# The Supreme Court of Phio

#### CASE ANNOUNCEMENTS

# August 31, 2016

[Cite as 08/31/2016 Case Announcements, 2016-Ohio-5585.]

#### MERIT DECISIONS WITH OPINIONS

# 2015-1548. State ex rel. Ullmann v. Husted, Slip Opinion No. 2016-Ohio-5584.

Franklin App. No. 14AP-863, 2015-Ohio-3120. Judgment affirmed.

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

Pfeifer, Kennedy, and French, JJ., concur in judgment only.

O'Neill, J., dissents, with an opinion.

# 2015-1615. State ex rel. Bevins v. Cooper, Slip Opinion No. 2016-Ohio-5578.

Hamilton App. No. C-150507. Judgment affirmed.

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

# 2015-2009. Cleveland Metro. Bar Assn. v. Paris, Slip Opinion No. 2016-Ohio-5581.

On Certified Report by the Board of Professional Conduct, No. 2015-005. Tasso Paris, Attorney Registration No. 0038609, is hereby suspended from the practice of law for six months, all stayed on conditions.

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

Kennedy, J., concurs, with an opinion.

Lanzinger, J., dissents, with an opinion joined by O'Connor, C.J., and O'Neill, J.

# 2016-0257. Trumbull Cty. Bar Assn. v. Roland, Slip Opinion No. 2016-Ohio-5579.

On Certified Report by the Board of Professional Conduct, No. 2014-054. David Keith Roland, Attorney Registration No. 0037125, is hereby permanently disbarred from the practice of law in Ohio.

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

#### MERIT DECISIONS WITHOUT OPINIONS

# 2016-0322. State ex rel. Graves v. Sixth Dist. Court of Appeals.

In Mandamus and 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.

# 2016-0569. State ex rel. Deloney v. First Dist. Court of Appeals Judges.

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

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

Pfeifer, J., dissents and would grant the writ.

#### 2016-0689. Fields v. Reinbold.

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

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

O'Donnell, J., dissents in part and would deny the motions to dismiss as they relate to Judge Reinbold and grant an alternative writ.

# 2016-0722. State ex rel. Loper v. King.

In Mandamus. On motion to dismiss. Motion granted. Cause dismissed. Motion to strike motion to dismiss and motion for sanctions denied as moot.

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

# 2016-0732. West v. Second Dist. Court of Appeals.

In Mandamus and Prohibition. On motions to dismiss. Motions granted. Cause dismissed. Objection and clarification denied as moot.

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

# 2016-0733. Johnson v. Montgomery 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.

# 2016-0734. Johnson 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.

### 2016-0736. State ex rel. Thomas v. Culotta.

In Prohibition. 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.

# 2016-0737. Johnson v. Highland Cty. Court of Common Pleas.

In Procedendo. 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.

# 2016-0738. Johnson v. Fayette Cty. Court of Common Pleas.

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

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

# 2016-0740. Johnson v. Adams 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.

# 2016-0751. Brotherton v. Sixth Dist. Court of Appeals.

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.

# 2016-0827. State ex rel. Solomon v. Sheehan.

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.

# 2016-0864. State ex rel. Bradford v. Hamilton Cty. Court of Common Pleas.

In Procedendo. On motion to dismiss. Motion granted. Cause dismissed. On motion for sanctions, motion to deem admitted, and motion to strike motion to dismiss. Motions denied.

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

# 2016-0872. State ex rel. Rittner v. 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.

#### 2016-0890. State ex rel. Hinton v. Jackson.

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.

## MOTION AND PROCEDURAL RULINGS

# 2015-0080. State ex rel. McIntyre v. Summit Cty. Court of Common Pleas.

In Mandamus and Prohibition. On motion to show cause and/or for supplemental issuance of writ of mandamus. Motion denied.

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

#### 2015-1204. State ex rel. Cleveland v. Indus. Comm.

Franklin App. No. 13AP-1069, 2015-Ohio-2165. On request for oral argument. Motion granted.

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

#### 2015-1310. Cook v. State.

Allen App. No. 1-15-21. On motion "to request leaving jurisdiction of Ohio for medical purposes." Motion denied.

# 2015-2021. Columbus City School Dist. Bd. of Edn. v. Testa.

Board of Tax Appeals, No. 2014-4914. On joint motion for partial remand of case to tax commissioner and stay of briefing schedule. Motion denied.

Pfeifer and O'Neill, JJ., dissent and would issue an order to show cause why the appeal should not be dismissed for lack of a final order.

O'Donnell, J., dissents and would remand the entire cause to the Board of Tax Appeals.

