

# 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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Ashtabula Geauga Lake Portage Trumbull

Cynthia Westcott Rice  
Presiding/Administrative Judge

Thomas R. Wright  
Judge

Shibani Sheth-Massacci  
Court Administrator/Magistrate/  
Administrative Counsel

**July 10, 2017**

### **RELEASE**

#### **LAKE**

2017-L-050

ROBERT E. BLASKO, Plaintiff-Appellee v. CITY OF WILLOUGHBY, et al., Defendant-Appellant.

Upon consideration and upon recommendation of the Administrative Counsel, the motion is granted, and the appeal is hereby settled and dismissed. See Judgment Entry. [RICE] (CANNON) (WRIGHT)

#### **PORTAGE**

2016-P-0056

PORTAGE COMMUNITY BANK, Plaintiff-Appellee v. VINCENT FAZIO, JR., et al., Defendants, FAIRMOUNT PROPERTIES, L.L.C., Defendant-Appellee, PUB PROPERTIES, L.L.C., Defendant-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [CANNON] (GRENDALL) (WRIGHT)

CIVIL - foreclosure; failure to assert affirmative defense; a party seeking to assert an affirmative defense under a contract must either be a party to the contract or an intended third-party beneficiary of a contract; denial of Civ.R. 60(B) motion is a final, appealable order; failure to timely appeal the denial of a Civ.R. 60(B) motion.

#### **TRUMBULL**

2014-T-0106

STATE OF OHIO, Plaintiff-Appellee v. BRIAN R. MCGHEE, Defendant-Appellant.

Judgment reversed and remanded. See Opinion and Judgment Entry. [O'TOOLE] (GRENDALL) (WRIGHT)

CRIMINAL LAW - EVIDENCE - gross sexual imposition; rape; a trial court's evidentiary rulings are reviewed for abuse of discretion; Crim.R. 16(K) requires that a report of an expert's testimony be disclosed 21 days prior to trial absent good cause shown; the purpose of Crim.R. 16(K) is to prevent trial by ambush.

2017-T-0006      STATE OF OHIO, Plaintiff-Appellee v. SCOTT MICHAEL HAENDEL, Defendant-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [O'TOOLE] (CANNON) (WRIGHT)

CRIMINAL LAW - aggravated arson; burglary; a trial court's calculation of jail time credit may only be reversed for plain error; R.C. 2967.191; Ohio Adm. Code 5120-2-04; when concurrent prison terms are imposed jail time credit applies to each prison term.

2017-T-0019      JANET EDWARDS, Plaintiff-Appellant v. WILLIAM D. EDWARDS, et al., Defendant-Appellee.

Upon consideration and upon recommendation of the Administrative Counsel, the motion is granted, and the appeal is hereby settled and dismissed. See Judgment Entry. [CANNON] (RICE) (WRIGHT)