

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

February 19, 2014

[Cite as *02/19/2014 Case Announcements*, 2014-Ohio-566.]

MERIT DECISIONS WITH OPINIONS

2012-1670. State ex rel. Wyrick v. Indus. Comm., Slip Opinion No. 2014-Ohio-541.

Franklin App. No. 11AP-653, 2012-Ohio-4127. Judgment reversed.

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

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

2012-1704. State ex rel. DiFranco v. S. Euclid, Slip Opinion No. 2014-Ohio-538.

Cuyahoga App. No. 97713, 2012-Ohio-4399. Judgment reversed as to damages and cause remanded. Denial of attorney fees affirmed.

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

Kennedy, J., concurs in part and dissents in part.

2012-1834. State v. Anderson, Slip Opinion No. 2014-Ohio-542.

Mahoning App. No. 11 MA 43, 2012-Ohio-4390. Order affirmed.

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

2012-1893. State ex rel. DiFranco v. S. Euclid, Slip Opinion No. 2014-Ohio-539.

Cuyahoga App. No. 97823, 2012-Ohio-5158. Judgment affirmed.

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

Kennedy, J., dissents.

MERIT DECISIONS WITHOUT OPINIONS

2013-1705. State ex rel. Turner & Assocs., P.A. v. Smith.

In Procedendo. On complaint in procedendo of Turner & Associates, P.A. 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; 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 Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2013-1816. Hopper v. State.

In Habeas Corpus. On petition for writ of habeas corpus of David S. Hopper. On motion to dismiss. Motion granted. Cause dismissed.

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

2013-1847. El Bey v. Columbus Police Dept.

In Mandamus and Prohibition. On motions to dismiss. Motions granted. Cause dismissed.

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

2013-1849. Paige v. Ohio High School Athletic Assn.

Hamilton App. No. C-130024, 2013-Ohio-4713. On review of order certifying a conflict. The court determines that no conflict exists. Cause dismissed.

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

2013-1866. State ex rel. Bates v. Ellwood.

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.

2013-1881. Brown v. Barrett.

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.

2013-1893. State ex rel. Griffin v. Sheldon.

In Habeas Corpus. On petition for writ of habeas corpus of Mark Griffin Sr. Sua sponte, cause dismissed. On request for oral argument. Request denied.

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

2013-1896. State ex rel. Curley v. Ninth Dist. Court of Appeals.

On motion to dismiss. Motion granted. Cause dismissed.

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

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

2013-1899. State ex rel. Griffin v. Cocroft.

In Procedendo. On motions to amend complaint. Motions denied. On motion to dismiss. Motion granted. Cause dismissed.

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

2013-1908. State ex rel. Snead v. Ferenc.

In Mandamus and Prohibition. On motion to strike and motion for leave to amend complaint. Motions denied. On motion to dismiss. Motion granted. Cause dismissed.

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

2013-1920. Williams v. Mackey.

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.

2013-1926. Harper v. Padden.

In Mandamus. On answer of respondent. 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.

2013-1943. Cannon v. Allen Cty. Common Pleas Court.

In Prohibition. On motion to dismiss of Richard K. Warren. Motion granted. Cause dismissed.

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

2013-1948. Atakpu v. Montgomery Cty. Court of Common Pleas.

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.

2013-1952. State ex rel. Wilson v. Fain.

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

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

2013-1978. State ex rel. Rose v. Ross Cty. Bd. of Health.

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.

2013-2040. Brenneman Bros. v. Allen Cty. Commrs.

Allen App. No. 1-13-14, 2013-Ohio-4635. On review of order certifying a conflict. The court determines that no conflict exists. Cause dismissed.

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

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

MOTION AND PROCEDURAL RULINGS

2013-0903. Byrd v. Byrd.

Franklin App. No. 13AP-109. On memorandum for objection and status of praecipe filed October 26, 2013, to have records transferred to the United States Supreme Court. Request denied.

2013-1044. State v. Bode.

Fairfield App. No. 12-CA-33, 2013-Ohio-2134. On motion to suspend execution of sentence. Motion denied.

O'Neill, J., dissents.

2013-1644. Hulsmeyer v. Hospice of Southwest Ohio, Inc.