#### 2015-2081. Wilson v. Lawrence.

Cuyahoga App. No. 102585, 2015-Ohio-4677. On motion to dismiss case Nos. 2015-2081 and 2016-0180 as improvidently accepted. Motion denied.

#### **2016-0180.** Wilson v. Lawrence.

Cuyahoga App. No. 102585, 2015-Ohio-4677. On motion to dismiss case Nos. 2015-2081 and 2016-0180 as improvidently accepted. Motion denied.

# 2016-0288. Washington v. Hooks.

Ross App. No. 15CA3521. On motion to proceed to United States Supreme Court. The court notes that it has no authority to grant the motion. Motion denied.

# 2016-0499. State ex rel. Rohfeld v. Ohio Dept. of Rehab. & Corr.

In Mandamus. On motion for relief from judgment. Motion denied.

#### 2016-0866. State v. Patrick.

Butler App. No. CA2015-05-090, 2016-Ohio-995. On motion for leave to file delayed appeal. Motion denied.

O'Neill, J., dissents.

#### 2016-0871. State v. Weaver.

Cuyahoga App. No. 102902, 2016-Ohio-811. On motion for leave to file delayed appeal. Motion denied.

Kennedy and O'Neill, JJ., dissent.

# **2016-0874.** State v. Spencer.

Scioto App. No. 15CA3722. On motion for leave to file delayed appeal. Motion denied.

#### 2016-0888. State v. Short.

Richland App. No. 14CA67, 2015-Ohio-3183. On motion for leave to file delayed appeal. Motion denied.

## 2016-0914. State v. Hudson.

Mahoning App. No. 11 MA 77. On motion for leave to file delayed appeal. Motion denied.

#### 2016-0919. State v. Clark.

Montgomery App. No. 26596, 2016-Ohio-39. On motion for leave to file delayed appeal. Motion denied.

# **2016-0934. State v. Trollinger.**

Hamilton App. No. C-150173. On motion for leave to file delayed appeal. Motion denied.

French and O'Neill, JJ., dissent.

# 2016-0935. State v. Roy.

Franklin App. No. 14AP-986, 2015-Ohio-4959. On motion for leave to file delayed appeal. Motion denied.

# **2016-0949.** State v. Sweeting.

Hamilton App. No. C-150436. On motion for leave to file delayed appeal. Motion granted.

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

# 2016-0969. State v. Gipson.

Allen App. No. 1-15-51, 2016-Ohio-994. On motion for leave to file delayed appeal. Motion denied.

O'Neill, J., dissents.

## 2016-0980. State v. Johnson.

Stark App. No. 2014CA00189, 2015-Ohio-3113. On motion for leave to file delayed appeal. Motion denied.

#### 2016-1005. State v. Reid.

Cuyahoga App. No. 93222. On motion for leave to file delayed appeal. Motion denied.

#### 2016-1023. State v. Wolke.

Adams App. No. 15CA1008. On motion for leave to file delayed appeal. Motion denied.

## 2016-1026. State v. Nelson.

Muskingum App. No. CT2015-0057, 2016-Ohio-2787. On motion for leave to file delayed appeal. Motion denied.

O'Neill, J., dissents.

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#### 2016-1029. State v. Johnson.

Cuyahoga App. No. 103408, 2016-Ohio-2840. On motion for leave to file delayed appeal. Motion denied.

Kennedy and O'Neill, JJ., dissent.

# 2016-1047. State v. Reyes-Rosales.

Adams App. No. 15CA1010, 2016-Ohio-3338. On motion to stay execution of 90 day jail sentence. Motion granted.

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

# 2016-1076. Souders v. Souders.

Hamilton App. No. C-150552, 2016-Ohio-3522. On motion for stay of court of appeals' judgment. Motion denied.

O'Donnell and Kennedy, JJ., dissent.

#### 2016-1128. Canton v. Burns.

Stark App. Nos. 2015CA00163 and 2015CA00164, 2016-Ohio-4885. On motion for stay of court of appeals' judgment. Motion denied.

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

#### APPEALS ACCEPTED FOR REVIEW

# **2016-0672.** State v. Mohamed.

Cuyahoga App. Nos. 102398 and 103602, 2016-Ohio-1116.

Pfeifer, Kennedy, and French, JJ., dissent.

#### APPEALS NOT ACCEPTED FOR REVIEW

# 2015-1073. State v. Bays.

Greene App. No. 2014-CA-24, 2015-Ohio-1935.

#### 2015-1866. State v. Osie.

Butler App. No. CA2014-10-222, 2015-Ohio-3406. Appeal and cross-appeal not accepted.

