

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

September 4, 2013

[Cite as *09/04/2013 Case Announcements*, 2013-Ohio-3790.]

MERIT DECISIONS WITH OPINIONS

2012-2073. Disciplinary Counsel v. Oberholtzer, Slip Opinion No. 2013-Ohio-3706.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 11-112. Mattheuw William Oberholtzer, Attorney Registration No. 0041239, is suspended from the practice of law for 12 months, with the entire suspension stayed on conditions.

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

2012-2074. Geauga Cty. Bar Assn. v. Snyder, Slip Opinion No. 2013-Ohio-3688.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 11-099. Timothy Harry Snyder, Attorney Registration No. 0065926, is publicly reprimanded.

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

2013-0087. Appenzeller v. Miller, Slip Opinion No. 2013-Ohio-3719.

Belmont App. No. 12 BE 24, 2012-Ohio-6093. Judgment affirmed.

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

2013-0441. State ex rel. Lowe v. Callahan, Slip Opinion No. 2013-Ohio-3689.

Summit App. No. 26758. Judgment affirmed.

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

MERIT DECISIONS WITHOUT OPINIONS

2013-0156. Kevin O'Brien & Assoc. Co., L.P.A. v. Tyack.

In Mandamus. On motion for leave to file amended complaint in mandamus. Motion granted. On motions to dismiss. Motions granted. Cause dismissed.

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

O'Donnell, J., would deny the motion to file amended complaint.

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

2013-0819. State ex rel. Lorton v. Tenth Dist. Court of Appeals.

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.

2013-0861. State ex rel. Muhammad v. O'Shaughnessy.

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.

2013-0862. State ex rel. Newell v. Mahon.

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.

2013-0908. Roberts v. Erie Ins. Group.

Greene App. No. 2012 CA 46, 2013-Ohio-718. Discretionary appeal accepted on proposition of law No. I, and cause reversed and remanded to the court of appeals pursuant to the authority of Ohio Constitution, Article IV, Section 3(B)(3) and the court's decision in *Bryan-Wollman v. Domonko*, 115 Ohio St.3d 291, 2007-Ohio-4918, 874 N.E.2d 1198.

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

Pfeifer, J., dissents.

2013-0909. Roberts v. Erie Ins. Group.

Greene App. No. 2012 CA 46, 2013-Ohio-718. On order certifying a conflict. The court determines that no conflict exists. Cause dismissed.

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

2013-0920. State ex rel. Rodriguez v. Presiding Judge, Sixth Dist. Court of Appeals.

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.

2013-0947. State ex rel. Dye v. Judges of the Fifth 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.

2013-0953. State ex rel. Pishok v. Judges of the Third Dist. Court of Appeals.

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.

2013-0954. Abuhilwa v. O'Brien.

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

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

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

2013-0955. State ex rel. Constant v. Franklin Cty. Court of Common Pleas.

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.

2013-0959. State ex rel. Zeune v. Travis.

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

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

O'Donnell, J., not participating.

2013-0960. State ex rel. Zeune v. Travis.

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

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

O'Donnell, J., not participating.

2013-0962. State ex rel. Pace v. Montgomery Cty. Bd. of Elections.

In Mandamus. On motions to dismiss. Motions granted. Upon consideration of respondent city of Dayton's motion for judgment on the pleadings and relator's motions to strike the motion to dismiss of the city of Dayton, to strike the motion for judgment on the pleadings, to stay administrative action, and to convert this original action to an expedited election case, it is ordered by the court that the motions are denied as moot. Cause dismissed.

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

O'Donnell, J., dissents and would grant a peremptory writ.

French, J., dissents and would grant an alternative writ.

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

2013-0987. State ex rel. Al'shahid v. Judges of the Hamilton Cty. Court of Appeals.

In Mandamus. On motion to dismiss of the judges of the Court of Appeals of the First District. Motion granted. Cause dismissed.

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

2013-0988. Jackson v. Cook.

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

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

2013-1003. Moss v. Strickland-Saffold.

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.

