

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

April 14, 2021

[Cite as *04/14/2021 Case Announcements, 2021-Ohio-1202.*]

MERIT DECISIONS WITH OPINIONS

2020-1127. State ex rel. Whittaker v. Lucas Cty. Prosecutor's Office, Slip Opinion No. 2021-Ohio-1241.

Lucas App. No. L-19-1287. Judgment affirmed.

O'Connor, C.J., and Kennedy, Fischer, DeWine, Donnelly, Stewart, and Brunner, JJ., concur.

2020-1514. Disciplinary Counsel v. Dougherty, Slip Opinion No. 2021-Ohio-1240.

On Certified Report by the Board of Professional Conduct, No. 2020-023. Timothy Raymond Dougherty, Attorney Registration No. 0064500, last known business address in Las Cruces, New Mexico, suspended from the practice of law for two years, to begin on April 13, 2020.

O'Connor, C.J., and Kennedy, Fischer, DeWine, Donnelly, Stewart, and Brunner, JJ., concur.

MERIT DECISIONS WITHOUT OPINIONS

2020-1070. State ex rel. Grendell v. Walder.

In Mandamus. On relator's motion for issuance of alternative writ. Motion denied. Respondent's motion for judgment on pleadings denied.

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, relator shall file

a brief within 10 days after 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 7 days after the filing of respondent's brief.

O'Connor, C.J., and Kennedy, Fischer, DeWine, Donnelly, Stewart, and Brunner, JJ., concur.

2020-1430. State ex rel. Tokar v. State Emp. Relations Bd.

In Mandamus. On consideration pursuant to S.Ct.Prac.R. 12.04(C). Cause dismissed.

On respondent State Employment Relations Board's motion to dismiss. Motion denied as moot. State Employment Relations Board's motion to strike memorandum in support of writ denied as moot. Relators' application for entry of judgment by default against respondent University of Akron and motion for default judgment against respondent American Association of University Professors, University of Akron Chapter, denied as moot.

O'Connor, C.J., and Kennedy, Fischer, DeWine, Donnelly, and Stewart, JJ., concur.

Brunner, J., would issue an alternative writ as to Count 1.

2020-1447. Griffin v. Sehlmeier.

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, relator shall file a brief within 10 days after 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 7 days after the filing of respondent's brief.

Kennedy, Donnelly, Stewart, and Brunner, JJ., concur.

O'Connor, C.J., and Fischer and DeWine, JJ., dissent and would dismiss the cause.

2020-1559. State ex rel. Majid v. Eighth Dist. Court of Appeals.

In Mandamus, Prohibition, and Procedendo. On relator's motion to amend original action. Motion denied. Respondent's motion to dismiss granted. Relator's motion for leave to amend complaint denied. Cause dismissed.

Kennedy, DeWine, Donnelly, and Brunner, JJ., concur.

O'Connor, C.J., and Fischer, J., would grant relator's motion to amend original action.

Stewart, J., not participating.

2020-1573. State ex rel. Griffin v. Doe.

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, relator shall file a brief within 10 days after 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 7 days after the filing of respondent's brief.

Kennedy, Donnelly, Stewart, and Brunner, JJ., concur.

O'Connor, C.J., and Fischer and DeWine, JJ., dissent and would dismiss the cause.

2021-0027. State ex rel. Adkins v. Beathard.

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

O'Connor, C.J., and Kennedy, Fischer, DeWine, Donnelly, Stewart, and Brunner, JJ., concur.

2021-0046. Hutchison v. Branstool.

In Mandamus, Prohibition, Procedendo, and Quo Warranto. On respondent Judge W. David Branstool's amended motion to dismiss. Motion granted. Chief Barry Connell's motion to dismiss granted. Chief Justice Maureen O'Connor and Judge Craig Baldwin's motion to dismiss granted. Prosecuting Attorney William Claude Hayes's amended motion to dismiss granted. Cause dismissed.

O'Connor, C.J., and Kennedy, Fischer, DeWine, Donnelly, Stewart, and Brunner, JJ., concur.

2021-0056. State ex rel. Maxwell v. Brice.

In Prohibition. On respondent's motion for judgment on the pleadings. Motion denied. Respondent's motion for leave instantane to file corrections to previously filed documents denied.

