

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

July 27, 2016

[Cite as *07/27/2016 Case Announcements*, 2016-Ohio-5108.]

MERIT DECISIONS WITH OPINIONS

2014-0490. Innkeeper Ministries, Inc. v. Testa, Slip Opinion No. 2016-Ohio-5104.

Board of Tax Appeals, No. 2010-2803. Decision reversed.

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

O'Donnell, J., dissents in an opinion that Kennedy and French, JJ., join.

2015-1427. State v. Jones, Slip Opinion No. 2016-Ohio-5105.

Cuyahoga App. No. 101258, 2015-Ohio-2853. Judgment reversed and cause remanded.

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

Lanzinger, J., concurs in judgment only.

2015-1477. State ex rel. Jackson v. Sloan, Slip Opinion No. 2016-Ohio-5106.

Ashtabula App. No. 2015-A-0028, 2015-Ohio-3220. Judgment affirmed.

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

2015-1497. State ex rel. McQueen v. Weibling-Holliday, Slip Opinion No. 2016-Ohio-5107.

Allen App. No. 1-15-28. Judgment affirmed.

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

MERIT DECISIONS WITHOUT OPINIONS

2016-0163. State ex rel. Cincinnati Enquirer v. Ohio Dept. of Commerce, Div. of State Fire Marshal.

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.

2016-0203. Nelson v. Moore.

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

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

2016-0230. Byrd v. O'Connell.

In Habeas Corpus. On petition for writ of habeas corpus of Kevin Byrd Jr. Sua sponte, cause dismissed.

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

2016-0234. Harris v. Luebbers.

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

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

2016-0268. State ex rel. McIntyre v. Ninth Dist. Court of Appeals.

In Mandamus and Prohibition. On motion to dismiss of Ninth District Court of Appeals. Motion granted.

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

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

2016-0294. State ex rel. Evans v. Rothgery.

In Mandamus. On S.Ct.Prac.R. 12.04 determination, cause dismissed.

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

2016-0409. State ex rel. Wilson v. Robinson.

In Habeas Corpus. On petition for writ of habeas corpus of Lawrence Earl Wilson. Sua sponte, cause dismissed.

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

2016-0418. Pianowski v. Coleman.

In Habeas Corpus. On petition for writ of habeas corpus of Ted A. Pianowski. Sua sponte, cause dismissed.

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

2016-0443. Taylor v. Chuvalas.

In Habeas Corpus. On notice and motion "to amend caption and substitute wardens address of confinement." Motion granted. On request for appointment of counsel. Request denied. On petition for writ of habeas corpus of Brentford Taylor. Sua sponte, cause dismissed.

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

2016-0451. Gerald v. Summit Cty. Jail.

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

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

2016-0502. Appenzeller v. Miller.

In Habeas Corpus. On petition for writ of habeas corpus of Russell E. Appenzeller. Sua sponte, cause dismissed.

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

2016-0602. Johnson v. Mohr.

In Habeas Corpus. On amended petition for writ of habeas corpus of Ronald G. Johnson. Sua sponte, cause dismissed.

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

2016-0645. Orr v. Lazaroff.

In Habeas Corpus. On motion "to take judicial notice in accord to plain error provisions." Motion denied. On conditional petition for writ of habeas corpus

concerning condition of confinement of Darllei B. Orr. Sua sponte, cause dismissed.

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

2016-0653. Johnson v. 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.

2016-0666. Lang v. Gorman.

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

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

O'Neill, J., dissents.

2016-0686. State ex rel. Prade v. Ninth Dist. Court of Appeals.

In Prohibition. This cause originated in this court on the filing of a complaint for a writ of prohibition.

Upon consideration thereof, it is ordered by the court, sua sponte, that 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. 12.05.

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 10 days of the filing of the evidence; respondents shall file a brief within 20 days after the filing of relator's brief; and relator may file a reply brief within 7 days after the filing of respondents' brief.

It is further ordered that respondents' motions to dismiss are denied. Relator's motion for leave to file revised memorandum in support of writ of prohibition and incorporated memorandum in support is granted.

Pfeifer, Kennedy, French, and O'Neill, JJ., concur.

O'Donnell and Lanzinger, JJ., dissent.

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

2016-0720. Ward v. Belmont Cty. Court of Common Pleas.

In Mandamus. On S.Ct.Prac.R. 12.04 determination and motion for judgment on pleadings. Cause dismissed.