2013-1004. State ex rel. Fitten v. Strickland-Saffold.

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.

2013-1015. Bunting v. Wilson.

Miscellaneous Case. On motion to dismiss. Motion granted. Cause dismissed.

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

2013-1016. Young v. Ohio Dept. of Rehab. & Corr. Bur. of Sentence Computation.

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.

2013-1027. State ex rel. Keith v. Hedric.

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.

2013-1036. Steinberg v. Durkin.

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

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

MOTION AND PROCEDURAL RULINGS

2010-1775. State v. Smith.

Highland App. No. 09CA29, 2010-Ohio-4507. On motion to take judicial notice. Motion denied.

O'Donnell, J., dissents and would grant the motion and remand the cause for a correction of the facts.

2012-1092. State v. Hazel.

Clark App. No. 2011 CA 16, 2012-Ohio-835. On motion for a status review. Motion denied.

2012-1848. Nash v. Bradshaw.

In Habeas Corpus. On request for disposition of Civ.R. 60(B) motion for relief. Request denied. On motion for relief per 28 U.S.C. 1915(3). Motion denied.

2013-0052. Pietrick v. Westlake Civ. Serv. Comm.

Cuyahoga App. No. 98258, 2012-Ohio-6009. On renewed motion for stay of court of appeals' judgment. Motion denied. On motion to dismiss appeal as moot. Motion denied.

O'Connor, C.J., and O'Donnell and Lanzinger, JJ., would grant the renewed motion for stay.

2013-0525. Brown v. Horrigan.

In Mandamus. On request for findings of fact and conclusions of law. Request denied.

2013-0526. Brown v. Callahan.

In Mandamus. On request for findings of fact and conclusions of law. Request denied.

2013-0527. Brown v. Williams.

In Mandamus. On request for findings of fact and conclusions of law. Request denied.

2013-0870. State v. Aguirre.

Franklin App. No. 12AP-415, 2013-Ohio-768. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated at page 3 of the court of appeals' entry filed May 2, 2013:

“Whether an offender’s record of conviction may be sealed when the offender still owes court-ordered restitution to a third-party insurance company.”

The conflict case is *State v. McKenney*, 8th Dist. Cuyahoga No. 79033 (May 31, 2001).

Sua sponte, cause consolidated with 2013-0876, *State v. Aguirre*, 10th Dist. Franklin No. 12AP-415, 2013-Ohio-768.

2013-0949. State v. Johnson.

Lake App. No. 2012-L-068, 2012-Ohio-4009. On motion for delayed appeal. Motion denied.

2013-0967. State v. Dykes.

Lake App. No. 2012-L-021, 2013-Ohio-872. On motion for delayed appeal. Motion denied.

Pfeifer and O'Neill, JJ., dissent.

2013-0973. State v. Delker.

Trumbull App. No. 2011-T-0081, 2012-Ohio-300. On motion for delayed appeal. Motion denied.

2013-0996. State v. Pugh.

Montgomery App. No. 25223, 2013-Ohio-1238. On motion for delayed appeal. Motion denied.

Kennedy and O'Neill, JJ., dissent.

2013-1008. Wells Fargo Bank, N.A. v. Rahman.

Franklin App. No. 13AP-376. On emergency motion for stay pending jurisdictional appeal. Motion denied.

O'Donnell, J., not participating.

2013-1049. State v. Hall.

Butler App. No. CA2012-03-056. On motion for delayed appeal. Motion denied.

O'Neill, J., dissents.

2013-1065. State v. Thompson.

Sandusky App. No. S-11-052, 2013-Ohio-1594. On motion for delayed appeal. Motion denied.

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

2013-1069. Jamison v. LDA Builders, Inc.

Portage App. No. 2011-P-0072, 2013-Ohio-2037. On motion for stay of Eleventh District's judgment pending appeal. Motion denied.

2013-1072. State v. Robbins.

Hamilton App. No. C-120107, 2013-Ohio-612. On motion for delayed appeal. Motion denied.

Pfeifer, J., dissents.