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, relator shall file a brief within 10 days after 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 7 days after the filing of respondent's brief.

O'Connor, C.J., and Fischer, DeWine, Donnelly, Stewart, and Brunner, JJ., concur.

Kennedy, J., concurs in part and dissents in part and would dismiss the cause.

2021-0072. Hall v. Summit Cty. Clerk of Courts.

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

O'Connor, C.J., and Kennedy, Fischer, DeWine, Donnelly, Stewart, and Brunner, JJ., concur.

2021-0073. Terry v. Galleti.

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

O'Connor, C.J., and Kennedy, Fischer, DeWine, Donnelly, and Brunner, JJ., concur.

Stewart, J., dissents and would issue an alternative writ.

2021-0076. State ex rel. Doe v. Ohio Dept. of Rehab & Corr.

Miscellaneous case. On respondents' motion to dismiss. Motion granted. Relators' motion to strike motion to dismiss denied. Cause dismissed.

O'Connor, C.J., and Kennedy, DeWine, Donnelly, Stewart, and Brunner, JJ., concur.

Fischer, J., concurs in part and dissents in part and would issue an alternative writ.

2021-0079. Draughon v. State.

In Mandamus and Prohibition. On respondent's motion to dismiss. Motion granted. Relator's motion for leave of court to amend case caption to include all respondents denied as moot. Cause dismissed.

O'Connor, C.J., and Kennedy, Fischer, DeWine, Donnelly, Stewart, and Brunner, JJ., concur.

2021-0080. State ex rel. Carlton v. Heekin.

In Mandamus. On respondent’s motion to dismiss. Motion denied. 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, relator shall file a brief within 10 days after 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 7 days after the filing of respondent’s brief.

Kennedy, Donnelly, Stewart, and Brunner, JJ., concur.

O’Connor, C.J., and DeWine, J., dissent and would grant the motion to dismiss.

Fischer, J., not participating.

MOTION AND PROCEDURAL RULINGS

2020-1103. State v. Stansell.

Cuyahoga App. No. 109023, 2021-Ohio-203. On certification of a conflict. Cause dismissed as moot.

Donnelly, J., dissents and would determine that a conflict exists.

Stewart, J., not participating.

2021-0130. Neuro-Communication Servs., Inc. v. Cincinnati Ins. Co.

Certified Question of State Law, United States District Court, Northern District of Ohio, Eastern Division, No. 4:20-CV-1275. On review pursuant to S.Ct.Prac.R. 9.05, the court will answer the following question: “Does the general presence in the community, or on surfaces at a premises, of the novel coronavirus known as SARS-CoV-2, constitute direct physical loss or damage to property; or does the presence on a premises of a person infected with COVID-19 constitute direct physical loss or damage to property at that premises?” Petitioners shall file their merit brief within 40 days, and the parties shall otherwise proceed in accordance with S.Ct.Prac.R. 16.02 through 16.04 and S.Ct.Prac.R. 9.07.

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

APPEALS ACCEPTED FOR REVIEW

2020-1301. State v. Iden.

Muskingum App. No. CT2019-04. Court of appeals’ judgment reversed and cause remanded to the court of appeals for computation of timeliness.

2021-0019. State v. Hansard.

Gallia App. No. 19CA11, 2020-Ohio-5528.

Kennedy, Fischer, and DeWine, JJ., dissent.

2021-0026. State v. Kidd.

Cuyahoga App. No. 110093.

Kennedy, Fischer, and DeWine, JJ., dissent.

2021-0066. Bunta v. Mast.

Holmes App. No. 20CA006, 2020-Ohio-5500.

Kennedy, J., dissents.

2021-0113. State v. Biggs.

Stark App. No. 2020CA00042, 2020-Ohio-6691. Office of the Ohio Public Defender appointed to represent appellant.

Kennedy, Fischer, and DeWine, JJ., dissent.

APPEALS NOT ACCEPTED FOR REVIEW

2021-0035. State v. Jones.

Sandusky App. No. S-19-051, 2020-Ohio-5443.

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

2021-0036. State v. Wade.

Franklin App. No. 19AP-350, 2020-Ohio-5399.

Donnelly, J., dissents.

Brunner, J., not participating.