Hamilton App. No. C-120822, 2013-Ohio-4147. On review of order certifying a conflict. The court determines that a conflict exists. The parties are to brief the issue stated at page 16 of the court of appeals' entry filed September 25, 2013:

“Must an employee or another individual used by the person or government entity to perform any work or services make a report or indicate an intention to report suspected abuse or neglect of a nursing home resident to the Ohio Director of Health to state a claim for retaliation under R.C. 3721.24(A)?”

Pfeifer, J., dissents.

The conflict case is *Arsharn-Brenner v. Grande Point Health Care*, 8th Dist. Cuyahoga No. 74835, 2000 Ohio App. LEXIS 3164 (July 31, 2000).

Sua sponte, cause consolidated with 2013-1766, *Hulsmeyer v. Hospice of Southwest Ohio, Inc.*, 1st Dist. Hamilton No. C-120822, 2013-Ohio-4147.

2013-1958. State v. Thomas.

Allen App. No. 1-11-25, 2012-Ohio-5577. On motion for delayed appeal. Motion denied.

Pfeifer and O'Neill, JJ., dissent.

2013-1959. State v. Chamblin.

Hamilton App. Nos. C-100170 and C-100177. On motion for delayed appeal. Motion denied.

2013-1966. State v. Brown.

Hardin App. No. 6-12-01, 2012-Ohio-3904. On motion for delayed appeal. Motion denied.

2013-1992. State v. Harris.

Lucas App. No. L-10-1171, 2011-Ohio-4863. On motion for delayed appeal. Motion denied.

2013-1993. State v. Champion.

Montgomery App. No. 17176. On motion for delayed appeal. Motion denied.

Pfeifer, J., dissents.

2013-2010. State v. Gott.

Lucas App. No. L-11-1070, 2013-Ohio-4624. On motion for delayed appeal. Motion granted.

Pfeifer, J., dissents.

2013-2036. State v. Smith.

Highland App. No. 09CA29, 2010-Ohio-4507. On motion for delayed appeal. Motion denied.

2013-2048. State v. Moran.

Lorain App. No. 11CA010011, 2012-Ohio-2237. On motion for delayed appeal. Motion denied.

2014-0039. Complete Credit Solutions, Inc. v. Kellam.

Hamilton App. No. C-130216, 2013-Ohio-5324. On motion to stay execution of court of appeals' judgment pending appeal. Motion denied.

O'Neill, J., dissents.

2014-0060. State v. Dukles.

Medina App. No. 12CA0100-M, 2013-Ohio-5263. On motion for stay of sentence pending appeal. Motion denied.

APPEALS ACCEPTED FOR REVIEW

2013-1731. State v. Keenan.

Cuyahoga App. No. 99025, 2013-Ohio-4029.

Lanzinger, J., dissents.

O'Donnell, J., not participating.

2013-1746. Felix v. Ganley Chevrolet, Inc.

Cuyahoga App. No. 98985, 2013-Ohio-3523. Discretionary appeal accepted on Proposition of Law Nos. I and II.

O'Donnell, J., would also accept the appeal on Proposition of Law Nos. V and VI.

Kennedy and O'Neill, JJ., would also accept the appeal on Proposition of Law Nos. III through VI.

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

Upon consideration of the motion of appellants to strike portions of the memorandum in response, it is ordered by the court that the motion is granted and the memorandum in response is stricken. Appellees shall file a memorandum in response that is compliant with the Rules of Practice of the Supreme Court of Ohio and the Rules of Professional Conduct within three days of the date of this entry.

2013-1766. Hulsmeyer v. Hospice of Southwest Ohio, Inc.

Hamilton App. No. C-120822, 2013-Ohio-4147. Discretionary appeal accepted.

Pfeifer, J., dissents.

Discretionary cross-appeal accepted.

O'Donnell and Kennedy, JJ., dissent.

Sua sponte, cause consolidated with 2013-1644, *Hulsmeyer v. Hospice of Southwest Ohio, Inc.*, 1st Dist. Hamilton No. C-120822, 2013-Ohio-4147.

2013-1770. Northeast Ohio Regional Sewer Dist. v. Bath Twp.