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

2016-0774. Wilson v. Bracy.

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

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

2016-0785. Parks v. State.

Miscellaneous case. On motion of Rachel N. Parks, Clayton M. Bates, and R-Lotus Justice for emergency injunction and ex parte order. Motion denied. On motions to dismiss. Motions granted; cause dismissed. On motion to strike and demand for emergency injunction and stay. Motions denied as moot.

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

2016-0839. Nedea v. Cook.

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

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

2016-0863. Smith v. Moore.

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

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

MOTION AND PROCEDURAL RULINGS

2010-1406. State v. Pickens.

Hamilton C.P. No. B0905088. On application for reopening under S.Ct.Prac.R. 11.06. Application denied.

2014-0940. State v. Woods.

Cuyahoga App. No. 99630, 2014-Ohio-1722. It is ordered by the court, sua sponte, that this cause is no longer held for the decision in 2014-0941, *State v. Shabazz*. The cause is now held for the decision in 2014-0942, *State v. Walker*, and the briefing schedule remains stayed.

2015-1608. Zillow v. Bosel.

In Mandamus. On motion for hearing to present evidence. Motion denied.

2015-1831. State ex rel. Schroeder v. Cleveland.

In Mandamus. On motion to intervene of John Coughlin, Vincent DiTeodoro, Bradley Englehart, William Gorey III, and James Thomas. Motion granted.

2016-0593. U.S. Bank, N.A. v. Christmas.

Montgomery App. No. 26695, 2016-Ohio-236. On review of an order certifying a conflict. The court determines that a conflict exists. The cause is accepted, the judgment of the court of appeals is vacated, and the cause is remanded to the court of appeals for application of the decision in *Deutsche Bank Natl. Trust Co. v. Holden*, __ Ohio St.3d __, 2016-Ohio-4603, __ N.E.3d __.

2016-0621. Rush v. Univ. of Cincinnati Physicians, Inc.

Hamilton App. No. C-150309, 2016-Ohio-947. On review of an order certifying a conflict. It is determined that no conflict exists within the meaning of S.Ct.Prac.R. 8.02. Cause dismissed.

Pfeifer and O'Neill, JJ., dissent.

2016-0776. State v. Weems.

Cuyahoga App. No. 102954, 2016-Ohio-701. On motion for leave to file delayed appeal. Motion granted.

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

2016-0780. State v. North.

Seneca App. No. 13-15-16, 2015-Ohio-4526. On motion for leave to file delayed appeal. Motion denied.

2016-0781. State v. Hamlin.

Summit App. No. 27650, 2016-Ohio-1196. On motion for leave to file delayed appeal. Motion granted.

2016-0791. State v. Law.

Medina App. No. 15CA0087-M. On motion for leave to file delayed appeal. Motion denied.

2016-0792. State v. Harris.

Cuyahoga App. No. 102855, 2016-Ohio-391. On motion for leave to file delayed appeal. Motion denied.

O'Neill, J., dissents.

2016-0796. State v. Johnson.

Lorain App. No. 15CA010746, 2016-Ohio-58. On motion for leave to file delayed appeal. Motion denied.

2016-0797. State v. Lee.

Richland App. No. 15-CA-52, 2016-Ohio-1045. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and O'Neill, JJ., dissent.

2016-0801. State v. Tubbs.

Miami App. No. 2015-CA-14, 2016-Ohio-842. On motion for leave to file delayed appeal. Motion denied.

2016-0822. State v. Gibson.

Stark App. No. 2013CA00175, 2014-Ohio-1169. On motion for leave to file delayed appeal. Motion denied.

2016-0826. State v. Person.

Summit App. No. 27600, 2016-Ohio-681. On motion for leave to file delayed appeal. Motion denied.

Lanzinger, J., dissents.

2016-0840. State v. Bates.

Cuyahoga App. No. 102756, 2015-Ohio-4989. On motion for leave to file delayed appeal. Motion denied. On motion for stay of court of appeals' judgment. Motion denied as moot.

2016-0877. State v. Terry.

Franklin App. Nos. 15AP-176 and 15AP-178, 2015-Ohio-3847. On motion for leave to file delayed appeal. Motion denied.

2016-0896. In re Guardianship of Sweeney.

Cuyahoga App. No. 103285, 2016-Ohio-3260. On motion for stay of judgment of the court of appeals. Motion denied. On motion to strike response to motion for stay of judgment of the court of appeals. Motion denied.

