

THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CASE SUMMARIES
November 22, 2024

These case summaries are issued for the convenience of the public, the bench, and the bar. They are a brief statement of the court's holdings and are not to be considered headnotes or syllabi. Copies of opinions are available from the particular county's clerk of courts. The full text of each opinion will be available on the Ohio Supreme Court's website at <http://www.supremecourt.ohio.gov/rod/docs/?source=2>.

Case Name: *GC3 LLC v. Empowerment Temple, Inc., et al.*
Case No: Montgomery C.A. No. 30197; T.C. Case No. 2020 CV03040
Panel: Tucker, Lewis, Huffman
Author: Michael L. Tucker
Summary: The trial court erred in entering summary judgment for appellee contractor on appellant property owner's slander-of-title counterclaim. Construing the evidence in a light most favorable to appellant, reasonable minds could reach differing conclusions about whether appellee acted with reckless disregard as to the invalidity of its mechanic's lien on appellant's property, either when appellee filed the lien or at various points in time thereafter, and long before releasing the lien. Judgment reversed and remanded.

Case Name: *Latohsha Roundtree v. Sylretha Byrd, et al.*
Case No: Montgomery C.A. No. 30169; T.C. Case No. 2022 CV 03863
Panel: Epley, Lewis, Huffman
Author: Christopher B. Epley
Summary: The trial court did not err when it granted summary judgment in favor of appellee-landlord in this premises negligence case. Appellee was not negligent per se because it did not violate R.C. 5321.04, and it was not negligent under the common law because it had no knowledge of the alleged defect in the property and had no duty to inspect for it. Judgment affirmed.

Case Name: *State of Ohio v. Isreal Donley*
Case No: Montgomery C.A. No. 30120; T.C. Case No. 2014 CR 01142
Panel: Epley, Welbaum, Tucker
Author: Christopher B. Epley
Summary: The trial court did not err by overruling appellant's motion for leave to file a delayed motion for a new trial. The same issue was raised and rejected in appellant's 2021 petition for post-conviction relief, and it therefore was barred by res judicata. Judgment affirmed.

Case Name: *State of Ohio v. Octavius Lamont Humphrey*
Case No: Montgomery C.A. No. 30150; T.C. Case No. 2020 CR 03896
Panel: Epley, Lewis, Huffman
Author: Ronald C. Lewis
Summary: The trial court did not abuse its discretion in denying appellant's post-conviction motion for release of a vehicle and cash that were seized after execution of a search warrant. The vehicle had already been released, and there was a possibility the cash would be needed as evidence in a retrial if appellant's appeal of his petition for post-conviction relief were granted. Judgment affirmed.

Case Name: *Pedro Badra-Muniz v. Vinyl Carpet Service, Inc.*
Case No: Montgomery C.A. No. 29942; T.C. Case No. 2021 CV 01031
Panel: Epley, Lewis, Huffman
Author: Ronald C. Lewis
Summary: The trial court properly granted summary judgment to appellee on appellant's negligence claim based on respondeat superior because the negligence claim against appellee's employee had previously been dismissed due to the expiration of the statute of limitations. The trial court properly granted summary judgment to appellee on appellant's negligence claim based on premises liability because appellee did not have possession and control of the premises where the injury occurred and appellant was engaged in inherently dangerous work. Judgment affirmed.