Ohio-3408. Discretionary appeal accepted on Proposition of Law No. I; cause held for the decision in 2009-1997, *State v. Hodge*, Hamilton App. No. C-080968; and briefing schedule stayed.

Pfeifer and Lanzinger, JJ., dissent.

**APPEALS NOT ACCEPTED FOR REVIEW**

**2010-1156. State v. Woodson.**

Cuyahoga App. No. 93476, 2010-Ohio-1671.

**2010-1214. Stadler v. St. Bernard-Elmwood Place City School Dist.**

Hamilton App. No. C-090632. Discretionary appeal and cross-appeal not accepted.

**2010-1311. State v. Colopy.**

Licking App. No. 09 CA 105, 2010-Ohio-2804.

Brown, C.J., and O'Donnell, J., dissent.

**2010-1376. Pepppard v. Summit Cty.**

Summit App. No. 25057, 2010-Ohio-2862.

Lundberg Stratton and Cupp, JJ., dissent.

**2010-1388. State v. Perez.**

Mahoning App. No. 09 MA 30, 2010-Ohio-3168.

**2010-1389. In re A.K.**

Champaign App. No. 09-CA-32.

**2010-1411. State v. Hill.**

Richland App. No. 2009-CA-25, 2010-Ohio-3102.

**2010-1412. State v. Hill.**

Richland App. No. 2009-CA-26, 2010-Ohio-3103.

**2010-1418. State v. Morales.**

Lucas App. No. L-09-1119, 2010-Ohio-3061.

**2010-1419. State v. Druckemiller.**

Huron App. No. H-09-013, 2010-Ohio-3070. Discretionary appeal not accepted.

Motion to waive denied as moot.

**2010-1420. Sullivan v. Sullivan.**

Lucas App. No. L-09-1022, 2010-Ohio-3064.

**2010-1422. Cleveland Constr., Inc. v. Kent State Univ.**

Franklin App. No. 09AP-822, 2010-Ohio-2906. Discretionary appeal not accepted.

O'Donnell, J., dissents.

Motion for admission pro hac vice of Seth R. Price by Daniel R. Wireman granted.

**2010-1423. Apergis v. Boccia.**

Trumbull App. No. 2009-T-0079, 2010-Ohio-2954.

Brown, C.J., dissents.

**2010-1429. TechniGraphics, Inc. v. MIT, L.L.C.**

Wayne App. No. 09CA0005, 2010-Ohio-2946.

**2010-1432. Swank v. Swank.**

Richland App. No. 10-CA-2, 2010-Ohio-3105. Discretionary appeal and cross-appeal not accepted.

**2010-1433. State v. Farrar.**

Cuyahoga App. No. 93060, 2010-Ohio-2461.

**2010-1436. Wozniak v. Potter.**

Summit App. No. 24956, 2010-Ohio-3008.

**2010-1437. J.P. Morgan Chase Bank v. Macejko.**

Mahoning App. No. 07-MA-148, 2010-Ohio-3152.

**2010-1438. J.P. Morgan Chase Bank v. Macejko.**

Mahoning App. No. 08-MA-242, 2010-Ohio-3152.

**2010-1439. Ticknor v. Morgan House.**

Delaware App. No. 09 CAE 12 0101, 2010-Ohio-3100.

**2010-1440. State v. Thompson.**

Columbiana App. No. 08 CO 41, 2010-Ohio-3278.

**2010-1445. Columbus v. Abdulshafi.**

Franklin App. No. 09AP-903, 2010-Ohio-3021.

**2010-1449. State v. Nagel.**

Williams App. No. WM-09-018, 188 Ohio App.3d 348, 2010-Ohio-3062.

**2010-1453. In re B.W.K.**

Portage App. No. 2009-P-0058, 2010-Ohio-3050.

Brown, C.J., dissents.