2013-1074. State v. Payton.

Stark App. No. 2013CA00029. On motion for delayed appeal. Motion denied.

Pfeifer, J., dissents.

2013-1082. State v. Horton.

Lorain App. No. 12CA010271, 2013-Ohio-848. On motion for delayed appeal. Motion denied.

Pfeifer and Lanzinger, JJ., dissent.

2013-1094. State v. Dodson.

Franklin App. No. 12AP-801. On motion for delayed appeal. Motion denied.

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

2013-1100. State v. Ingles.

Hamilton App. No. C-120238, 2013-Ohio-1460. On motion for delayed appeal. Motion denied.

Pfeifer and Lanzinger, JJ., dissent.

2013-1105. State v. Boltz.

Wood App. No. WD-12-012, 2013-Ohio-1830. On review of order certifying a conflict. The court determines that a conflict exists. Sua sponte, cause held for the decision in 2012-2136, *State v. Taylor*, 9th Dist. Summit No. 26279, 2012-Ohio-5403.

2013-1107. State v. Adams.

Hamilton App. No. C-120059, 2013-Ohio-926. On motion for delayed appeal. Motion denied.

Pfeifer, J., dissents.

2013-1117. State v. Kutkut.

Cuyahoga App. No. 98479, 2013-Ohio-1442. On motion for delayed appeal. Motion denied.

Pfeifer and Kennedy, JJ., dissent.

2013-1120. State v. Lanik.

Summit App. No. 26192, 2013-Ohio-361. On motion for delayed appeal. Motion denied.

Pfeifer, Acting C.J., and O'Neill, J., dissent.

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

2013-1133. State v. Mosley.

Hamilton App. No. C-110676. On motion for delayed appeal. Motion denied.

2013-1146. State v. Rivera.

Lucas App. No. L-12-1040, 2013-Ohio-1591. On motion for delayed appeal. Motion denied.

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

2013-1207. Ohio Environmental Protection Agency v. Lowry.

Franklin App. No. 12AP-982, 2013-Ohio-2779. On motion for stay. Motion granted and bond continued.

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

2013-1254. Phillips v. Deskins.

Richland App. No. 12CA119, 2013-Ohio-3025. On motion for stay of court of appeals' judgment. Motion denied.

APPEALS ACCEPTED FOR REVIEW

2013-0688. State v. Hoffman.

Lucas App. No. L-12-1262, 2013-Ohio-1082.
Pfeifer and O'Donnell, JJ., dissent.

2013-0713. In re Foreclosure of Liens for Delinquent Taxes v. Parcels of Land Encumbered with Delinquent Tax Liens.

Coshocton App. No. 2012CA0001, 2013-Ohio-1400.
O'Connor, C.J., and O'Donnell and Lanzinger, JJ., dissent.

2013-0761. Renfrow v. Norfolk S. Ry. Co.

Cuyahoga App. No. 98715, 2013-Ohio-1189.
Pfeifer and Kennedy, JJ., dissent.

2013-0797. Pixley v. Pro-Pak Industries, Inc.

Lucas App. No. L-12-1177, 2013-Ohio-1358.
O'Connor, C.J., and Pfeifer and O'Donnell, JJ., dissent.

2013-0824. U.W. v. Dept. of Youth Servs.

Franklin App. No. 12AP-959, 2013-Ohio-1779.
Lanzinger and French, JJ., dissent.

2013-0876. State v. Aguirre.

Franklin App. No. 12AP-415, 2013-Ohio-768. Discretionary appeal accepted on proposition of law No. I.

Sua sponte, cause consolidated with 2013-0870, *State v. Aguirre*, 10th Dist. Franklin No. 12AP-415, 2013-Ohio-768.

O'Donnell and O'Neill, JJ., would also accept the appeal on proposition of law No. II.

Pfeifer, J., dissents.

APPEALS NOT ACCEPTED FOR REVIEW

2013-0327. State v. Petti.

Lake App. No. 2012-L-045, 2012-Ohio-6130.