Cuyahoga App. Nos. 98728 and 98729, 2013-Ohio-4186. Discretionary appeal accepted on Proposition of Law Nos. I and II.

Lanzinger, French, and Kennedy, JJ., would also accept Proposition of Law No. III.

Pfeifer and O'Donnell, JJ., dissent.

2013-1773. Estate of Atkinson v. Ohio Dept. of Job & Family Servs.

Knox App. No. 13CA4, 2013-Ohio-4352.

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

APPEALS NOT ACCEPTED FOR REVIEW

2013-1316. State v. Schneider.

Cuyahoga App. No. 98938, 2013-Ohio-2532.

Pfeifer, J., dissents.

2013-1570. Jacobson v. Jonathan Paul Eyewear.

Lake App. No. 2012-L-088, 2013-Ohio-3570.

2013-1661. Columbia Gas Transm., L.L.C. v. Ogle.

Hocking App. No. 13CA14.

2013-1662. Hicks v. Hicks.

Erie App. No. E-12-076, 2013-Ohio-3852.

Kennedy and O'Neill, JJ., dissent.

2013-1672. Ashtabula v. Smith.

Ashtabula App. No. 2013-A-0032.

2013-1676. Thomas v. Strba.

Medina App. No. 12CA0080-M, 2013-Ohio-3869.

O'Neill, J., dissents.

2013-1677. McFarren v. Emeritus at Canton.

Stark App. No. 2013CA00040, 2013-Ohio-3900.

Lanzinger, J., dissents.

2013-1678. Russell v. Franklin Cty. Coroner.

Franklin App. No. 13AP-348.

2013-1679. State v. Kennedy.

Hamilton App. No. C-120337, 2013-Ohio-4221.

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

2013-1680. State v. Burton.

Clermont App. No. CA2013-08-065.

2013-1681. State v. Harper.

Guernsey App. No. 13 CA 15, 2013-Ohio-3897.

2013-1683. Suder-Benore Co., Ltd. v. Motorists Mut. Ins. Co.

Lucas App. No. L-12-1351, 2013-Ohio-3959.

Pfeifer and Lanzinger, JJ., dissent.

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

2013-1684. Fremont v. Sauls.

Sandusky App. No. S-13-002, 2013-Ohio-3952.

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

2013-1685. State v. Tilman.

Lucas App. No. L-13-1005, 2013-Ohio-3960.

2013-1686. HSBC Mtge. Servs., Inc. v. Ballard.

Butler App. No. CA2012-12-253.

2013-1687. State v. Miller.

Lake App. No. L-13-1196.

2013-1688. Jones v. Delaware City School Dist. Bd. of Edn.

Delaware App. No. 2013 CAE 01 000.

O'Donnell and Lanzinger, JJ., dissent.

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

2013-1690. Strongsville v. Semenchuk.

Cuyahoga App. No. 99257, 2013-Ohio-3247.

2013-1693. DeVito v. Grange Mut. Cas. Co.

Cuyahoga App. No. 99393, 2013-Ohio-3435.

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

2013-1699. Balsley v. Ward.

Muskingum App. No. CT2013-0025, 2013-Ohio-4618. Discretionary appeal not accepted. Appellant's motions for stay of the lower-court decision pending appeal and for emergency expedited stay of lower-court proceedings, and appellee's motion to strike the motion filed on January 14, 2014, denied

2013-1701. State v. Chisolm.

Wayne App. No. 12CA0059, 2013-Ohio-3965.

O'Donnell, J., dissents.

2013-1711. State v. Reed.

Wayne App. No. 12CA0051, 2013-Ohio-3970.

Pfeifer and O'Neill, JJ., dissent.

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

2013-1714. Cocca Dev., Ltd. v. Mahoning Cty. Bd. of Commrs.

Mahoning App. No. 12 MA 155, 2013-Ohio-4133.

2013-1715. Dowhan v. Dowhan.

Lake App. No. 2012-L-065, 2013-Ohio-4097.

Kennedy and O'Neill, JJ., dissent.

2013-1716. State v. West.

Cuyahoga App. Nos. 97391 and 97900, 2013-Ohio-4185.

2013-1719. State v. Shipley.

Franklin App. No. 12AP-948, 2013-Ohio-4055.