Cupp, J., dissents and would accept the appeal on Proposition of Law No. I and hold the cause for the decision in 2008-1624, *In re Smith*, Allen App. No. 1-07-58, 2008-Ohio-3234.

**2010-1454. State v. Banks.**

Cuyahoga App. No. 93880, 2010-Ohio-3206.

O'Connor and O'Donnell, JJ., dissent and would accept the appeal and hold the cause for the decision in 2009-0897, *State v. Fischer*, Summit App. No. 24406, 2009-Ohio-1491.

**2010-1455. State v. Caratachea.**

Greene App. No. 2009 CA 54, 2010-Ohio-3338.

**2010-1468. Johnson v. Edgewood City School Dist. Bd. of Edn.**

Butler App. No. CA2008-11-278, 2010-Ohio-3135.

**2010-1469. State v. Jones.**

Cuyahoga App. No. 92622, 2010-Ohio-2448. Discretionary appeal not accepted. Motion for stay of proceedings denied as moot.

O'Donnell, J., dissents.

**2010-1477. State v. Chessman.**

Montgomery App. No. 23412, 2010-Ohio-3239.

Lundberg Stratton and Lanzinger, JJ., dissent.

**2010-1478. State v. Newsome.**

Cuyahoga App. No. 93328, 2010-Ohio-2891.

**2010-1486. Scarberry v. Lawless.**

Lawrence App. No. 09CA18, 2010-Ohio-3395.

**2010-1487. Williams v. Ohio Bur. of Workers' Comp.**

Franklin App. No. 09AP-1076, 2010-Ohio-3210.

**2010-1488. State v. McGrady.**

Greene App. No. 2009 CA 60, 2010-Ohio-3243.

**2010-1491. State v. Gravely.**

Franklin App. Nos. 09AP-440 and 09AP-441, 2010-Ohio-3379.

**2010-1497. State v. Kerby.**

Clark App. No. 09-CA-59, 2010-Ohio-3346.

**2010-1504. State v. Young.**

Cuyahoga App. No. 92744, 2010-Ohio-3402.

**2010-1514. State v. Andera.**

Cuyahoga App. No. 92306, 2010-Ohio-3304.

**2010-1517. State v. Foster.**

Cuyahoga App. No. 93391, 2010-Ohio-3186.

**2010-1518. Antonucci v. Ohio Dept. of Taxation.**

Franklin App. No. 09AP-629, 2010-Ohio-3326.

Pfeifer and O'Donnell, JJ., dissent.

**2010-1529. State v. Fortson.**

Cuyahoga App. No. 92337, 2010-Ohio-2337.

**2010-1552. State v. Edmiston.**

Cuyahoga App. No. 93397, 2010-Ohio-3413.

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

**2010-1562. Licking & Knox Community Mental Health & Recovery Bd. v. T.B.**

Franklin App. No. 10AP-454, 2010-Ohio-3487.

Brown, C.J., not participating.

**2010-1564. State v. Gilbert.**

Hamilton App. No. C-090899.

**2010-1567. State v. North.**

Hamilton App. No. C-080322. Discretionary appeal not accepted. Motion for summary judgment denied as moot.

**2010-1572. State v. Satterwhite.**

Franklin App. No. 10AP-78, 2010-Ohio-3486.

**2010-1578. State v. Johnson.**

Hamilton App. No. C-090413, 2010-Ohio-3861.

**2010-1585. State v. Hall.**

Cuyahoga App. No. 90366, 2010-Ohio-3497.

**2010-1586. State v. Snead.**

Clermont App. No. CA2010-06-045.

**2010-1588. State v. Poling.**

Ashtabula App. No. 2008-A-0071.

**2010-1590. State v. Avila-Villa.**

Butler App. No. CA2010-08-201. Discretionary appeal not accepted. Motion to dismiss denied as moot.

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

**2010-1599. State v. Andrews.**

Cuyahoga App. No. 92695, 2010-Ohio-3499.