#### 2016-0530. State v. Carlton.

Stark App. No. 2016CA00036. Motion to strike waiver denied as moot.

# 2016-0576. English v. Progressive Specialty Ins. Co.

Lucas App. No. L-14-1239, 2016-Ohio-847. Appeal and cross-appeal not accepted.

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

## 2016-0609. State v. Starr.

Richland App. No. 15-CA-36, 2016-Ohio-1004. O'Neill, J., dissents.

## 2016-0682. State v. Melin.

Seneca App. No. 13-15-29, 2016-Ohio-1427. O'Donnell and O'Neill, JJ., dissent.

# 2016-0688. State v. Sanchez.

Putnam App. No. 12-16-01.

# 2016-0691. Routson-Gim-Belluardo v. Jefferson Twp. Local School Dist. Bd. of Edn.

Montgomery App. No. CA 026789, 2016-Ohio-1265. O'Donnell, J., dissents.

# 2016-0692. Home S. & L. Co. of Youngstown v. Evergreen Land Dev.

Mahoning App. No. 12 MA 215, 2016-Ohio-1248.

# 2016-0693. Thompson v. Oberlander's Tree & Landscape, Ltd.

Marion App. No. 9-15-44, 2016-Ohio-1147. Lanzinger and Kennedy, JJ., dissent.

# 2016-0694. Brahm v. DHSC, L.L.C.

Stark App. No. 2015CA00165, 2016-Ohio-1204. O'Donnell, Kennedy, and French, JJ., dissent.

# 2016-0695. Levy v. Seiber.

Butler App. Nos. CA2015-02-019, CA2015-02-021, and CA2015-02-030, 2016-Ohio-68.

#### 2016-0698. State v. Scott.

Sandusky App. No. S-15-012, 2016-Ohio-1480.

# 2016-0699. State v. Simpson.

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Montgomery App. No. 26632, 2016-Ohio-1267.

# **2016-0700.** State v. Simpson.

Montgomery App. No. 26633, 2016-Ohio-1268.

### 2016-0702. State v. Bozek.

Portage App. No. 2015-P-0018, 2016-Ohio-1305.

# 2016-0705. State v. Ealy.

Franklin App. No. 15AP-600, 2016-Ohio-1185.

# 2016-0709. State v. Simpson.

Montgomery App. No. 26631, 2016-Ohio-1266.

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

# 2016-0710. Christian v. Kettering Med. Ctr.

Montgomery App. No. 26717, 2016-Ohio-1260.

# 2016-0711. Bayer v. S. Pleasant Dev. Group, L.L.C.

Fairfield App. No. 15-CA-16, 2016-Ohio-1336.

Pfeifer, J., dissents.

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

### 2016-0712. Slane v. Hilliard.

Franklin App. No. 15AP-493, 2016-Ohio-306.

Pfeifer, J., dissents.

O'Donnell, J., not participating.

# 2016-0713. Helton v. U.S. Restoration & Remodeling, Inc.

Franklin App. No. 14AP-899, 2016-Ohio-1232.

French, J., not participating.

# 2016-0714. State v. Powell.

Cuyahoga App. No. 102922, 2016-Ohio-1220.

O'Connor, C.J., and O'Donnell and Kennedy, JJ., dissent and would accept the cause, vacate the judgment, and remand the case to the court of appeals for application of *State v. Jones*, \_\_ Ohio St.3d \_\_, 2016-Ohio-5105, \_\_ N.E.3d \_\_.

#### 2016-0715. In re L.Z.

Licking App. No. 15-CA-36, 2016-Ohio-1337. Pfeifer, O'Donnell, and French, JJ., dissent.

# 2016-0716. White v. Cuyahoga Falls.

Summit App. No. 27807, 2016-Ohio-1200.

## 2016-0717. Dunkin's Diamonds, Inc. v. Chavis.

Franklin App. No. 15AP-753, 2016-Ohio-1243.

## 2016-0725. Calkins v. Calkins.

Geauga App. Nos. 2014-G-3203 and 2014-G-3218, 2016-Ohio-1297. O'Donnell and Kennedy, JJ., dissent.

# 2016-0728. Young v. Craig Transp.

Wood App. Nos. WD-14-068, WD-14-073, and WD-14-077, 2016-Ohio-1401.
O'Connor, C.J., and Lanzinger, J., dissent and would accept the cause on Proposition of Law No. I.
O'Neill, J., dissents.

# 2016-0730. Tighe v. Kaiser.

Ottawa App. No. OT-15-032, 2016-Ohio-1400.

# 2016-0731. Elliot v. Spy.

Cuyahoga App. No. 104304. Application to proceed denied as moot.

