

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

August 7, 2024

[Cite as *08/07/2024 Case Announcements, 2024-Ohio-2937.*]

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## MERIT DECISIONS WITH OPINIONS

**2022-1419** and **2023-0126**. **Kyser v. Summit Cty. Children Servs., Slip Opinion No. 2024-Ohio-2898.**

Summit App. No. 30080, **2022-Ohio-3467**. Judgment vacated and cause dismissed.

Kennedy, C.J., and Fischer, DeWine, Byrne, and Deters, JJ., concur.  
Donnelly, J., dissents, with an opinion joined by Stewart, J.

Matthew Byrne, J., of the Twelfth District Court of Appeals, sitting for Brunner, J.

## MERIT DECISIONS WITHOUT OPINIONS

**2024-0381**. **Spence v. Acting Under Color of Law Corp.**

In Mandamus and Prohibition. On motion to dismiss of respondents Franklin County Court of Common Pleas Judge Dale Crawford, Office of the Clerk of Courts, and David DeVillers. Motion granted. Sua sponte, cause dismissed as to Gerald Sunbury. Cause dismissed.

Kennedy, C.J., and Fischer, DeWine, Donnelly, Stewart, Brunner, and Deters, JJ., concur.

**2024-0624**. **State ex rel. Gomez v. Favreau.**

In Mandamus, Prohibition, and Procedendo. On respondents' motions to dismiss. Motions granted. Respondents Morgan County Court of Common Pleas Judge Dan W. Favreau, Noble County Court of Common Pleas Judge John W. Nau, and Noble County Clerk of Courts Karen Starr's motion to declare relator a vexatious

litigator granted. Relator, John Paul Gomez, found to be a vexatious litigator under S.Ct.Prac.R. 4.03(B). Accordingly, John Paul Gomez prohibited from continuing or instituting legal proceedings in this court without first obtaining leave. Any request for leave shall be submitted to the clerk of this court for the court's review. Cause dismissed.

Fischer, Donnelly, and Deters, JJ., concur.

Kennedy, C.J., and Stewart, J., concur in part and dissent in part and would deny the motion to declare relator a vexatious litigator.

DeWine, J., concurs in part and dissents in part and would deny respondent Allen Bennett's motion to dismiss and would issue an alternative writ as to him.

Brunner, J., concurs in part and dissents in part and would sua sponte dismiss the cause as to respondent Karen Starr, deny respondent Allen Bennett's motion to dismiss and issue an alternative writ as to him, and deny the motion to declare relator a vexatious litigator.

**2024-0730. State ex rel. Brown v. Sackett.**

In Mandamus. On respondent's motion to dismiss. Motion granted. Relator's motion to consolidate with case Nos. [2024-0336](#), [2024-0562](#), and [2024-0715](#) and motion for mediation denied.

DeWine and Donnelly, JJ., concur.

Deters, J., concurs but would deny the motion for mediation as moot.

Kennedy, C.J., and Stewart, J., concur in part and dissent in part and would deny the motion to dismiss and issue an alternative writ.

Fischer, J., concurs in part and dissents in part and would grant the motion to consolidate and deny the motion for mediation as moot.

Brunner, J., concurs in part and dissents in part and would deny the motion to dismiss and issue an alternative writ as to relator's first records request.

**2024-0732. State ex rel. Smith v. O'Shaughnessy.**

In Mandamus. On respondent's motion to dismiss. Motion granted. Cause dismissed.

Kennedy, C.J., and Fischer, DeWine, Donnelly, Stewart, Brunner, and Deters, JJ., concur.

**2024-0748. State ex rel. Spears v. DeWine.**

In Mandamus. On respondent's motion to dismiss. Motion granted. Cause dismissed.

Kennedy, C.J., and Fischer, DeWine, Donnelly, Stewart, Brunner, and Deters, JJ., concur.

**2024-0762. McComas v. Duchak.**

In Mandamus. Cause dismissed pursuant to S.Ct.Prac.R. 12.04.

Kennedy, C.J., and Fischer, DeWine, Donnelly, Stewart, Brunner, and Deters, JJ., concur.

**2024-0774. State ex rel. Young v. Gall.**

In Prohibition. On respondent's motion to dismiss. Motion granted. Relator's motion to compel production of complete transcript of municipal-court proceedings at state expense denied as moot. Cause dismissed.

Kennedy, C.J., and Fischer, DeWine, Donnelly, Stewart, Brunner, and Deters, JJ., concur.

**MOTION AND PROCEDURAL RULINGS**

**2023-1286. In re Application of Kingwood Solar I, L.L.C.**

Public Utilities Comm., No. 21-117-EL-BGN. On Attorney General Dave Yost's corrected motion to strike third merit brief of amici curiae current members of the Ohio Senate Democratic Caucus in support of appellant. Sua sponte, motion stricken.

Fischer and Deters, JJ., dissent and would grant the motion.

DeWine, J., not participating.

**2024-0201. State ex rel. Castellon v. Rose.**

In Mandamus. Sua sponte, alternative writ granted. The following schedule is set for the 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 court's entry, relator shall file a brief within 30 days of the court's entry, respondent 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 respondent's brief.

Fischer and DeWine, JJ., would limit the alternative writ to kite Nos. 393175581, 380903401, 397229081, 317846711, 398109281, 397247741, 397229081, and 332458031.

**2024-0268. State ex rel. Mobley v. LaRose.**

In Mandamus. Sua sponte, alternative writ granted. The following schedule is set for the 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 court's entry, relator shall file a brief within 30 days of the court's entry,

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.

Fischer, J., dissents and would sua sponte dismiss the cause.

**2024-0740. State ex rel. Adkins v. Cole.**

In Mandamus. Sua sponte, alternative writ granted. The following schedule is set for the 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 court's entry, relator shall file a brief within 30 days of the court's entry, 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.

**2024-0746. State ex rel. Clark v. Dept. of Rehab. & Corr.**

In Mandamus. Sua sponte, alternative writ granted. The following schedule is set for the 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 court's entry, relator shall file a brief within 30 days of the court's entry, respondent 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 respondent's brief.

**2024-0747. State ex rel. Adkins v. Cole.**

In Mandamus. Sua sponte, alternative writ granted. The following schedule is set for the 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 court's entry, relator shall file a brief within 30 days of the court's entry, 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.

Fischer, J., dissents and would sua sponte dismiss the cause.

**2024-0856. State ex rel. Adkins v. Cole.**

In Mandamus. Sua sponte, alternative writ granted. The following schedule is set for the 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 court's entry, relator shall file a brief within 30 days of the court's entry, 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.

Fischer, J., dissents and would sua sponte dismiss the cause.

## APPEALS NOT ACCEPTED FOR REVIEW

### **2024-0702. McCloud v. Payne.**

Lorain App. No. 22CA011865, [2023-Ohio-4850](#).

Donnelly and Stewart, JJ., dissent.

Brunner, J., dissents and would accept the appeal on proposition of law Nos. I, II, and IV.

### **2024-0705. State v. Davis.**

Summit App. Nos. 30202, 30212, and 30213, [2023-Ohio-910](#).

Donnelly, Stewart, and Brunner, JJ., dissent.

## RECONSIDERATION OF PRIOR DECISIONS

### **2024-0312. State v. Polizzi.**

Lake App. Nos. 2020-L-016 and 2020-L-017, [2024-Ohio-142](#). On motion for reconsideration of this court's decision not to accept jurisdiction over proposition of law No. III. Motion denied.

Donnelly, Stewart, and Brunner, JJ., dissent.