**2010-1603. State v. Moseley.**

Cuyahoga App. No. 92110, 2010-Ohio-3498.

**2010-1620. State v. Yates.**

Cuyahoga App. No. 86631, 2010-Ohio-4101.

**2010-1643. State v. Leonard.**

Cuyahoga App. No. 93496, 2010-Ohio-3601.

**2010-1650. State v. Tyler.**

Lucas App. No. L-06-1326, 2010-Ohio-1368.

**2010-1674. State v. Kenney.**

Franklin App. No. 09AP-231, 2010-Ohio-3740.

**2010-1730. State v. Frazier.**

Clark App. No. 2008 CA 118, 2010-Ohio-1507.

**RECONSIDERATION OF PRIOR DECISIONS**

**2009-0213. Ohio Apt. Assn. v. Levin.**

Board of Tax Appeals, No. 2006-A-861. Reported at \_\_\_ Ohio St.3d \_\_\_, 2010-Ohio-4414, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

Brown, C.J., and Pfeifer and O'Connor, JJ., dissent.

**2009-1321. Squire, Sanders & Dempsey, L.L.P. v. Givaudan Flavors Corp.**

Cuyahoga App. No. 92366, 2009-Ohio-2490. Reported at \_\_\_ Ohio St.3d \_\_\_, 2010-Ohio-4469, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

**2010-0296. Moss v. Lorain Cty. Bd. of Mental Retardation.**

Lorain App. No. 09CA009550, 185 Ohio App.3d 395, 2009-Ohio-6931. Reported at 126 Ohio St.3d 1582, 2010-Ohio-4542, 934 N.E.2d 355. On motion for reconsideration. Motion denied.

**2010-0676. State ex rel. Martin v. Ohio Adult Parole Auth.**

Cuyahoga App. No. 94645, 2010-Ohio-1582. Reported at 126 Ohio St.3d 506, 2010-Ohio-4727, 935 N.E.2d 416. On motion for reconsideration. Motion denied.

**2010-0962. State v. Reid.**

Montgomery App. No. 23409, 2010-Ohio-1686. Reported at 126 Ohio St.3d 1597, 2010-Ohio-4928, 935 N.E.2d 44. On motion for reconsideration. Motion denied.

Lundberg Stratton and Lanzinger, JJ., dissent.

**2010-0993. N.E. Ohio Neighborhood Health Serv. V. Bikkani.**

Cuyahoga App. No. 94159. Reported at 126 Ohio St.3d 1583, 2010-Ohio-4542, 934 N.E.2d 355. On motion for reconsideration. Motion denied.

**2010-1051. Columbus v. Thomas.**

Franklin App. No. 09AP-935, 2010-Ohio-1997. Reported at 126 Ohio St.3d 1584, 2010-Ohio-4542, 934 N.E.2d 356. On motion for reconsideration. Motion denied.

**2010-1053. Dublin v. Bansek.**

Franklin App. No. 10AP-14, 2010-Ohio-2372. Reported at 126 Ohio St.3d 1584, 2010-Ohio-4542, 934 N.E.2d 356. On motion for reconsideration. Motion denied.

**2010-1061. State v. Ferrell.**

Cuyahoga App. No. 92573. Reported at 126 Ohio St.3d 1581, 2010-Ohio-4542, 934 N.E.2d 354. On motion for reconsideration. Motion denied.

Brown, C.J., dissents and would grant the motion as to Proposition of Law No. I.

O'Donnell and Lanzinger, JJ., dissent.

**2010-1064. State v. Knapik.**

Summit App. No. 25180. Reported at 126 Ohio St.3d 1584, 2010-Ohio-4542, 934 N.E.2d 356. On motion for reconsideration. Motion denied.

Lundberg Stratton, O'Connor, and O'Donnell, JJ., dissent.