O'Donnell, Lanzinger, and Kennedy, JJ., dissent.

2016-0922. Sparks v. Sparks.

Warren App. No. CA2015-10-095, 2016-Ohio-2896. On motion for immediate stay of court of appeals' decision. Motion denied.

APPEALS ACCEPTED FOR REVIEW

2016-0490. State v. Gales.

Cuyahoga App. No. 102809, 2016-Ohio-588. Discretionary appeal accepted, cross-appeal not accepted, and cause held for decision in 2015-0473, *State v. Thomas*, and briefing schedule stayed.

French, J., dissents in part, would also accept the cross-appeal on Proposition of Law No. I only, and would hold the cause for the decision in 2015-1427, *State v. Jones*.

Pfeifer and O'Neill, JJ., dissent and would not accept the discretionary appeal.

2016-0564. Gyugo v. Franklin Cty. Bd. of Dev. Disabilities.

Franklin App. No. 15AP-150, 2016-Ohio-823.

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

2016-0570. State v. Schroeder.

Lucas App. No. L-14-1228, 2016-Ohio-849. Discretionary appeal accepted and cause held for decision in 2016-0215, *State v. Grimes*, and briefing schedule stayed.

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

2016-0585. Nationwide Mut. Ins. Co. v. Lucarell.

Mahoning App. Nos. 2013 MA 00074 and 2013 MA 00133.

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

2016-0636. Rush v. Univ. of Cincinnati Physicians, Inc.

Hamilton App. No. C-150309, 2016-Ohio-947. Discretionary appeal accepted on Proposition of Law No. I.

Pfeifer and O'Neill, JJ., would accept the cause on all propositions of law.

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

APPEALS NOT ACCEPTED FOR REVIEW

2016-0391. State v. Chandler.

Trumbull App. No. 2015-T-0033, 2016-Ohio-1017.

2016-0548. State v. Wells.

Jefferson App. No. 15 JE 0007, 2016-Ohio-3019.

2016-0552. In re R.H.

Allen App. No. 1-15-37, 2016-Ohio-746.

Pfeifer, J., dissents.

2016-0553. Parmertor v. Chardon Local Schools.

Lake App. Nos. 2014-L-129 and 2014-L-133, 2016-Ohio-761.

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

Lanzinger, J., dissents and would accept the appeal.

2016-0554. State v. Johnson.

Scioto App. No. 14CA3612, 2016-Ohio-1070.

2016-0555. State v. Mansour.

Warren App. No. CA2015-06-051, 2016-Ohio-755.

2016-0557. Ohio Dist. Council, Inc., of the Assemblies of God v. Speelman.

Butler App. No. CA2015-02-031, 2016-Ohio-751.

Pfeifer, J., dissents.

2016-0571. Caldwell v. Good Samaritan Hosp.

Hamilton App. No. C-150750.

2016-0574. State v. Woods.

Franklin App. No. 15AP-24, 2016-Ohio-661.

O'Donnell and French, JJ., dissent.

2016-0581. HIP Loans, L.L.C. v. Horta, L.L.C.

Clark App. No. 2015-CA-10.

2016-0582. State v. Curry.

Allen App. No. 1-15-05, 2016-Ohio-861.

2016-0583. Rogers v. Eppinger.

Lorain App. No. 16CA010920.

2016-0586. Shuerman v. Eastwood Local School Dist. Bd. of Edn.

Wood App. No. WD-15-044, 2016-Ohio-846.

Pfeifer and O'Neill, JJ., dissent.

2016-0587. Smith v. Candiello.

Lucas App. No. L-15-1125, 2016-Ohio-844.

Lanzinger, J., dissents.

2016-0592. State v. Rupert.

Belmont App. No. 14 BE 0018, 2016-Ohio-1056.

2016-0597. State v. Gammon.

Hardin App. No. 6-15-12.

2016-0598. State v. Tucker.

Franklin App. Nos. 15AP-434 and 15AP-435, 2016-Ohio-1033.

2016-0599. State v. Robinson.

Cuyahoga App. No. 104110.

2016-0610. U.S. Bank v. Maxfield.

Butler App. No. CA2015-06-121, 2016-Ohio-71.

2016-0617. Aloha Spy v. Ace Home Health Care.

Cuyahoga App. No. 104271. Motion for leave to proceed denied as moot.

2016-0619. State v. Martin.

Cuyahoga App. No. 102783, 2016-Ohio-922.

Lanzinger and French, JJ., dissent.

