

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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Cynthia Westcott Rice
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Thomas R. Wright
Judge

Shibani Sheth-Massacci
Court Administrator/Magistrate/
Administrative Counsel

October 10, 2017

RELEASE

ASHTABULA

2016-A-0044 &
2016-A-0045

BOARD OF TRUMBULL TOWNSHIP TRUSTEES, et al., Plaintiff-Appellant v. LAWRENCE RICKARD, et al., Defendants/Cross-Claim Defendants/Appellees, STATE OF OHIO ex rel. ATTORNEY GENERAL MIKE DeWINE, Defendant/Cross-Claim Plaintiff-Appellant.

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

OTHER CIVIL RULES - Civ.R. 8(D); Civ.R. 37; Civ.R. 55(A); discovery misconduct; sanctions; answers and affirmative defenses stricken; averments admitted when not denied in a responsive pleading; default judgment; inequitable result; contract terms; damages hearing; trial on the merits; due process; reasonable opportunity to be heard; motion in limine. CIVIL - EVIDENCE - motion to strike; inadmissible hearsay; relevancy; damages; weight; credibility. DAMAGES - constructive trust; fraud; malicious conduct; unjust enrichment; accounting. ATTORNEY FEES - discovery violations; sanctions.

2017-A-0002

STATE OF OHIO, Plaintiff-Appellee v. PEDRO ERNESTO GOMEZ, Defendant-Appellant.

Judgment affirmed. See Opinion and Judgment Entry. [WRIGHT] (RICE) (CANNON)
CRIMINAL LAW - Contents of bill of particulars was sufficient; Crim.R. 7(E); state not required to provide specific dates of alleged rape offenses when it does not possess more specific information; indictment was likewise sufficient under Crim.R. 7(B); convictions not against manifest weight of the evidence.

GEAUGA

2017-G-0119 BRANDY WEST, Plaintiff-Appellee v. RHOCKEL INVESTMENT GROUP, P.L.L., d.b.a. PINEBROOK TOWER APARTMENTS, Defendant-Appellant.

Appeal dismissed. Grendell, J., concurs in judgment only. See Memorandum Opinion and Judgment Entry. [CANNON] (GRENDSELL) (WRIGHT)
APPELLATE REVIEW - This court may only entertain appeals from final judgments; motion for prejudgment interest remains pending.

LAKE

2017-L-072 STATE OF OHIO, Plaintiff-Appellee v. ERIK D. CROMWELL, Defendant-Appellant.

Appeal dismissed. See Judgment Entry. [RICE] (GRENDSELL) (WRIGHT)

2017-L-090 BUYERS PRODUCTS CO., Plaintiff-Appellee v. KY FAB, LLC, Defendant-Appellant.

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

PORTAGE

2017-P-0035 AMERICAN SECURITY & AUDIO VIDEO SYSTEMS, INC., Plaintiff-Appellant v. TODD A. COAKLEY, et al., Defendants-Appellees.

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

TRUMBULL

2016-T-0027 IN THE MATTER OF: G.M.

Judgment affirmed. O'Toole, J., concurs with a Concurring Opinion. See Opinion and Judgment Entry. [WRIGHT] (RICE) (O'TOOLE)

CHILD CUSTODY - R.C. 3109.04(E)(1); reallocation of parental rights; change of circumstance; interference with visitation; unilateral decision to send child to preschool; acting in child's best interest; abuse of discretion standard.

2016-T-0092 IN THE MATTER OF G.M.

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

CONTEMPT - Indirect contempt; failure to comply with existing court order; visitation; no intent necessary; unilateral modification by party; clear and convincing evidence.