Lanzinger and O'Neill, JJ., dissent.

2013-1720. Martin v. Bellevue City School Dist. Bd. of Edn.

Huron App. No. H-12-002, 2013-Ohio-4420.

2013-1723. Briggs v. Cleveland Clinic Health Sys., E.

Cuyahoga App. No. 99654, 2013-Ohio-4045.

O'Neill, J., not participating.

2013-1728. Vectren Energy Delivery of Ohio, Inc. v. Huber.

Montgomery App. No. 25635, 2013-Ohio-4069.

2013-1732. Kinn v. HCR ManorCare.

Lucas App. No. L-12-1215, 2013-Ohio-4086.

Pfeifer, J., dissents.

2013-1735. State v. McCoy.

Cuyahoga App. No. 99198, 2013-Ohio-4033.

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

2013-1741. State v. Haley.

Butler App. No. CA2012-10-211, 2013-Ohio-4123.

2013-1745. Kazakis v. Kazakis.

Stark App. No. 2012CA00227, 2013-Ohio-4181.

O'Donnell, J., dissents.

2013-1747. Lindsay P. v. Towne Properties Asset Mgt. Co., Ltd.

Butler App. No. CA2012-11-215, 2013-Ohio-4124.

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

2013-1748. Pierce v. Louis Elec.

Stark App. No. 2013 CA 00052, 2013-Ohio-4151.

2013-1749. State v. Garduno.

Portage App. No. 2012-P-0139, 2013-Ohio-4300.

2013-1750. Heinrichs v. 356 Registry, Inc.
Franklin App. No. 13AP-361, 2013-Ohio-4161.

2013-1751. Semco, Inc. v. Sims Bros., Inc.
Marion App. No. 9-12-62, 2013-Ohio-4109.
Pfeifer, J., dissents.

2013-1752. W. Res. Mut. Cas. Co. v. OK Cafe & Catering, Inc.
Marion App. No. 9-12-46, 2013-Ohio-3397.
O'Neill, J., dissents.

2013-1753. State v. Sayre.
Marion App. No. 9-12-25, 2013-Ohio-4108.

2013-1754. State v. Purdy.
Allen App. No. 1-12-56, 2013-Ohio-4105. Discretionary appeal not accepted.
Request for oral argument denied.

2013-1756. Garcia v. Newark Builders Supply, Inc.
Licking App. No. 13 CA 27, 2013-Ohio-4230.
O'Donnell, J., dissents.
Kennedy, J., dissents and would accept the appeal on Proposition of Law
No. I.

2013-1757. Cincinnati v. Gilbert.
Hamilton App. Nos. C-120626 and C-120643, 2013-Ohio-4145.

2013-1758. Winland v. Strasburg-Franklin Local School Dist. Bd. of Edn.
Tuscarawas App. No. 2012 AP 10 0058, 2013-Ohio-4670.
Lanzinger, J., dissents.

2013-1760. Bowditch v. Mettler Toledo Internatl., Inc.
Franklin App. No. 12AP-776, 2013-Ohio-4206.
O'Donnell, Kennedy, and French, JJ., dissent.

2013-1761. State v. Radovanic.
Franklin App. No. 13AP-193, 2013-Ohio-4157.

2013-1762. CitiMortgage, Inc. v. Bennett.
Franklin App. No. 13AP-228, 2013-Ohio-4062.

2013-1763. JPMorgan Chase Bank, N.A. v. Romine.
Franklin App. No. 13AP-58, 2013-Ohio-4212.

2013-1764. Folck v. Redman.
Clark App. No. 2013-CA-35, 2013-Ohio-3646.

2013-1771. State v. Webster.
Hamilton App. No. C-120452, 2013-Ohio-4142.

2013-1772. Strongsville v. Jaeger.
Cuyahoga App. No. 99579, 2013-Ohio-4476.
O'Donnell, J., dissents.

2013-1775. State v. Montgomery.
Cuyahoga App. No. 99452, 2013-Ohio-4193.

2013-1776. State v. Allen.
Cuyahoga App. Nos. 99289 and 99191, 2013-Ohio-4188.
Lanzinger, Kennedy, and French, JJ., dissent.