2016-0620. Marshall v. Durrani.

Butler App. No. CA2015-07-130.

2016-0624. Delta Fuels, Inc. v. DLZ Ohio, Inc.

Lucas App. No. L-15-1001, 2016-Ohio-970.

2016-0625. State v. Jones.

Cuyahoga App. No. 103017.

2016-0628. Harris v. Ohio Bur. of Sentence Computation.
Franklin App. No. 16AP-115.

2016-0630. State v. Clark.
Hamilton App. No. C-150318, 2016-Ohio-948.
Pfeifer, French, and O’Neill, JJ., dissent.

2016-0631. State v. Davis.
Hamilton App. No. C-160287.

2016-0635. State v. Saunders.
Cuyahoga App. No. 102731, 2016-Ohio-292.

2016-0637. State v. Vega.
Cuyahoga App. No. 103142, 2016-Ohio-939.

2016-0640. State v. Summers.
Mercer App. No. 10-15-15.

2016-0641. Aurora Bank F.S.B. v. Gordon.
Cuyahoga App. No. 103138, 2016-Ohio-938. Motion for stay denied as moot.

2016-0642. State v. Taylor.
Montgomery App. No. 26327, 2016-Ohio-1100.

2016-0650. State v. Johnson.
Delaware App. No. 15 CAA 11 0092, 2016-Ohio-1213.

2016-0651. State v. Martin.
Hancock App. No. 5-15-28, 2016-Ohio-989.

2016-0655. Boyd v. Ohio Dept. of Rehab. & Corr.
Franklin App. No. 16AP-245.

2016-0657. State v. Underwood.
Montgomery App. No. 26711, 2016-Ohio-1101.

2016-0660. State v. Mitchell.
Pickaway App. No. 15CA18, 2016-Ohio-1133.
O’Donnell, J., dissents.

2016-0661. State v. Artripe.

Knox App. No. 15CA7, 2015-Ohio-4155.

2016-0662. State v. Pullin.

Stark App. No. 2015CA00134, 2016-Ohio-1179.

2016-0663. McCarthy v. Sterling Chems., Inc.

Hamilton App. No. C-150274, 2016-Ohio-1039.

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

2016-0664. Ford v. Sunbridge Care Ents.

Cuyahoga App. No. 103031, 2016-Ohio-1122.

2016-0668. Chase Home Fin., L.L.C. v. Lindenmayer.

Licking App. No. 15-CA-32, 2016-Ohio-1202.

2016-0669. Pottmeyer v. E. Ohio Gas Co.

Washington App. Nos. 15CA14 and 15CA29, 2016-Ohio-1294.

2016-0670. Zielinski v. Prewitt.

Wood App. No. WD-15-011, 2016-Ohio-1112.

2016-0671. State v. Norton.

Cuyahoga App. No. 103048, 2016-Ohio-1123.

2016-0673. Ohio Council 8, AFSCME, AFL-CIO v. Cleveland.

Cuyahoga App. No. 103354, 2016-Ohio-1128.

2016-0674. State v. Valdez.

Lorain App. No. 14CA010624.

2016-0675. State v. Lonero.

Lucas App. No. L-14-1229, 2016-Ohio-1113.

O'Connor, C.J., and Lanzinger and Kennedy, JJ., dissent, would accept the appeal, and would hold the cause for the decision in 2016-0215, *State v. Grimes*.

2016-0677. State v. Amey.

Cuyahoga App. Nos. 103000 and 103001, 2016-Ohio-1121.

2016-0678. State v. Jones.

Cuyahoga App. No. 102995, 2016-Ohio-1120.

2016-0679. State v. Saxton.

Franklin App. No. 15AP-16, 2016-Ohio-1233.

2016-0684. State v. Williams.

Butler App. No. CA2015-08-152.

O'Donnell, J., dissents.

2016-0685. State v. Wainscott.

Clermont App. No. CA2015-07-056, 2016-Ohio-1153.

2016-0687. State v. Gensert.

Trumbull App. No. 2015-T-0084, 2016-Ohio-1163.

2016-0690. Breitenbach v. Double Z Constr. Co., L.L.C.

Licking App. No. 15 CA 53, 2016-Ohio-1272.

Pfeifer and O'Neill, JJ., dissent.

2016-0697. State v. Stober.

Putnam App. No. 12-13-09.

2016-0701. Mayberry v. Mayberry.

Franklin App. No. 15AP-160, 2016-Ohio-1031.

