

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

March 25, 2009

[Cite as *03/25/2009 Case Announcements, 2009-Ohio-1296.*]

MERIT DECISIONS WITH OPINIONS

2007-2106 and 2008-0030. Moore v. Lorain Metro. Hous. Auth., Slip Opinion No. 2009-Ohio-1250.

Lorain App. No. 06CA008995, 2007-Ohio-5111. Judgment reversed and cause remanded to the trial court.

Moyer, C.J., and Lundberg Stratton, O'Connor, and Lanzinger, JJ., concur.
Pfeifer, J., concurs in judgment only.
O'Donnell, J., concurs in part and dissents in part.
Cupp, J., dissents.

2008-0170. Minno v. Pro-Fab, Inc., Slip Opinion No. 2009-Ohio-1247.

Trumbull App. No. 2007-T-0021, 2007-Ohio-6565. Judgment reversed.

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

2008-0534. Torchik v. Boyce, Slip Opinion No. 2009-Ohio-1248.

Ross App. No. 06CA2921, 2008-Ohio-399. Judgment reversed and cause remanded to the trial court.

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

2008-1990. Cincinnati Bar Assn. v. Brown, Slip Opinion No. 2009-Ohio-1249.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 08-024. Darrell Brown, Attorney Registration No. 0033226, is indefinitely suspended from the practice of law in Ohio.

Moyer, C.J., and Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

Pfeifer, J., dissents and would suspend the respondent from the practice of law in Ohio for two years.

MERIT DECISIONS WITHOUT OPINIONS

2008-2149. State ex rel. Northwestern Ohio Bldg. & Constr. Trades Council v. Zurz.

In Mandamus. On respondents' motion to dismiss and relators' motion for judgment on pleadings. On S.Ct.Prac.R. X(5) determination, motion for judgment on the pleadings is denied, motion to dismiss is granted, and cause is dismissed. Relators have an adequate remedy in the ordinary course of law by filing a complaint in the common pleas court pursuant to R.C. 4115.16(B). See *State ex rel. Vaughn Industries, L.L.C. v. Ohio Dept. of Commerce*, 109 Ohio St.3d 482, 2006-Ohio-2994, 849 N.E.2d 31, ¶ 18; *State ex rel. Natl. Elec. Contrs. Assn., Ohio Conference v. Ohio Bur. of Emp. Servs.* (1998), 83 Ohio St.3d 179, 183, 699 N.E.2d 64.

Moyer, C.J., and Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

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

2008-2362. [State ex rel.] Ealy v. Ruppert.

In Prohibition. On complaint in prohibition of Larry E. Ealy. On S.Ct.Prac.R. X(5) determination, cause dismissed.

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

2008-2382. McGhee v. Houk.

In Habeas Corpus. On return of writ. On consideration of the return of writ, cause dismissed.

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, and Cupp, JJ., concur.

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

2008-2473. State ex rel. Ealy v. Henderson.

In Mandamus. On complaint in mandamus of Larry Ealy. On S.Ct.Prac.R. X(5) determination, cause dismissed. Motion for a determination that relator is a vexatious litigator pursuant to S.Ct.Prac.R. XIV(5)(B) denied as moot.

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

2009-0038. State ex rel. Hardin v. Aey.

In Mandamus. On answer of respondent and motion for award of statutory damages and attorney fees. Complaint for writ of mandamus denied as moot.

The following schedule is established for the presentation of evidence and briefs on relator's motion for statutory damages and attorneys fees: Relator's evidence and brief shall be due within 10 days from the date of this entry; respondents' evidence and brief shall be due 10 days after the filing of relator's brief.

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

2009-0040. State ex rel. Ealy v. Price.

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

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

2009-0053. [State ex rel.] Stewart v. Rice.

In Quo Warranto. On motion to dismiss. Motion to dismiss granted. Cause dismissed.

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

2009-0184. [State ex rel.] Reynolds v. DeWeese.

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

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

MOTION AND PROCEDURAL RULINGS

2007-2227. State ex rel. Mun. Constr. Equip. Operators' Labor Council v. Cleveland.

In Mandamus. On relators' motions for a show-cause contempt order and for sanctions. Motions denied. Respondents' motion to strike denied as moot.

