

Court of Appeals of Ohio

Eleventh Appellate District

Diane V. Grendell
Judge

Timothy P. Cannon
Judge

Colleen Mary O'Toole
Judge

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Shibani Sheth-Massacci
Court Administrator/Magistrate/
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February 4, 2019

R E L E A S E

GEAUGA

2018-G-0155

DAVID A. WHITRIGHT, Plaintiff v. RODNEY WHITRIGHT, et al., Defendants-Appellants, GEAUGA SAVINGS BANK, Defendant-Appellee.

Judgment affirmed. O'Toole, J., dissents with a Dissenting Opinion. See Opinion and Judgment Entry. [GRENDALL] (CANNON) (O'TOOLE)

CIVIL - motion to vacate; jurisdiction; service; void; voidable; Civ.R. 5; summons; cross-claim; procedural deficiency.

2018-G-0157

STATE OF OHIO, Plaintiff-Appellee v. PAUL E. HURD, Defendant-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [WRIGHT] (RICE) (CANNON) CRIMINAL LAW - Felony sentencing; felony OVI; R.C. 2953.08(G)(2); appellate standard of review; contrary to law; sentence clearly and convincingly not supported by record; repeated failure to abide by condition of community control.

LAKE

2017-L-149

BELINDA J. TORRES FRIEDENBERG, Plaintiff-Appellant v. KEITH A. FRIEDENBERG, et al., Defendant-Appellee.

Judgment affirmed. O'Toole, J., dissents with a Dissenting Opinion. See Opinion and Judgment Entry. [GRENDALL] (RICE) (O'TOOLE)

CIVIL - divorce; medical records; physician-patient privilege; discovery; abuse of discretion; R.C. 3109.04(F)(1)(e); seeking custody places mental and physical condition at issue; spousal support; R.C. 3105.18(C)(1)(c); mental condition of parties shall be considered in determining spousal support.

2018-L-035 ROBERT PARMERTOR, INDIVIDUALLY AND AS ADMINISTRATOR OF THE ESTATE OF DANIEL PARMERTOR, DECEASED, et al., Plaintiffs-Appellants v. CHARDON LOCAL SCHOOLS, et al., Defendants, JOSEPH BERGANT, II, et al., Defendants-Appellees.

Judgment affirmed. O'Toole, J., dissents. See Opinion and Judgment Entry. [CANNON] (RICE) (O'TOOLE)

CIVIL - wrongful death; summary judgment; expert report; ultimate issue; Evid.R. 704; common knowledge of the jury; speculative; Evid.R. 702; inadmissible; political subdivision; school district; employees; exception to statutory immunity; malicious purpose, in bad faith, or in a wanton or reckless manner.

2018-L-038 STATE OF OHIO, Plaintiff-Appellee v. GARY D. MASSEY, Defendant-Appellant.

Judgment affirmed. Cannon, J., concurs in judgment only with a Concurring Opinion; Grendell, J., concurs in judgment only. See Opinion and Judgment Entry. [O'TOOLE] (GRENDALL) (CANNON)

POST CONVICTION RELIEF - R.C. 2903.02(B); murder; post conviction relief; pursuant to R.C. 2953.21(A)(2) a petition for post conviction relief must be filed no later than 365 days from the date the trial transcript was filed in the court of appeals; res judicata.

2018-L-129 STATE OF OHIO ex rel. JOSEPH A. SANDS, Relator, v. LAKE COUNTY COMMON PLEAS COURT, JUDGE VINCENT A. CULOTTA, et al., Respondents.

Petition dismissed. Grendell, J., concurs in judgment only. See Opinion and Judgment Entry. [O'TOOLE] (WRIGHT) (GRENDALL)

EXTRAORDINARY WRITS - Mandamus; issues previously raised are barred by res judicata.

PORTAGE

2018-P-0017 STATE OF OHIO, Plaintiff-Appellee v. JENNIFER E. SOBCZAK, Defendant-Appellant.

Appeal dismissed. See Memorandum Opinion and Judgment Entry. [CANNON] (WRIGHT) (RICE)

APPELLATE REVIEW - misdemeanor conviction; voluntarily satisfied sentence; did not seek stay of execution; did not suffer collateral disability or loss of civil rights; appeal is moot.

2018-P-0102 STATE OF OHIO, Plaintiff-Appellee v. LARRY D. GRIER, Defendant-Appellant.

Appeal dismissed. See Memorandum Opinion and Judgment Entry. [CANNON] (WRIGHT) (GRENDALL)

APPELLATE REVIEW - App.R. 5(A); delayed appeal; reason does not justify delay of over three years before filing appeal.