2016-0703. Barrow v. New Miami.

Butler App. No. CA2015-03-043, 2016-Ohio-340.

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

Lanzinger, J., dissents and would accept the appeal on Proposition of Law Nos. I and III.

Kennedy, J., dissents.

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

2016-0718. State v. Franchi.

Summit App. No. 27797, 2016-Ohio-1195.

2016-0721. State v. Breeze.

Franklin App. No. 15AP-1027, 2016-Ohio-1457.

2016-0752. State v. Amos.

Hamilton App. No. C-150265, 2016-Ohio-1319.

2016-0756. State v. Willan.

Summit App. No. 27188, 2016-Ohio-1335.

Lanzinger, J., dissents.

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

2016-0764. State v. Hunter.

Summit App. No. 26610.

2016-0767. State v. Hawkins.

Franklin App. No. 15AP-35, 2016-Ohio-1404.

2016-0771. State v. Layman.

Lawrence App. No. 14CA35, 2016-Ohio-1503.

2016-0772. Farmer v. PNC Bank, N.A.

Montgomery App. No. 26911.

2016-0777. State v. Jordan.

Scioto App. No. 13CA3590.

2016-0779. State v. Groves.

Franklin App. Nos. 15AP-855, 15AP-856, 15AP-861, and 15AP-862, 2016-Ohio-1408.

2016-0804. State v. Guzman.

Butler App. No. CA2015-11-198

French, J., dissents.

2016-0816. In re S.D.

Lorain App. Nos. 15CA010864 and 15CA010867, 2016-Ohio-1493.

2016-0867. State v. Pyles.

Mahoning App. No. 13 MA 22, 2016-Ohio-3014.

2016-0894. In re J.L.

Franklin App. No. 15AP-889, 2016-Ohio-2858. Motion for stay denied as moot.

O'Donnell, J., dissents, would accept the cause, and would grant the motion for stay.

RECONSIDERATION OF PRIOR DECISIONS

2014-1161. World Harvest Church v. Grange Mut. Cas. Co.

Franklin App. No. 13AP-290, 2013-Ohio-5707. Reported at __ Ohio St.3d __, 2016-Ohio-2913, __N.E.3d __. On motion for reconsideration. Motion denied.

2014-1769. Toledo City School Dist. Bd. of Edn. v. State Bd. of Edn.

Franklin App. Nos. 14AP-93, 14AP-94, and 14AP-95, 2014-Ohio-3741. Reported at __ Ohio St.3d __, 2016-Ohio-2806, __N.E.3d __. On motion for reconsideration. Motion denied.

Lanzinger and O'Neill, JJ., dissent.

2015-0846. State ex rel. Dawson v. Summit Cty. Court of Common Pleas.

Summit App. No. 27728. Reported at __ Ohio St.3d __, 2016-Ohio-1597, __ N.E.3d __. On motion for reconsideration. Motion denied.

Pfeifer, J., dissents.

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

2015-1031. State ex rel. Bradford v. Dinkelacker.

Hamilton App. No. C-150237. Reported at __ Ohio St.3d __, 2016-Ohio-2916, __ N.E.3d __. On amended motion for reconsideration. Motion denied.

O'Donnell, J., dissents.

2016-0056. Clark v. Grant Med. Ctr.

Franklin App. No. 14AP-833, 2015-Ohio-4958. Reported at 145 Ohio St.3d 1458, 2016-Ohio-2807, 49 N.E.3d 320. On motion for reconsideration. Motion denied.

O'Neill, J., dissents.

2016-0120. Kerger & Hartman, L.L.C. v. Ajami.

Lucas App. No. L-14-1219, 2015-Ohio-5157. Reported at 145 Ohio St.3d 1459, 2016-Ohio-2807, 49 N.E.3d 321. On motion for reconsideration as to Proposition of Law No. I. Motion denied.

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

2016-0311. State v. Fite.

Adams App. No. 14CA998, 2016-Ohio-284. Reported at 145 Ohio St.3d 1472, 2016-Ohio-3028, 49 N.E.3d 1314. On motion for reconsideration. Motion denied.

2016-0414. State v. Elder.

Stark App. No. 2014CA00135, 2015-Ohio-3564. Reported at 145 Ohio St.3d 1469, 2016-Ohio-3028, 49 N.E.3d 1312. On motion for reconsideration. Motion denied.

Pfeifer and Kennedy, JJ., dissent.