Pfeifer, J., dissents and would grant the motions for a show-cause order.

2008-2167. State ex rel. Keyes v. Ohio Pub. Emps. Retirement Fund.

In Mandamus. On answer of respondent and motion for leave to intervene of Dr. Diane Erhbar. Motion to intervene is granted.

Sua sponte, 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. X:

The parties shall file any evidence they intend to present within 20 days of the date of this entry; relators shall file a brief within 30 days of the date of this entry; respondent shall file a brief within 20 days after the filing of relators' brief; and relators may file a reply brief within seven days after filing of respondent's brief.

2008-2498. State v. Alford.

Cuyahoga App. No. 91020, 2008-Ohio-5599. On motion for leave to file delayed cross-appeal. Motion granted. Appellee/cross-appellant shall file a memorandum in support of jurisdiction within thirty days from the date of this entry. Appellant/cross-appellee may then file a memorandum in response within thirty days of appellee/cross-appellant's memorandum in support.

2009-0122. Grace v. State Farm Mut. Auto. Ins. Co.

Certified Question of State Law, United States District Court, Northern District of Ohio, Eastern Division, Nos. 1:08-CV-254, 1:08-CV-2083, and 5:08-CV-1917. On review of preliminary memoranda pursuant to S.Ct.Prac.R. XVIII(6). The court will answer the following question:

“Does Ohio Revised Code Section 3937.18, as amended in 2001 by S.B. 97 (effective October 31, 2001), permit insurers to include an express limitation of coverage in an automobile insurance policy that precludes payments made under Uninsured/Underinsured Motorist coverage for medical expenses that are paid or payable under the Medical Payments coverage purchased in the same policy?”

Pfeifer, J., dissents.

2009-0170. Mayer v. Medancic.

Geauga App. Nos. 2008-G-2826, 2008-G-2827, and 2008-G-2828, 2008-Ohio-5531. 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' Order filed January 6, 2009:

“When a written instrument sets forth a specific rate of interest to be paid, and there is a default in the payment of that interest, is the creditor entitled to compound interest, even absent a statute or provision therefore in the written instrument, pursuant to the rule in *State ex rel. Brumbl v. Brooklyn* (1943), 141 Ohio St. 593?”

Pfeifer and O'Donnell, JJ., dissent.

The conflict case is *Thirty Four Corp. v. Sixty Seven Corp.* (1993), 91 Ohio App.3d 818.

Sua sponte, cause consolidated with 2008-2363, *Mayer v. Medancic*, Geauga App. Nos. 2008-G-2826, 2008-G-2827, and 2008-G-2828, 2008-Ohio-5531.

The motion to dismiss is denied.

2009-0174. State v. French.

Hamilton App. No. C-070235. On motion for leave to file delayed appeal. Motion denied.

2009-0176. State v. Simpson.

Clinton App. No. CA2007-11-045. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Cupp, JJ., dissent.

2009-0194. State v. Jackson.

Cuyahoga App. No. 92216. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

2009-0199. State v. Jackson.

Hamilton App. No. C-070605, 2008-Ohio-2847. On motion for leave to file delayed appeal. Motion denied.

2009-0242. State v. Keeton.

Union App. No. 14-07-48, 2008-Ohio-2613. On motion for leave to file delayed appeal. Motion denied.

2009-0250. State v. Parker.

Montgomery App. No. 22422, 178 Ohio App.3d 574, 2008-Ohio-5178. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

2009-0251. State v. Petty.

Richland App. No. 2007CA00050, 2008-Ohio-5962. On motion for leave to file delayed appeal. Motion denied.

Moyer, C.J., and Lundberg Stratton, J., dissent.

2009-0254. Hydrofarm, Inc. v. Orendorff.

Franklin App. No. 08AP-287, 2008-Ohio-6819. On motion for stay of court of appeals' judgment. Motion denied. Motion to strike memorandum opposing motion for stay denied as moot.

2009-0262. State v. Arnold.

Montgomery App. No. 22394, 2008-Ohio-6031. On motion for leave to file delayed appeal. Motion denied.

Moyer, C.J., and Pfeifer, J., dissent.

2009-0264. State v. Watley.