**2010-1099. Schultz v. Univ. of Cincinnati College of Medicine.**

Franklin App. No. 09AP-900, 2010-Ohio-2071. Reported at 126 Ohio St.3d 1585, 2010-Ohio-4542, 934 N.E.2d 356. On motion for reconsideration. Motion denied.

Pfeifer, J., dissents.

**2010-1109. State v. Dixon.**

Montgomery App. No. 23592, 2010-Ohio-2635. Reported at 126 Ohio St.3d 1585, 2010-Ohio-4542, 934 N.E.2d 356. On motion for reconsideration. Motion denied.

**2010-1110. 5455 Clarkins Drive, Inc. v. Ohio Liquor Control Comm.**

Franklin App. No. 10AP-339. Reported at 126 Ohio St.3d 1585, 2010-Ohio-4542, 934 N.E.3d 357. On motion for reconsideration. Motion denied.

**2010-1131. State ex rel. McGrath v. McDonnell.**

Cuyahoga App. No. 94819, 2010-Ohio-2610. Reported at 126 Ohio St.3d 511, 2010-Ohio-4726, 935 N.E.2d 830. On motion for reconsideration. Motion denied.

**2010-1171. State ex rel. Shepherd v. Mansfield Mun. Court.**

In Procedendo. Reported at 126 Ohio St.3d 1576, 2010-Ohio-4542, 934 N.E.2d 351. On motion for reconsideration. Motion denied.

**2010-1173. State ex rel. Krihwan v. Falkowski.**

Lake App. No. 2009-L-093, 2010-Ohio-2286. Reported at 126 Ohio St.3d 1564, 2010-Ohio-4334, 933 N.E.2d 814. On motion for reconsideration. Motion granted. Appellant shall file her merit brief within 20 days from the date of this

entry. The parties shall otherwise proceed in accordance with S.Ct.Prac.R. 6.2 – 6.7.

Pfeifer and Lanzinger, JJ., dissent.

**2010-1183. Mercedes-Benz of W. Chester v. Am. Family Ins.**

Butler App. Nos. CA2009-09-244, CA2009-09-245, and CA2009-09-246, 2010-Ohio-2307. Reported at 126 Ohio St.3d 1599, 2010-Ohio-4928, 935 N.E.2d 45. On motion for reconsideration. Motion denied.

Brown, C.J., and Lanzinger, J., dissent.

**2010-1213. Global Country of World Peace v. Mayfield Hts. Planning Comm.**

Cuyahoga App. No. 92848, 2010-Ohio-2213. Reported at 126 Ohio St.3d 1599, 2010-Ohio-4928, 935 N.E.2d 46. On motion for reconsideration. Motion denied.

Pfeifer and O'Donnell, JJ., dissent.

**2010-1228. State v. Heft.**

Logan App. No. 8-10-05. Reported at 126 Ohio St.3d 1599, 2010-Ohio-4928, 935 N.E.2d 46. On motion for reconsideration. Motion granted to the following extent: Discretionary appeal accepted on Proposition of Law No. VII; cause held for the decision in 2010-1007 and 2010-1372, *State v. Lester*, Auglaize App. No. 2-10-20; and briefing schedule stayed.

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

**2010-1272. Hanna v. Hanna.**

Knox App. No. 09CA037, 2010-Ohio-2548. Reported at 126 Ohio St.3d 1601, 2010-Ohio-4928, 935 N.E.2d 46. On motion for reconsideration. Motion denied.

**2010-1306. State ex rel. Gorrasi v. Hildebrandt.**

In Prohibition. Reported at 126 Ohio St.3d 1577, 2010-Ohio-4542, 934 N.E.2d 351. On motion for reconsideration. Motion denied.

**2010-1380. State v. Thomas.**

Hamilton App. No. C-090508. Reported at 126 Ohio St.3d 1579, 2010-Ohio-4542, 934 N.E.2d 353. On motion for reconsideration. Motion denied. Motion for review of records denied as moot.

Pfeifer, J., dissents.