#### 2016-0742. State v. Bacon.

Lucas App. No. L-14-1112, 2016-Ohio-618.

#### 2016-0744. State v. Mitchell.

Mahoning App. No. 14 MA 0119, 2016-Ohio-1439. French, J., dissents.

# 2016-0745. State v. Colon.

Cuyahoga App. No. 103150, 2016-Ohio-707. O'Donnell and French, JJ., dissent.

# 2016-0748. Kearney v. Campbell.

Summit App. No. 27495, 2016-Ohio-1332. Pfeifer, J., dissents.

#### 2016-0749. State v. Brown.

Lake App. No. 2014-L-037, 2016-Ohio-1358. O'Donnell, J., dissents.

#### 2016-0753. State v. Dovala.

Lorain App. No. 14CA010692, 2016-Ohio-1349.

# **2016-0754.** State v. Thompson.

Lucas App. No. L-15-1006, 2016-Ohio-1399. O'Neill, J., dissents.

#### 2016-0755. In re P.G.

Warren App. No. CA201501009010, 2016-Ohio-1433.

# 2016-0758. Acuity, A Mut. Ins. Co. v. Siding & Insulation Co.

Cuyahoga App. No. 103180, 2016-Ohio-1381. French, J., dissents.

# 2016-0759. State ex rel. Brannon v. Lakeview Local School Dist. Bd. of Edn.

Trumbull App. No. 2015-T-0034, 2016-Ohio-1367. O'Donnell and Kennedy, JJ., dissent.

# 2016-0760. CitiMortgage Inc. v. Hasan.

Cuyahoga App. No. 103248, 2016-Ohio-1544.

#### 2016-0762. Walker v. Brewster.

Stark App. No. 2015CA00142, 2016-Ohio-1463.

#### 2016-0766. State v. Newman.

Wood App. No. WD-15-031, 2016-Ohio-2667.

# 2016-0768. State v. Delong.

Ross App. No. 15CA3482, 2016-Ohio-1412. French, J., dissents.

# 2016-0770. State v. Young.

Cuyahoga App. No. 103080, 2016-Ohio-1379.

## **2016-0782.** State v. Jackson.

Cuyahoga App. No. 103035, 2016-Ohio-704.

# O'Connor, C.J., and French and O'Neill, JJ., dissent.

## 2016-0784. Boddie v. Landers.

Franklin App. No. 15AP-962, 2016-Ohio-1410. French, J., not participating.

## 2016-0795. Rohrer v. Ohio Pub. Defender.

Franklin App. No. 16AP-153.

## 2016-0799. Black v. Watson.

Cuyahoga App. No. 103600, 2016-Ohio-1470.

#### 2016-0807. State v. Glover.

Montgomery App. No. 26523, 2016-Ohio-2749.

## 2016-0829. State v. Rivera.

Lucas App. No. L-15-1227.

## 2016-0891. State v. Rolfes.

Cuyahoga App. No. 102521, 2016-Ohio-2933.

#### 2016-0892. State v. Warren.

Cuyahoga App. No. 102181, 2016-Ohio-2827.

#### 2016-0917. State v. Everson.

Mahoning App. Nos. 14 MA 0072 and 12 MA 0128.

#### 2016-0964. State v. Creech.

Scioto App. No. 09CA3291.

#### 2016-0983. In re N.P.

Lake App. Nos. 2016-L-002 and 2016-L-003, 2016-Ohio-3125. Kennedy and O'Neill, JJ., dissent.

#### 2016-1027. State v. Thomas.

Summit App. No. 27405.

French, J., dissents.

#### RECONSIDERATION OF PRIOR DECISIONS

## 2011-0857. State v. Obermiller.

Cuyahoga C.P. No. CR542119. Reported at \_\_ Ohio St.3d \_\_, 2016-Ohio-1594, \_\_ N.E.3d \_\_. On motion for reconsideration. Motion denied. Pfeifer and O'Neill, JJ., dissent.

# 2014-0650. State ex rel. Altman-Bates v. Pub. Emps. Retirement Bd.

Franklin App. No. 11AP-196, 2014-Ohio-1182. Reported at \_\_ Ohio St.3d \_\_, 2016-Ohio-3100, \_\_ N.E.3d \_\_. On motion for reconsideration of Franklin County Board of Commissioners. Motion denied.

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

Kathleen Ann Keough, J., of the Eighth Appellate District, sitting for French, J.