Scioto App. No. 08CA3240. On motion for leave to file delayed appeal. Motion denied.

Lanzinger, J., dissents.

2009-0265. State v. Embry.

Hamilton App. No. C-081062. On motion for leave to file delayed appeal. Motion denied.

Moyer, C.J., and Pfeifer, J., dissent.

2009-0296. State v. Pope.

Marion App. No. 9-06-61, 2007-Ohio-5485. On motion for leave to file delayed appeal. Motion denied.

2009-0311. State v. Horner.

Lucas App. No. L-07-1224, 2008-Ohio-6169. On review of order certifying a conflict. The court determines that a conflict exists.

Sua sponte, cause consolidated with 2009-0079, *State v. Horner*, Lucas App. No. L-07-1224, 2008-Ohio-6169; cause held for the decision in 2008-1725, *State v. Lester*, Hamilton App. C-070383, 2008-Ohio-3570; and briefing schedule stayed.

Pfeifer and Lanzinger, JJ., would recognize the conflict but not hold the cause for the decision in *State v. Lester*.

O'Connor, J., dissents.

2009-0314. In re Application of E. Ohio Gas Co.

Public Utilities Commission, Nos. 07-829-GA-AIR, 07-830-GA-ALT, 07-831-GA-AAM, 08-169-GA-ALT, and 06-1453-GA-UNC. On motion for admission pro hac vice of David C. Rinebolt. Motion granted.

O'Donnell, J., dissents.

2009-0315. State v. Cole.

Cuyahoga App. No. 91305, 2008-Ohio-6647. On review of order certifying a conflict. The court determines that a conflict exists.

Sua sponte, cause consolidated with 2009-0030, *State v. Cole*, Cuyahoga App. No. 91305, 2008-Ohio-6647; cause held for the decision in 2008-1452, *State v. Cargile*, Cuyahoga App. No. 89964, 2008-Ohio-2783; and briefing schedule stayed.

2009-0319. State v. Scott.

Mahoning App. No. 08 MA 12, 2008-Ohio-5043. On motion for leave to file delayed appeal. Motion denied.

2009-0345. State v. Jones.

Portage App. No. 2008-P-0018, 2008-Ohio-6994. On motion for stay of court of appeals' judgment. Motion denied.

Moyer, C.J., dissents.

2009-0371. State v. Snyder.

Williams App. No. WM-08-005, 2009-Ohio-50. On motion for release on bail and suspension of execution of sentence. Motion denied.

2009-0379. State v. Snyder.

Williams App. No. WM-08-004, 2009-Ohio-49. On motion for release on bail and suspension of execution of sentence. Motion denied.

APPEALS ACCEPTED FOR REVIEW

2008-2106. Beckett v. Warren.

Summit App. No. 23909, 2008-Ohio-4689. Discretionary cross-appeal accepted on Proposition of Law No. I.

Pfeifer, Lundberg Stratton, and O'Donnell, JJ., dissent.

Appellee/cross-appellants' motion to clarify the docket is granted. The court determines that a conflict exists, and the court will answer the question certified. The parties are to brief the issue stated at page 1 of the court of appeals Journal Entry filed October 21, 2008, as follows:

"Whether a plaintiff pursuing a claim for bodily injury damages in a case involving a dog [is] required to elect between pursuing a statutory claim under R.C. 955.28 and a common law claim for negligence."

The conflict case is *Rodenberger v. Wadsworth* (Nov. 25, 1983), Ottawa App. No. OT-83-18.

The Clerk shall issue an order for the transmittal of the record from the Court of Appeals for Summit County, and the parties shall brief this case in accordance with the Rules of Practice of the Supreme Court of Ohio.

Pfeifer, Lundberg Stratton, and O'Donnell, JJ., dissent.

Discretionary appeal not accepted.

2008-2257. In re Gant.

Allen App. No. 1-08-11, 2008-Ohio-5198. Discretionary appeal accepted on Proposition of Law Nos. II and III; cause held for the decision in 2008-1624, *In re Smith*, Allen App. No. 1-07-58, 2008-Ohio-3234; and briefing schedule stayed.

Pfeifer, J., would also accept the appeal on Proposition of Law No. III but not hold the cause for the decision in *In re Smith*.