2013-0496. State v. Hazel.

Clark App. Nos. 2011-CA-101 and 2012-CA-22, 2013-Ohio-118.

2013-0504. State v. Brown.

Lake App. No. 2012-L-007, 2013-Ohio-1099.

Lanzinger and Kennedy, JJ., dissent.

2013-0591. State v. Bates.

Williams App. No. WM-12-002, 2013-Ohio-1270.

O'Neill, J., dissents and would accept the appeal on proposition of law No. III.

2013-0668. State v. Adams.

Mahoning App. No. 12 MA 26, 2013-Ohio-1433.

2013-0678. State v. Clifford.

Paulding App. No. 11-13-03. Discretionary appeal not accepted. Motion to dismiss denied as moot.

2013-0679. State v. Petrone.

Stark App. No. 2012A00096, 2013-Ohio-1138.

2013-0683. BAC Home Loans Servicing, L.P. v. Untisz.

Geauga App. No. 2012-G-3072, 2013-Ohio-993.

2013-0684. State v. Beatty.

Fairfield App. No. 12-CA-22.

Lanzinger, J., dissents.

2013-0686. State v. Turner.

Erie App. No. E-13-005.

2013-0691. State v. Hughes.

Cuyahoga App. No. 98666, 2013-Ohio-1037.

2013-0692. Gentile v. Gentile.

Cuyahoga App. No. 97971, 2013-Ohio-1338.

Kennedy, J., dissents and would accept the appeal on proposition of law No. I.

2013-0694. Shaker Hts. v. Sevayega.

Cuyahoga App. No. 98780, 2013-Ohio-589.

2013-0697. State v. Hughes.

Cuyahoga App. No. 99165, 2013-Ohio-1566.

2013-0701. State v. Jones.

Cuyahoga App. No. 98209, 2013-Ohio-572.

O'Neill, J., dissents.

2013-0702. State v. Graham.

Delaware App. No. 12 CAA 11 0082, 2013-Ohio-600.

O'Donnell, J., dissents.

2013-0703. Paul v. Consol. Rail Corp.

Cuyahoga App. No. 98716, 2013-Ohio-1038.

O'Donnell and French, JJ., dissent.

2013-0708. Strategy Group for Media, Inc. v. Lowden.

Delaware App. No. 12 CAE 03 0016, 2013-Ohio-1330.

Pfeifer, Acting C.J., and O'Donnell, J., dissent.

William Klatt, J., of the Tenth Appellate District, sitting for O'Connor, C.J.

John R. Willamowski, J., of the Third Appellate District, sitting for Lanzinger, J.

William H. Harsha, J., of the Fourth Appellate District, sitting for Kennedy, J.

2013-0712. State v. Riley.

Muskingum App. No. CT2012-0022, 2013-Ohio-1332.

2013-0716. State v. Kinstle.

Allen App. No. 1-13-12.

2013-0719. State v. Nash.

Cuyahoga App. No. 98658, 2013-Ohio-1346.

2013-0721. State ex rel. Young v. Lebanon City School Dist. Bd. of Edn.
Warren App. No. CA2012-02-013, 2013-Ohio-1111.

O'Neill, J., dissents and would accept the appeal on proposition of law No. I.

2013-0725. State v. Hodges.

Hamilton App. No. C-110630, 2013-Ohio-1195.

O'Donnell, J., dissents.

2013-0726. State v. Moore.

Madison App. No. CA2012-10-024.

2013-0728. Home S. & L. Co. of Youngstown, Ohio v. Vandeleur Investors, L.L.C.

Franklin App. No. 12AP-277, 2013-Ohio-1146.

O'Neill, J., dissents.

2013-0730. State v. Lovano.

Cuyahoga App. No. 98537, 2013-Ohio-1183.

O'Donnell, J., dissents.

2013-0731. Kempf v. Scott.

Franklin App. No. 12AP-937, 2013-Ohio-1153.

2013-0732. Buckeye Local School Dist. Bd. of Edn. v. Ohio Assn. of Pub. School Emps., Local 216.

