

THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CASE SUMMARIES
August 16, 2024

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Case Name: *Plus Mgt. Servs., Inc. v. Liberty Healthcare Corp., et al.*
Case No: Montgomery C.A. No. 29858; T.C. Case No. 2017 CV 04263
Panel: Epley, Tucker, Huffman
Author: Michael L. Tucker
Summary: The trial court erred in entering summary judgment for appellees in the amount of \$280,000 and later entering final judgment on two jury verdicts (breach of contract and conversion) that involved the same \$280,000 in damages. Appellees had no viable conversion claim; the asserted conversion claim did not exist separately from a breach-of-contract claim. The trial court properly entered judgment for appellees on a jury verdict for \$540,000 based on appellant-cross-appellee's breach of an interim operating agreement. The trial court erred in awarding prejudgment interest because appellees failed to seek it within the time provided by Civ.R. 59(B). The trial court correctly directed a defense verdict on appellees' request for punitive damages. Judgment affirmed in part, reversed in part, and remanded for filing of a new final judgment entry.

Case Name: *The Estate of Harold Gene Price, by and through its Administrator Cynthia Price, et al. v. Kidney Care Specialist, LLC, et al.*
Case No: Montgomery C.A. No. 29951; T.C. Case No. 2021 CV 00418
Panel: Epley, Tucker, Huffman
Author: Michael L. Tucker
Summary: A jury found in favor of the medical providers in this medical negligence case. The trial court did not abuse its discretion by overruling challenges to four perspective jurors. After the jury had been selected but before the selection of alternate jurors, two jurors were excused for medical reasons and replaced with the next jurors in line. At this point, appellant had exercised all of its non-alternate peremptory challenges. The trial court did not commit plain error when it did not allow appellant to exercise further peremptory challenges to the two replacement jurors. Judgment affirmed.

Case Name: *State of Ohio v. Aaron J. George*
Case No: Montgomery C.A. No. 29954; T.C. Case No. 23CRB2069
Panel: Epley, Welbaum, Huffman
Author: Mary K. Huffman
Summary: The confrontation clause was not implicated in surveillance video of an assault involving appellant and another inmate at a jail. The video was without audio, and it contained no testimonial statements or hearsay. Judgment affirmed.

Case Name: *State of Ohio v. Matthew Dale Melton*
Case No: Montgomery C.A. No. 29877; T.C. Case No. 2021 CR 01103
Panel: Epley, Welbaum, Huffman
Author: Christopher B. Epley
Summary: The trial court did not err in denying appellant's motion to dismiss the charge of involuntary manslaughter in violation of R.C. 2903.04(A). The predicate offense of endangering children was a felony, not a misdemeanor, because it resulted in the death of the child; "serious physical harm," which was required to elevate the offense to a felony, includes death. Judgment affirmed.

Case Name: *In re A.J.W.*
Case No: Montgomery C.A. No. 30042; T.C. Case No. 2020 ADP 00147
Panel: Welbaum, Tucker, Lewis
Author: Ronald C. Lewis
Summary: The trial court did not err in finding that Father's consent to the adoption of his minor child was not required; petitioners established by clear and convincing evidence that Father had failed, without justifiable cause, to have more than de minimis contact with the child in the year preceding the filing of the petition for adoption. The probate court did not abuse its discretion in denying Father's oral request for a continuance on the day of the consent hearing. Father failed to establish ineffective assistance of trial counsel. Judgment affirmed.

Case Name: *State of Ohio v. Jay Alexander Monfort*
Case No: Champaign C.A. No. 2023-CA-33; T.C. Case No. 2023 CR 139
Panel: Welbaum, Tucker, Lewis
Author: Jeffrey M. Welbaum
Summary: Appellant's claim that his guilty pleas were invalid because he did not realize the trial court could impose a sentence that exceeded the maximum recommended prison term for his two drug possession offenses lacks merit. The trial court advised appellant at the plea hearing that, in addition to the maximum prison term, appellant could receive 578 days in prison as a sanction for committing his offenses while on post-release control. In addition, appellant's claim that the

578-day sanction imposed at sentencing is contrary to law lacks merit, as it complies with R.C. 2929.141(A)(1). Judgment affirmed.

Case Name: *State of Ohio v. Latricia Ruggles*
Case No: Greene C.A. No. 2024-CA-2;
T.C. Case No. 2023-E-00004-01,02,03,04,05
Panel: Epley, Welbaum, Tucker
Author: Jeffrey M. Welbaum
Summary: The trial court did not err by overruling appellant's motion to dismiss the complaint charging her with five counts of contributing to the unruliness of a child; the complaint contained all the essential elements of the charged offense. Appellant's convictions for contributing to the unruliness of a child were supported by sufficient evidence and were not against the manifest weight of the evidence. The trial court did not abuse its discretion by prohibiting certain testimony concerning appellants' niece, because such testimony was irrelevant and could have confused the jury. Judgment affirmed.