## 2014-0791. Deutsche Bank Natl. Trust Co. v. Holden.

Summit App. No. 26970, 2014-Ohio-1333. Reported at \_\_ Ohio St.3d \_\_, 2016-Ohio-4603, \_\_ N.E.3d \_\_. On motion for reconsideration. Motion denied.

# 2015-1858. In re Estate of Cvanciger.

Lake App. No. 2014-L-095, 2015-Ohio-4318. Reported at 146 Ohio St.3d 1427, 2016-Ohio-4606, 52 N.E.3d 1203. On motion for reconsideration. Motion denied.

## 2016-0191. State ex rel. Vincent v. Jenkins.

In Habeas Corpus. Reported at 146 Ohio St.3d 1412, 2016-Ohio-3390, 51 N.E.3d 657. On motion for reconsideration. Motion denied.

#### **2016-0339.** State v. Dickerson.

Cuyahoga App. No. 102461, 2016-Ohio-807. Reported at 146 Ohio St.3d 1428, 2016-Ohio-4606, 52 N.E.3d 1203. On motion for reconsideration. Motion granted and cause accepted. Judgment vacated and cause remanded to the court of appeals for application of *State v. Jones*, \_\_ Ohio St.3d \_\_, 2016-Ohio-5105, \_\_ N.E.3d \_\_. Pfeifer, Lanzinger, and O'Neill, JJ., dissent.

# 2016-0380. Wells Fargo Bank, N.A. v. Hazel.

Franklin App. No. 15AP-93, 2016-Ohio-305. Reported at 146 Ohio St.3d 1415, 2016-Ohio-3390, 51 N.E.3d 660. On motion for reconsideration. Motion denied.

# **2016-0411.** Gregory v. Martin.

Jefferson App. No. 15 JE 17, 2016-Ohio-650. Reported at 146 Ohio St.3d 1416, 2016-Ohio-3390, 51 N.E.3d 660. On motion for reconsideration. Motion denied.

#### 2016-0420. Fisher v. Ironton.

Miscellaneous case. Reported at 146 Ohio St.3d 1412, 2016-Ohio-3390, 51 N.E.3d 657. On motion for reconsideration. Motion denied. On motion for all transcripts to be filed from the lower court. Motion denied.

## 2016-0434. Dillard v. Automation Tool & Die, Inc.

Medina App. No. 15CA0055-M. Reported at 146 Ohio St.3d 1416, 2016-Ohio-3390, 51 N.E.3d 660. On motion for reconsideration. Motion denied.

Pfeifer and French, JJ., dissent.

# 2016-0477. Wheatley v. Marietta College.

Washington App. No. 14CA18, 2016-Ohio-949. Reported at 146 Ohio St.3d 1208, 2016-Ohio-4606, 52 N.E.3d 1204. On motion for reconsideration. Motion denied. O'Connor, C.J., and Pfeifer and O'Neill, JJ., dissent.

#### 2016-0498. In re J.L.

Trumbull App. No. 2015-T-0137, 2016-Ohio-644. Reported at 146 Ohio St.3d 1429, 2016-Ohio-4606, 52 N.E.3d 1204. On motion for reconsideration. Motion denied.

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

#### 2016-0529. Lundeen v. Smith-Hoke.

Franklin App. No. 15AP-236, 2015-Ohio-5086. Reported at 146 Ohio St.3d 1429, 2016-Ohio-4606, 52 N.E.3d 1204. On motion for reconsideration. Motion denied.

#### 2016-0623. Schultheiss v. Heinrich Ents., Inc.

Washington App. No. 15CA20, 2016-Ohio-121. Reported at 146 Ohio St.3d 1431, 2016-Ohio-4606, 52 N.E.3d 1205. On motion for reconsideration. Motion granted and cause accepted on Proposition of Law No. I.

Lanzinger, Kennedy, and French, JJ., would accept the cause on all propositions of law.

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

#### 2016-0629. Bank of New York Mellon v. Ackerman.

Montgomery App. No. 26779, 2016-Ohio-960. Reported at 146 Ohio St.3d 1431, 2016-Ohio-4606, 52 N.E.3d 1205. On motion for reconsideration. Motion denied.

## 2016-0644. State v. Anderson.

Franklin App. No. 16AP-156. Reported at 146 Ohio St.3d 1431, 2016-Ohio-4606, 52 N.E.3d 1205. On motion for reconsideration. Motion denied.

# 2016-0746. State ex rel. Stanley v. Andrews.

In Mandamus. Reported at 146 Ohio St.3d 1404, 2016-Ohio-3194, 50 N.E.3d 570. On motion "for reconsideration and vacate." Motion denied. On motion to dismiss and disregard, motion for clarification of record, and motion to vacate judgment. Motions denied as moot.