Medina App. No. 11CA0072-M, 2012-Ohio-5810.

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

2013-0733. State v. Davis.

Ross App. No. 12CA3336, 2013-Ohio-1504.

2013-0736. Eichenberger v. Graham.

Franklin App. No. 12AP-216, 2013-Ohio-1203.

O'Donnell, J., dissents.

2013-0737. Wasserman v. Copsy.

Sandusky App. No. S-12-008, 2013-Ohio-1274.

O'Donnell, J., dissents.

2013-0741. Flagstar Bank, FSB v. Hairston.

Franklin App. No. 12AP-679, 2013-Ohio-1151.
O'Neill, J., dissents.

2013-0745. Cantrell v. Deitz.

Franklin App. No. 12AP-357, 2013-Ohio-1204.

2013-0748. State v. Millette.

Licking App. No. 12-CA-0074, 2013-Ohio-1331.

2013-0750. State v. Greenberg.

Franklin App. No. 12AP-602, 2013-Ohio-1638.

2013-0751. Young v. Conry.

Lorain App. No. 12CA010152, 2013-Ohio-1223.

2013-0752. Horvath v. Lawyers Title Ins. Corp.

Portage App. No. 2012-P-0068, 2013-Ohio-1295.
O'Donnell, J., dissents.

2013-0755. Akron v. State Emp. Relations Bd.

Summit App. No. 26227, 2013-Ohio-1213.

2013-0756. State v. Babos.

Lucas App. No. L-11-1259, 2013-Ohio-1256.
Pfeifer, J., dissents.

2013-0757. State v. Babos.

Lucas App. No. L-11-1258, 2013-Ohio-1256.
Pfeifer, J., dissents.

2013-0758. Stoyer v. Fogelman.

Franklin App. No. 12AP-690, 2013-Ohio-1254.
French, J., not participating.

2013-0759. State ex rel. Longville v. Akron.

Summit App. Nos. 25354 and 25356, 2013-Ohio-1161.
Pfeifer, J., dissents.

2013-0760. Indymac Bank F.S.B. v. Borosh.

Cuyahoga App. No. 98520, 2013-Ohio-1180.
O'Neill, J., dissents.

2013-0763. In re B.K.

Cuyahoga App. No. 98730, 2013-Ohio-1190.
Pfeifer, O'Donnell, and O'Neill, JJ., dissent.

2013-0764. In re Special Needs Trust of Moskowitz.

Lake App. Nos. 2011-L-164 and 2011-L-165, 2013-Ohio-1282.

2013-0765. State v. Edwards.

Lake App. No. 2012-L-034, 2013-Ohio-1290.
Lanzinger, J., dissents.

French, J., dissents and would accept the appeal on proposition of law No. II and hold the cause for the decision in 2012-1070, *State v. Washington*, 9th Dist. Lorain No. 11CA010015, 2012-Ohio-2117.

2013-0767. Williams v. McFarland Properties.

Butler App. No. CA2012-09-187, 2013-Ohio-1384.

2013-0769. Osunde v. Ijeweme.

Franklin App. Nos. 12AP-480 and 12AP-481, 2013-Ohio-1207.

2013-0771. State v. Walburg.

Franklin App. No. 12AP-637, 2013-Ohio-1150.

2013-0773. Strongsville v. Wheeler.

Cuyahoga App. No. 98757, 2013-Ohio-1554.

2013-0775. State v. Smith.

Hamilton App. No. C-120491.

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

2013-0776. PNC Bank, Natl. Assn. v. Kidz Real Estate Group, L.L.C.

Lucas App. No. L-11-1303, 2013-Ohio-1357.

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

2013-0780. McKenzie v. Cintas Corp.

Warren App. No. CA2012-11-110, 2013-Ohio-1310.

2013-0782. State v. Long.

Hamilton App. No. C-120521.

O'Neill, J., dissents.

2013-0783. State v. Lawson.

Hamilton App. No. C-120478.

2013-0788. Osbourne v. Van Dyk Mtge. Corp.