Lundberg Stratton and Lanzinger, JJ., would also accept the appeal on Proposition of Law No. I.

Cupp, J., would accept the appeal on Proposition of Law Nos. I and II only.

O'Donnell, J., dissents.

2008-2363. Mayer v. Medancic.

Geauga App. Nos. 2008-G-2826, 2008-G-2827, and 2008-G-2828, 2008-Ohio-5531. Discretionary appeal accepted on Proposition of Law No. I and cause consolidated with 2009-0170, *Mayer v. Medancic*, Geauga App. Nos. 2008-G-2826, 2008-G-2827, and 2008-G-2828, 2008-Ohio-5531.

Lundberg Stratton, J., would also accept the appeal on Proposition of Law No. II.

Pfeifer and O'Donnell, JJ., dissent.

2008-2391. State v. Futrall.

Lorain App. No. 08CA009388, 2008-Ohio-5654.

Lundberg Stratton, O'Donnell, and Cupp, JJ., dissent.

2008-2410. Air-Ride, Inc. v. DHL Express (USA), Inc.

Clinton App. No. CA2008-01-001, 2008-Ohio-5669.

Pfeifer, Lundberg Stratton, and Lanzinger, JJ., dissent.

2008-2415. State v. McCausland.

Butler App. No. CA2007-10-254.

Lundberg Stratton, Lanzinger, and Cupp, JJ., dissent.

2009-0030. State v. Cole.

Cuyahoga App. No. 91305, 2008-Ohio-6647. Discretionary appeal accepted; cause consolidated with 2009-0315, *State v. Cole*, Cuyahoga App. No. 91305, 2008-Ohio-6647; cause held for the decision in 2008-1452, *State v. Cargile*, Cuyahoga App. No. 89964, 2008-Ohio-2783; and briefing schedule stayed.

Cupp, J., would accept the appeal on Proposition of Law No. I only.

O'Donnell, J., dissents.

2009-0079. State v. Horner.

Lucas App. No. L-07-1224, 2008-Ohio-6169. Discretionary appeal accepted on Proposition of Law Nos. I and II; cause consolidated with 2009-0311, *State v. Horner*, Lucas App. No. L-07-1224, 2008-Ohio-6169; cause held for the decision in 2008-1725, *State v. Lester*, Hamilton App. No. C-070383, 2008-Ohio-3570; and briefing schedule stayed.

Pfeifer and Lundberg Stratton, JJ., would also accept the appeal on Proposition of Law No. III.

Moyer, C.J., would apply *State v. Colon*, 119 Ohio St.3d 204, 2008-Ohio-3479, to Proposition of Law No. I.

Lanzinger, J., would not hold the appeal for the decision in *State v. Lester*.

O'Connor, J., dissents.

APPEALS NOT ACCEPTED FOR REVIEW

2008-1308. State v. Smith.

Hamilton App. No. C-070216, 2008-Ohio-2469. Discretionary appeal and cross-appeal not accepted.

Moyer, C.J., and Lundberg Stratton and Lanzinger, JJ., dissent in part and would accept the appeal and hold the cause for the decision in 2007-1812, *State v. Harris*, Hamilton App. No. C-060587, 2007-Ohio-857.

2008-1878. State v. Runyon.

Butler App. No. CA2007-05-121.

2008-2014. State v. Hughbanks.

Hamilton App. No. C-070773.

Pfeifer, J., dissents.

2008-2186. Dunkelman v. Cincinnati Bengals, Inc.

Hamilton App. No. C-070628, 178 Ohio App.3d 748, 2008-Ohio-4906. Discretionary appeal and cross-appeal not accepted.

2008-2202. State v. Gunner.

Medina App. No. 07CA0074-M, 2008-Ohio-4942.

2008-2208. State v. Frazier.

Lucas App. No. L-07-1388, 2008-Ohio-5027.

2008-2216. Kallaus v. Allen.

Licking App. No. 07CA0153, 2008-Ohio-5081.

Moyer, C.J., dissents and would accept the appeal on Proposition of Law No. III.

2008-2224. State v. Craig.

Cuyahoga App. No. 88313, 2008-Ohio-3978.

Lundberg Stratton, O'Connor, and O'Donnell, JJ., dissent.

