

THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CASE SUMMARIES
June 30, 2023

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: *U.S. Bank Trust Natl. Assn. as Trustee v. Tricia Phann, et al.*
Case No: Montgomery C.A. No. 29582; T.C. Case No. 2022 CV 01303
Panel: Tucker, Epley, Huffman
Author: Mary K. Huffman
Summary: The trial court did not err in sustaining appellee-bank's motion for summary judgment on its complaint for foreclosure in rem. The bank set forth evidence that it had an interest in the note and mortgage and, thus, had standing at the time of filing its foreclosure action. Appellants did not oppose the bank's motion for summary judgment or meet their reciprocal burden with respect to any affirmative defense. Judgment affirmed.

Case Name: *Woodstock Solar Project, LLC v. Rush Twp. Bd. of Zoning Appeals*
Case No: Champaign C.A. No. 2023-CA-7; T.C. Case No. 2022 CV 088
Panel: Welbaum, Epley, Lewis
Author: Christopher B. Epley
Summary: The trial court did not err in finding that appellee's solar facility will be a public utility under R.C. 519.211(A) and thus exempt from zoning restrictions. The trial court also did not err in not remanding the case to the BZA for further proceedings on the public utility issue; R.C. 2506.04 permits, but does not require, such an action. Judgment affirmed.

Case Name: *Carrington Mortgage Services, LLC v. Joshua S. McClain*
Case No: Montgomery C.A. No. 29670; T.C. Case No. 2018 CV 5080
Panel: Welbaum, Epley, Lewis
Author: Christopher B. Epley
Summary: The trial court did not err in granting summary judgment to the mortgage company and entering a judgment and decree of foreclosure. No genuine issues of material fact existed. The mortgage company's evidence showed that it was the holder of the note, a bearer instrument; the company was able to enforce the note while it was in the physical possession of its document custodian. The trial court did not abuse its discretion in granting foreclosure

where it could have reasonably found that foreclosure was equitable.
Judgment affirmed.

Case Name: *Cochran Ohio LLC v. Anita Washington, et al.*
Case No: Montgomery C.A. No. 29713; T.C. Case No. 2021 CV 04843
Panel: Welbaum, Epley, Lewis
Author: Ronald C. Lewis
Summary: The trial court did not err by ordering an attorney to produce copies of client case files to the law firm where she had been previously employed when the case files were created. The trial court also did not err by requiring the attorney to disclose any settlement amounts received from those clients' cases since leaving the law firm. However, the trial court erred by ordering the production of all documents that were generated since the attorney-client relationships between the law firm and the clients were terminated. Order affirmed in part and reversed in part, and the matter is remanded for further proceedings.

ORDER RENDERED JUNE 27, 2023

Case Name: *State of Ohio v. Antwan J. Reid*
Case No. Montgomery C.A. No. 19352
Panel: Epley, Lewis, Huffman
Author: Per Curiam
Summary: Appellant's claims in an application for reopening were barred by res judicata, and he failed to demonstrate any genuine issues as to the ineffective assistance of appellate counsel. Moreover, the application for reopening was untimely, and appellant did not provide any explanation for the untimely filing. Application denied.