Clermont App. No. CA2012-03-020, 2013-Ohio-332.

O'Neill, J., dissents.

2013-0795. State v. Ojile.

Hamilton App. Nos. C-110677 and C-110678, 2012-Ohio-6015.

O'Neill, J., dissents.

2013-0821. State v. Bevly.

Franklin App. No. 12AP-471, 2013-Ohio-1352.

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

2013-0825. State v. Birt.

Butler App. No. CA2012-02-031, 2013-Ohio-1379.

2013-0831. State v. Miles.

Cuyahoga App. Nos. 98980 and 99003, 2013-Ohio-1562.

2013-0840. State v. Hoyle.

Summit App. No. 26589, 2013-Ohio-1526.

2013-0843. State v. Townsend.

Cuyahoga App. No. 97544, 2013-Ohio-1653.

2013-0844. State v. Rutledge.

Lucas App. No. L-12-1043, 2013-Ohio-1482.

2013-0858. State v. Lomack.

Licking App. No. 2012-CA-32, 2013-Ohio-5.

2013-0860. State v. Jones.

Franklin App. Nos. 12AP-1081 and 12AP-1082, 2013-Ohio-1683.

2013-0872. State v. Piasecki.

Cuyahoga App. No. 99758.

2013-0877. State v. Dye.

Hamilton App. No. C-120483, 2013-Ohio-1626.

Pfeifer and O’Neill, JJ., dissent.

2013-0878. State v. Al’Shahid.

Hamilton App. No. C-120539.

2013-0884. State v. Burkholder.

Lucas App. No. L-11-1216, 2013-Ohio-1589.

O’Donnell and O’Neill, JJ., dissent.

2013-0891. State v. McKinney.

Franklin App. No. 12AP-424, 2013-Ohio-1149.

French, J., not participating.

2013-0898. State v. Simonoski.

Cuyahoga App. No. 98496, 2013-Ohio-1031.

2013-0900. State v. Crawford.

Cuyahoga App. No. 98605, 2013-Ohio-1659.

2013-0901. State v. Sands.

Huron App. No. H-11-017, 2012-Ohio-6063.

2013-0914. Elam v. Carcorp, Inc.

Franklin App. No. 12AP-260, 2013-Ohio-1635.

O’Donnell, J., dissents.

2013-0916. State v. Brown.

Butler App. No. CA2011-11-207, 2013-Ohio-1610.

2013-0956. State v. Williams.

Highland App. No. 12CA7.

2013-1007. State v. Cassano.

Cuyahoga App. No. 97228, 2013-Ohio-1888.

2013-1132. In re L.B.

Lake App. No. 2011-L-117, 2012-Ohio-2356. Discretionary appeal not accepted. Motion for finding of frivolous conduct and for sanctions and motion to strike portion of notice and appendix to memorandum in support of jurisdiction denied as moot.

Pfeifer and O'Neill, JJ., dissent and would accept the discretionary appeal.

O'Donnell, J., dissents and would grant the motion to strike portion of notice and appendix to memorandum in support of jurisdiction.

Kennedy, J., dissents and would grant the motion for finding of frivolous conduct and for sanctions.

2013-1192. McQueen v. Dohoney.

Hamilton App. No. C-130196, 2013-Ohio-2424. Discretionary appeal not accepted. Motion for expedited consideration and briefing denied as moot.

Pfeifer, O'Donnell, and Kennedy, JJ., dissent and would accept the discretionary appeal.

RECONSIDERATION OF PRIOR DECISIONS

2011-0972. State ex rel. Coleman v. Indus. Comm.

Franklin App. No. 10AP-287, 2011-Ohio-2006. Reported at 136 Ohio St.3d 77, 2013-Ohio-2406, 990 N.E.2d 585. On motion for reconsideration. Motion denied.

O'Neill, J., dissents.

2012-0216. State v. Willan.

Summit App. No. 24894, 2011-Ohio-6603. Reported at ___ Ohio St.3d ___, 2013-Ohio-2405, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

Pfeifer, Acting C.J., and Lanzinger and O'Neill, JJ., dissent.