2008-2260. State v. Millow.

Hamilton App. No. C-070832.

2008-2268. State v. Moss.

Hamilton App. No. C-080990.

2008-2271. State v. Pitzer.

Hamilton App. No. C-070541.

2008-2272. Murray v. Accounting Ctr. & Tax Servs., Inc.

Lucas App. No. L-08-1014, 178 Ohio App.3d 432, 2008-Ohio-5289.

Pfeifer, J., dissents.

Lanzinger, J., dissents and would accept the appeal on Proposition of Law No. III.

2008-2274. Hai v. Flower Hosp.

Lucas App. No. L-07-1423, 2008-Ohio-5295.

2008-2276. State v. Herron.

Montgomery App. No. 22451, 2008-Ohio-5362.

2008-2277. State v. Frasch.

Muskingum App. No. CT2008-0044.

O'Donnell, J., dissents.

2008-2279. State v. Coles.

Cuyahoga App. No. 90330, 2008-Ohio-5129.

2008-2286. State v. Foreman.

Hancock App. No. 5-08-21.

O'Donnell, J., dissents.

2008-2302. State v. Langenkamp.

Shelby App. Nos. 17-08-03 and 17-08-04, 2008-Ohio-5308.

2008-2306. State v. Brocar.

Montgomery App. No. 22256, 2008-Ohio-5513.

2008-2307. State v. Williams.

Lucas App. No. L-08-1349.

2008-2310. State v. Wood.

Clermont App. No. CA2007-12-115, 2008-Ohio-5422.

2008-2311. State v. Olvera-Guillen.

Butler App. No. CA2007-05-118, 2008-Ohio-5416.

2008-2315. State v. Green.

Hamilton App. No. C-081023. Motion to dismiss denied as moot.

Lanzinger and Cupp, JJ., dissent and would accept the appeal and hold the cause for the decision in 2008-0991 and 2008-0992, *Chojnacki v. Cordray*, Warren App. No. CA2008-03-040.

2008-2319. State v. Norris.

Muskingum App. No. CT08-0045.

2008-2333. State ex rel. Homan v. Cincinnati.

Hamilton App. No. C-080099, 2008-Ohio-5501.

2008-2334. Hairston v. Baltimore Ravens, Inc.

Cuyahoga App. No. 91339, 2008-5341. Discretionary appeal and cross-appeal not accepted.

Moyer, C.J., and O'Connor, J., dissent in part and would accept the cross-appeal and remand the cause for consideration of the decision in *Thorton v. Montville Plastics & Rubber, Inc.*, ___ Ohio St.3d ___, 2009-Ohio-360.

2008-2335. Kanally v. Ameritech Ohio Co.

Cuyahoga App. No. 89472, 2008-Ohio-4446.

Moyer, C.J., and Pfeifer and Cupp, JJ., dissent.

2008-2337. Bolling v. N. Olmsted City Schools Bd. of Edn.

Cuyahoga App. No. 90669, 2008-Ohio-5347.

Lundberg Stratton, J., dissents.

O'Connor, J., dissents and would accept the appeal on Proposition of Law Nos. III and IV.

2008-2353. State v. McIntosh.

Butler App. Nos. CA2006-03-051, CA2006-10-282, and CA2007-10-241, 2008-Ohio-5540.

2008-2355. NovaStar Mtge., Inc. v. Akins.

Trumbull App. No. 2007-T-0111, 2008-Ohio-6055.

2008-2361. Howell v. Canton.

Stark App. No. 2008CA00005, 2008-Ohio-5560.

2008-2364. Thompson v. Smith.

Trumbull App. No. 2008-T-0007, 178 Ohio App.3d 656, 2008-Ohio-5532.

2008-2366. Portage Metro. Hous. Auth. v. Brumley.

Portage App. No. 2008-P-0019, 2008-Ohio-5534.

2008-2367. Howell v. Canton.

Stark App. No. 2007CA00035, 2008-Ohio-5558.

2008-2368. McNeil v. Kingsley.

Marion App. No. 9-08-13, 178 Ohio App.3d 674, 2008-Ohio-5536.

Lundberg Stratton, J., dissents and would accept the appeal on Proposition of Law No. I.

2008-2376. State v. Hall.

