

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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Thomas R. Wright
Presiding/Administrative Judge

Shibani Sheth-Massacci
Court Administrator/Magistrate/
Administrative Counsel

August 6, 2018

RELEASE

ASHTABULA

2018-A-0025

ROBBIE SANKEY, Plaintiff-Appellant v. LOIS A. BERNARDO FASANO, et al., Defendants-Appellees.

Judgment reversed and remanded. See Opinion and Judgment Entry. [GRENDALL] (RICE) (CANNON)

CIVIL - failure to prosecute; abuse of discretion; incarcerated party; no constitutional right to be present at trial; alternate means of appearance; less drastic alternative; dismissal without prejudice; bias.

2018-A-0029

GRAND VALLEY LOCAL SCHOOL DISTRICT BOARD OF EDUCATION, et al., Plaintiffs, THE CINCINNATI INSURANCE COMPANY, Plaintiff-Appellee, ERIE INSURANCE EXCHANGE, et al., Intervening Plaintiff-Appellee v. BUEHRER GROUP ARCHITECTURE & ENGINEERING, INC., et al., Defendants, JACK GIBSON CONSTRUCTION COMPANY, Defendant/Third Party Plaintiff-Appellant.

Appeal dismissed. See Memorandum Opinion and Judgment Entry. [WRIGHT] (RICE) (O'TOOLE)

APPELLATE REVIEW - trial court judgment can only be reviewed on appeal if it constitutes a final order pursuant to R.C. 2505.02 and Civ.R. 54(B); multiple claims or parties remain pending; interlocutory order; no mandatory language that there is no just reason for delay; lack of a final and appealable order.

LAKE

2016-L-091

STATE OF OHIO ex rel. MICHAEL DEWINE, OHIO ATTORNEY GENERAL, Plaintiff-Appellee v. OSBORNE CO., LTD., et al., Defendants-Appellants.

Judgment affirmed in part and reversed in part; remanded. Grendell, J., concurs with a Concurring Opinion. O'Toole, J., dissents with a Dissenting Opinion. See Opinion on Reconsideration and Judgment Entry. [CANNON] (GRENDSELL) (O'TOOLE)

CIVIL - Ohio Environmental Protection Agency; U.S. Army Corps of Engineers; Water Pollution Control Act; Clean Water Act; 33 C.F.R. 328.3; Ohio Administrative Code Chapter 3745; Revised Code Chapter 6111; R.C. 6111.04(A); R.C. 6111.07(A); R.C. 6111.99(A); public nuisance; pollution; direct or indirect violation; permits; storm water runoff; discharge; dredged material; notice of intent; river; waters of the state; ordinary high water mark; floodplain; restoration; remediation; not alleged in the complaint; personal liability; pierce the corporate veil; personal participation theory; corporate officer; personal benefit.

PORTAGE

2017-P-0046

STATE OF OHIO, Plaintiff-Appellee v. MICHAEL D. FOWLER, Defendant-Appellant.

Judgment affirmed. O'Toole, J., concurs in judgment only. See Opinion and Judgment Entry. [CANNON] (GRENDSELL) (O'TOOLE)

CRIMINAL LAW - felony sentencing; consecutive sentences; R.C. 2953.08(G)(2); R.C. 2929.14(C)(4); trial court is not required to give reasons supporting its decision to impose consecutive sentences; findings supported by the record.

2017-P-0059

STATE OF OHIO, Plaintiff-Appellee v. JOSEPH W. WEIDEMAN, Defendant-Appellant.

Judgment affirmed. Grendell, J., concurs in judgment only. O'Toole, J., dissents with a Dissenting Opinion. See Opinion and Judgment Entry. [CANNON] (GRENDSELL) (O'TOOLE)

CRIMINAL LAW - jail-time credit; R.C. 2967.191; res judicata; R.C. 2929.19(B)(2)(g)(iii); continuing jurisdiction; consecutive prison terms; Ohio Adm. Code 5120-2-04(G).