Michael T. Hall, J., of the Second Appellate District, sitting for O'Connor, C.J.

2012-0244. Armstrong v. John R. Jurgenson Co.

Clark App. No. 2011-CA-6, 2011-Ohio-6708. Reported at 136 Ohio St.3d 58, 2013-Ohio-2237, 990 N.E.2d 568. On motion for reconsideration. Motion denied.

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

2013-0261. Jontony v. Colegrove.

Cuyahoga App. No. 98295, 2012-Ohio-5846. Reported at 135 Ohio St.3d 1458, 2013-Ohio-2285, 988 N.E.2d 578. On motion for reconsideration. Motion denied.

O'Connor, C.J., dissents and would grant the motion for reconsideration as to proposition of law Nos. III and IV.

Kennedy, J., dissents and would grant the motion for reconsideration as to proposition of law Nos. I and IV.

O'Neill, J., dissents.

2013-0405. McWilliams v. Schumacher.

Cuyahoga App. Nos. 98188, 98288, 98390, and 98423, 2013-Ohio-29. Reported at 135 Ohio St.3d 1459, 2013-Ohio-2285, 988 N.E.2d 579. On motion for reconsideration. Motion denied.

2013-0416. Duck v. Cantoni.

Washington App. No. 11CA20, 2013-Ohio-351. Reported at 135 Ohio St.3d 1460, 2013-Ohio-2285, 988 N.E.2d 579. On motion for reconsideration. Motion denied.

Lanzinger and O'Neill, JJ., dissent.

French, J., dissents and would grant the motion for reconsideration as to proposition of law No. I.

2013-0428. State v. Miller.

Franklin App. No. 12AP-389, 2013-Ohio-288. Reported at 135 Ohio St.3d 1460, 2013-Ohio-2285, 988 N.E.2d 579. On motion for reconsideration. Motion denied.

O'Donnell, J., dissents.

2013-0440. State v. May.

Cuyahoga App. Nos. 96362 and 96421. Reported at 135 Ohio St.3d 1460, 2013-Ohio-2285, 988 N.E.2d 579. On motion for reconsideration. Motion denied.

2013-0472. Cantu v. Irondale Indus. Contrs.

Fulton App. No. F-11-18, 2012-Ohio-6057. Reported at 135 Ohio St.3d 1470, 2013-Ohio-2512, 989 N.E.2d 70. On motion for reconsideration. Motion denied.

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

Kennedy, J., dissents and would grant the motion for reconsideration as to proposition of law No. I.

2013-0497. State ex rel. Jackson v. Bunting.

In Mandamus and Prohibition. Reported at 136 Ohio St.3d 1402, 2013-Ohio-2645, 989 N.E.2d 1018. On motion for reconsideration. Motion denied.

2013-0522. Bank of Am., N.A. v. Valentine.

Delaware App. No. 12 CAE 03 0020, 2013-Ohio-598. Reported at 135 Ohio St.3d 1471, 2013-Ohio-2512, 989 N.E.2d 71. On motion for reconsideration. Motion denied.

2013-0532. Sturgill v. JP Morgan Chase & Co.

Hocking App. No. 12CA8, 2013-Ohio-688. Reported at 135 Ohio St.3d 1471, 2013-Ohio-2512, 989 N.E.2d 71. On motion for reconsideration. Motion denied.

2013-0646. Lundeen v. State Med. Bd. of Ohio.

Franklin App. No. 12AP-629, 2013-Ohio-112. Reported at 136 Ohio St.3d 1405, 2013-Ohio-2645, 989 N.E.2d 1020. On motion for reconsideration. Motion denied.

French, J., not participating.

2013-0664. State ex rel. Gilcreast v. Bunting.

In Habeas Corpus. Reported at 136 Ohio St.3d 1402, 2013-Ohio-2645, 989 N.E.2d 1018. On motion for reconsideration. Motion denied.

Pfeifer, Acting C.J.

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