Hamilton App. No. C-070873.

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

2008-2378. State v. Curtis.

Greene App. No. 2008 CA 22, 2008-Ohio-5643.

2008-2379. State v. Hardges.

Summit App. No. 24175, 2008-Ohio-5567.

Moyer, C.J., dissents and would accept the appeal on Proposition of Law No. II and hold the cause for the decision in 2008-2037, *State v. Williams*, Cuyahoga App. No. 89726, 2008-Ohio-5149 and 2008-Ohio-5286.

2008-2384. Couture v. Toledo Clinic, Inc.

Lucas App. No. L-07-1277, 2008-Ohio-5632.

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

2008-2385. Alicea v. Beckinger.

Trumbull App. No. 2008-T-0009, 2008-Ohio-5861.

2008-2392. In re Carr.

Licking App. No. 08 CA 19, 2008-Ohio-5689.

Moyer, C.J., and O'Connor and Lanzinger, JJ., dissent and would accept the appeal on Proposition of Law No. II and hold the cause for the decision in 2008-1624, *In re Smith*, Allen App. No. 1-07-58, 2008-Ohio-3234.

2008-2393. State v. Bruce.

Fairfield App. No. 2006-CA-45, 2008-Ohio-5709.

Pfeifer, J., dissents.

2008-2395. In re B.C.S.

Washington App. No. 07CA60, 2008-Ohio-5771.

2008-2397. State v. Hackney.

Summit App. No. 24254, 2008-Ohio-5976.

2008-2401. Boettcher v. Gradall Co.

Butler App. No. CA2008-02-051, 2008-Ohio-5664. Discretionary appeal not accepted. Motion for admission pro hac vice of Joseph P. Trabucco III by Michael A. Fulton granted.

2008-2404. State v. Jones.

Hamilton App. No. C-080181.

2008-2409. State v. Mosley.

Cuyahoga App. No. 90706, 178 Ohio App.3d 631, 2008-Ohio-5483.

Lundberg Stratton, J., dissents.

Motion of Michael P. Maloney to withdraw as counsel for appellant granted.

2008-2413. State v. Deutsch.

Warren App. No. CA2008-03-035, 2008-Ohio-5658.

2008-2418. State v. Parks.

Columbiana App. No. 08 CO 40.

2008-2419. State v. Leaks.

Richland App. No. 08CA80.

2008-2428. State v. Newbern.

Richland App. No. 2007 CA 0103, 2008-Ohio-5712.

2008-2433. State v. Edwards.

Butler App. No. CA2008-04-105.

2008-2441. State v. Barb.

Cuyahoga App. No. 90768, 2008-Ohio-5877.

2008-2442. State v. McGowan.

Franklin App. No. 08AP-55, 2008-Ohio-5894.

2008-2449. State v. Rinehart.

Ross App. No. 07CA2983, 2008-Ohio-5770.

2008-2450. State v. Baumgartner.

Erie App. No. E-07-034, 2008-Ohio-5794.

Lanzinger, J., not participating.

2008-2457. State v. Hall.

Cuyahoga App. No. 90972, 2008-Ohio-5351.

2008-2461. State v. Lynch.

Cuyahoga App. No. 90630, 2008-Ohio-5594.

2008-2466. State v. King.

Butler App. No. CA2008-03-085, 2008-Ohio-5840.

2008-2468. State v. Robinson.

Cuyahoga App. No. 90731, 2008-Ohio-5580.

Pfeifer, J., dissents.

2008-2472. Greene v. Ohio Adult Parole Auth.

Franklin App. No. 08AP-555, 2008-Ohio-5972.

2008-2474. State v. Cochran.

Clark App. No. 2008CA106.

2008-2477. State v. Brooks.

Franklin App. No. 08AP-585, 2008-Ohio-5898.

2008-2479. State v. Darby.

Lake App. No. 2008-L-088, 2008-Ohio-5945.

2008-2481. State v. Goins.

Butler App. No. CA2008-02-063.

2008-2484. State v. Banks.

Franklin App. No. 08AP-748.

2008-2485. State v. Hamilton.

Butler App. No. CA2008-01-024, 2008-Ohio-6381.

2008-2494. State v. Green.