2013-1777. Huntington Natl. Bank v. Jasar Recycling, Inc.
Columbiana App. No. 11-CO-24, 2013-Ohio-426.
French, J., dissents.

2013-1778. In re Guardianship of S.H.
Medina App. No. 13CA0066-M, 2013-Ohio-4380.
O'Connor, C.J., and O'Donnell and O'Neill, JJ., dissent.

2013-1779. Amalgamated Transit Union, AFL-CIO, Local 697 v. Toledo Area Regional Transit Auth.
Lucas App. No. L-12-1260, 2013-Ohio-4412.
O'Connor, C.J., and O'Donnell and O'Neill, JJ., dissent.

2013-1780. Schultz v. Mayfield Neurological Inst.
Hamilton App. No. C-120764, 2013-Ohio-4146.

2013-1782. Weiss v. State Med. Bd. of Ohio
Franklin App. No. 13AP-281, 2013-Ohio-4215.

2013-1784. State v. Dickerson.

Franklin App. No. 13AP-249, 2013-Ohio-4345.

2013-1786. State v. Robertson.

Medina App. No. 12CA0094-M, 2013-Ohio-4556.

2013-1792. State v. Diefenbacher.

Butler App. No. CA2012-09-178, 2013-Ohio-4428.

2013-1793. State v. Edwards.

Franklin App. No. 12AP-992, 2013-Ohio-4342.

2013-1798. Aurora Partners III, Ltd. v. Aurora.

Portage App. No. 2013-P-0019, 2013-Ohio-4310.

2013-1805. State v. Harper.

Guernsey App. No. 2010-CA-44, 2013-Ohio-4443.

2013-1814. Gulbrandsen v. Summit Acres, Inc.

Washington App. Nos. 13CA20 and 13CA24.

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

2013-1843. State v. Dilley.

Cuyahoga App. No. 99680, 2013-Ohio-4480.

2013-1850. State v. Clay.

Lawrence App. No. 11CA23, 2013-Ohio-4649.

O'Neill, J., dissents.

2013-1851. State v. Smith.

Franklin App. No. 13AP-129, 2013-Ohio-4674.

2013-1857. State v. Henson.

Erie App. No. E-13-029, 2013-Ohio-4833.

2013-1868. State v. Miklas.

Belmont App. No. 11 BE 1, 2013-Ohio-5169.

2013-1871. State v. Johnson.

Cuyahoga App. No. 97327, 2013-Ohio-4590.

2013-1873. State v. Ware.

Cuyahoga App. No. 99374, 2013-Ohio-4492.

2013-1877. State v. Perry.

Summit App. No. 26766, 2013-Ohio-4466.

2013-1878. State v. Chandler.

Franklin App. No. 13AP-452, 2013-Ohio-4671.

2013-1883. State v. Jones.

Cuyahoga App. No. 98209, 2013-Ohio-4695.

Pfeifer and O'Neill, JJ., dissent.

2013-1887. State v. Taylor.

Montgomery App. No. 23916.

O'Donnell, J., dissents.

2013-1909. Brenneman Bros. v. Allen Cty. Commrs.

Allen App. No. 1-13-14, 2013-Ohio-4635.

French and O'Neill, JJ., dissent.

2013-1922. State v. Smith.

Franklin App. No. 12AP-595, 2013-Ohio-3212.

2013-1930. Paige v. Ohio High School Athletic Assn.

Hamilton App. No. C-130024, 2013-Ohio-4713.

RECONSIDERATION OF PRIOR DECISIONS

2011-0818. State v. Griffin.

Coshocton App. No. 09-CA-21, 2011-Ohio-1638. Reported at ___ Ohio St.3d ___, 2013-Ohio-5481, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

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

2012-0941. Esber Beverage Co. v. Labatt USA Operating Co., L.L.C.

Stark App. Nos. 2011CA00113 and 2011CA00116, 2012-Ohio-1183. Reported at ___ Ohio St.3d ___, 2013-Ohio-4544, ___ N.E.2d ___. On motion for

reconsideration and/or for clarification of the court's opinion dated October 17, 2013. Motion denied.

Pfeifer, J., dissents.

2013-1268. State ex rel. Ullmann v. JobsOhio.