Hamilton App. No. C-070895.

2008-2503. State v. Drummer.

Hamilton App. No. C-080203.

2008-2504. State v. Black.

Hamilton App. No. C-080086.

2009-0008. State v. Diaz.

Lucas App. Nos. L-08-1222 and L-08-1252, 2008-Ohio-6389.

2009-0022. State v. Yisrael.

Hamilton App. No. C-080070.

2009-0050. In re Estate of Barnett-Clardy.

Franklin App. No. 08AP-386, 2008-Ohio-6126.

2009-0066. State v. Drew.

Franklin App. No. 07AP-467, 2008-Ohio-2797.

2009-0077. State v. Clapper.

Carroll App. No. 673.

2009-0208. State v. Hunter.

Montgomery App. No. 22201, 2008-Ohio-2887.

2009-0335. In re Adoption of Osoro.

Stark App. No. 2008 CA 00163, 2008-Ohio-6925.

Lundberg Stratton and O'Connor, JJ., dissent.

RECONSIDERATION OF PRIOR DECISIONS

2006-1302. Culbreath v. Golding Ents., L.L.C.

Franklin App. No. 05AP-1230, 2006-Ohio-2606. Reported at 114 Ohio St.3d 357, 2007-Ohio-4278, 872 N.E.2d 284. On motion for reconsideration. Motion denied.

Moyer, C.J., and Cupp, J., dissent.

2008-0045. State v. Hatfield.

Ashtabula App. No. 2006-A-0033, 2007-Ohio-7130. Reported at ___ Ohio St.3d ___, 2009-Ohio-353, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

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

O'Connor, J., dissents as to Proposition of Law No. II.

2008-1590. Ealy v. Stewart.

Montgomery App. No. 22032. Reported at ___ Ohio St.3d ___, 2009-Ohio-256, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

2008-1656. Ealy v. McLin.

Montgomery App. No. 21934. Reported at 120 Ohio St.3d 1487, 2009-Ohio-278, 900 N.E.2d 198. On motion for reconsideration. Motion denied.

2008-1708. Cleveland Metro. Bar Assn. v. Polke.

Board of Commissioners on Grievances and Discipline, No. 06-031. On motion for reconsideration. Motion denied.

Lundberg Stratton, J., dissents.

2008-1757. State v. Harp.

Adams App. No. 07CA848, 2008-Ohio-3703. Reported at 120 Ohio St.3d 1488, 2009-Ohio-278, 900 N.E.2d 198. On motion for reconsideration. Motion denied.

2008-1817. Ealy v. Foster.

Montgomery App. No. 22176. Reported at 120 Ohio St.3d 1488, 2009-Ohio-278, 900 N.E.2d 198. On motion for reconsideration. Motion denied.

2008-1822. Stammco, L.L.C. v. United Tel. Co. of Ohio.

Fulton App. No. F-07-024, 2008-Ohio-3845. Reported at 120 Ohio St.3d 1488, 2009-Ohio-278, 900 N.E.2d 198. On motion for reconsideration. Motion granted. The discretionary appeal is accepted.

Moyer, C.J., and Pfeifer and Lanzinger, JJ., dissent.

2008-1831. State v. Davis.

Cuyahoga App. No. 90050, 2008-Ohio-3453. Reported at 120 Ohio St.3d 1488, 2009-Ohio-278, 900 N.E.2d 199. On motion for reconsideration. Motion denied.

2008-1866. Natl. Crime Reporting, Inc. v. McCord & Akamine, L.L.P.

Franklin App. No. 07AP-935, 177 Ohio App.3d 551, 2008-Ohio-3950. On motion for reconsideration. Motion denied.

2008-1885. Hughley v. Saunders.

Fairfield App. No. 08CA53, 2008-Ohio-4417. Reported at ___ Ohio St.3d ___, 2009-Ohio-257, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

2008-1982. Masden v. CCI Supply, Inc.

Montgomery App. No. 22304, 2008-Ohio-4396. Reported at 120 Ohio St.3d 1491, 2009-Ohio-278, 900 N.E.2d 200. On motion for reconsideration. Motion denied.

Moyer, C.J., dissents.

O'Connor, J., dissents as to Proposition of Law Nos. I, II, and III.