In Mandamus. Reported at ___ Ohio St.3d ___, 2013-Ohio-5188, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

O'Donnell, J., not participating.

2013-1281. State v. Barnette.

Mahoning App. No. 02 CA 065. Reported at 136 Ohio St.3d 1560, 2013-Ohio-4861, 996 N.E.2d 987. On motion for reconsideration. Motion denied. On motion to consider holding this case for the decision in 2013-1591, *State v. Quarterman*, 9th Dist. Summit No. 26400, 2013-Ohio-3606. Motion denied.

O'Neill, J., dissents.

2013-1365. Discover Bank v. Bailey.

Franklin App. No. 12AP-1001, 2013-Ohio-1809. Reported at 137 Ohio St.3d 1423, 2013-Ohio-5285, 998 N.E.2d 1178. On motion for reconsideration. Motion denied.

2013-1380. In re T.J.

Lucas App. No. L-12-1347, 2013-Ohio-3057. Reported at 137 Ohio St.3d 1423, 2013-Ohio-5285, 998 N.E.2d 1178. On motion for reconsideration. Motion denied.

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

2013-1418. Enquip Technologies Group, Inc. v. Tycon Technoglass S.r.l.

Greene App. No. 2011-CA-39, 2012-Ohio-6181. Reported at 137 Ohio St.3d 1424, 2013-Ohio-5285, 998 N.E.2d 1178. On motion for reconsideration. Motion denied.

O'Connor, C.J., dissents and would grant the motion for reconsideration as to Proposition of Law No. V.

Pfeifer, J., dissents and would grant the motion for reconsideration as to all Propositions of Law.

2013-1428. Federman v. Christ Hosp.

Hamilton App. No. C-120484. Reported at 137 Ohio St.3d 1441, 2013-Ohio-5678, 999 N.E.2d 696. On motion for reconsideration. Motion denied.

Pfeifer and O'Neill, JJ., dissent.

2013-1443. Saxon Mtge. Servs., Inc. v. Whitely.

Summit App. No. 26739, 2013-Ohio-3221. Reported at 137 Ohio St.3d 1424, 2013-Ohio-5285, 998 N.E.2d 1179. On motion for reconsideration. Motion denied.

French, J., dissents.

2013-1471. In re Appeal of Adm. Appeal Decision Issued by Ohio Dept. of Job & Family Servs. Bur. of State Hearings.

Ashtabula App. No. 2012-A-0058, 2013-Ohio-2817. Reported at 137 Ohio St.3d 1441, 2013-Ohio-5678, 999 N.E.2d 696. On motion for reconsideration. Motion denied.

2013-1510. State v. Bunch.

Mahoning App. No. 06 MA 106. Reported at 137 Ohio St.3d 1425, 2013-Ohio-5285, 998 N.E.2d 1179. On motion for reconsideration. Motion denied. Upon appellant's motion to consider holding this case for the decision in 2013-1591, *State v. Quarterman*, 9th Dist. Summit No. 26400, 2013-Ohio-3606; 2013-1281 and 2013-1703, *State v. Barnette*, 7th Dist. Mahoning No. 02 CA 065; and 2013-1550, *State v. Evans*, 9th Dist. Lorain No. 07CA009274. Motion denied.

Pfeifer, Lanzinger, and O'Neill, JJ., dissent and would grant the motion for reconsideration.

2013-1553. State v. Melhado.

Franklin App. No. 13AP-114, 2013-Ohio-3547. Reported at 137 Ohio St.3d 1443, 2013-Ohio-5678, 999 N.E.2d 697. On motion for reconsideration. Motion denied.

2013-1559. Smith v. Williams.

Stark App. No. 2013CA00138. Reported at 137 Ohio St.3d 1443, 2013-Ohio-5678, 999 N.E.2d 697. On motion for reconsideration. Motion denied.

Kennedy, J., dissents and would grant the motion for reconsideration as to Proposition of Law No. III.

2013-1611. State v. Jones.

Butler App. No. CA2012-04-077. Reported at 137 Ohio St.3d 1444, 2013-Ohio-5678, 999 N.E.2d 697. On amended motion for reconsideration. Motion denied.