

# The Supreme Court of Ohio & The Ohio Judicial System

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## Search Results: Case Number 2013-0465

## The Supreme Court of Ohio

### CASE INFORMATION

#### GENERAL INFORMATION

**Case:** **2013-0465** Jurisdictional Appeal

**Filed:** 03/22/13

**Status:** Case Is Disposed

**State of Ohio ex rel. Jack Morrison, Jr., Law Director City of Munroe Falls, Ohio, et al. v. Beck Energy Corporation, et al.**

#### PARTIES and ATTORNEYS

Athens Electric (Amicus Curiae on behalf of Appellant)

Represented by:

Dougherty, Trent (**79817**) , Counsel of Record

Cherry Orchards (Amicus Curiae on behalf of Appellant)

Represented by:

Dougherty, Trent (**79817**) , Counsel of Record

City of Broadview Heights (Amicus Curiae on behalf of Appellant)

Represented by:

Geertsma, Meleah (**0000000**) , Counsel of Record

Precario, Peter (**27080**)

Sinding, Katherine (**0000000**)

City of Euclid (Amicus Curiae on behalf of Appellant)

Represented by:

Geertsma, Meleah (**0000000**) , Counsel of Record

Precario, Peter (**27080**)

Sinding, Katherine (**0000000**)

City of Mansfield (Amicus Curiae on behalf of Appellant) Represented by: Geertsma, Meleah (0000000) , Counsel of Record Precario, Peter (27080) Sinding, Katherine (0000000)
City of North Royalton (Amicus Curiae on behalf of Appellant) Represented by: Geertsma, Meleah (0000000) , Counsel of Record Precario, Peter (27080) Sinding, Katherine (0000000)
Design Council (Amicus Curiae on behalf of Appellant) Represented by: Dougherty, Trent (79817) , Counsel of Record
Donkey Coffee (Amicus Curiae on behalf of Appellant) Represented by: Dougherty, Trent (79817) , Counsel of Record
Environscapes Landscaping Design (Amicus Curiae on behalf of Appellant) Represented by: Dougherty, Trent (79817) , Counsel of Record
Fox Natural Builders (Amicus Curiae on behalf of Appellant) Represented by: Dougherty, Trent (79817) , Counsel of Record
Green Edge Organic Gardens (Amicus Curiae on behalf of Appellant) Represented by: Dougherty, Trent (79817) , Counsel of Record
Haulin' Hoof (Amicus Curiae on behalf of Appellant) Represented by: Dougherty, Trent (79817) , Counsel of Record
Health Professionals (Amicus Curiae on behalf of Appellant) Represented by: Sahli, Richard (7360) , Counsel of Record Goldberg, Deborah (0000000)
Herbal Sage (Amicus Curiae on behalf of Appellant) Represented by: Dougherty, Trent (79817) , Counsel of Record
High Bottom Farm (Amicus Curiae on behalf of Appellant) Represented by: Dougherty, Trent (79817) , Counsel of Record
Hyacinth Bean Florist (Amicus Curiae on behalf of Appellant) Represented by: Dougherty, Trent (79817) , Counsel of Record
Kenneth Messinger-Rapport, Attorney LLC (Amicus Curiae on behalf of Appellant)

<p>Represented by:</p> <p>Dougherty, Trent (<b>79817</b>) , Counsel of Record</p>
<p>Laurel Valley Creamery (Amicus Curiae on behalf of Appellant)</p> <p>Represented by:</p> <p>Dougherty, Trent (<b>79817</b>) , Counsel of Record</p>
<p>Louie Chodkiewz - Real Estate Broker (Amicus Curiae on behalf of Appellant)</p> <p>Represented by:</p> <p>Dougherty, Trent (<b>79817</b>) , Counsel of Record</p>
<p>Mustard Seed Market (Amicus Curiae on behalf of Appellant)</p> <p>Represented by:</p> <p>Dougherty, Trent (<b>79817</b>) , Counsel of Record</p>
<p>Ohio Local Businesses (Amicus Curiae on behalf of Appellant)</p> <p>Represented by:</p> <p>Dougherty, Trent (<b>79817</b>) , Counsel of Record</p>
<p>Patricia Walker, Attorney at Law (Amicus Curiae on behalf of Appellant)</p> <p>Represented by:</p> <p>Dougherty, Trent (<b>79817</b>) , Counsel of Record</p>
<p>People's Oil and Gas Collaborative - Ohio (Amicus Curiae on behalf of Appellant)</p> <p>Represented by:</p> <p>Tavaglione, Barbara (<b>63617</b>) , Counsel of Record</p>
<p>Retired business owners Donald Baker &amp; Pam Miller, Gramercy (Amicus Curiae on behalf of Appellant)</p> <p>Represented by:</p> <p>Dougherty, Trent (<b>79817</b>) , Counsel of Record</p>
<p>Shew's Orchard (Amicus Curiae on behalf of Appellant)</p> <p>Represented by:</p> <p>Dougherty, Trent (<b>79817</b>) , Counsel of Record</p>
<p>Shirley Sinn-Oil &amp; Gas Consulting (Amicus Curiae on behalf of Appellant)</p> <p>Represented by:</p> <p>Dougherty, Trent (<b>79817</b>) , Counsel of Record</p>
<p>Snowville Creamery (Amicus Curiae on behalf of Appellant)</p> <p>Represented by:</p> <p>Dougherty, Trent (<b>79817</b>) , Counsel of Record</p>
<p>Stickey Pete's Maple Syrup (Amicus Curiae on behalf of Appellant)</p> <p>Represented by:</p> <p>Dougherty, Trent (<b>79817</b>) , Counsel of Record</p>
<p>Sunpower, Inc. (Amicus Curiae on behalf of Appellant)</p> <p>Represented by:</p> <p>Dougherty, Trent (<b>79817</b>) , Counsel of Record</p>
<p>The Going Green Store (Amicus Curiae on behalf of Appellant)</p> <p>Represented by:</p> <p>Dougherty, Trent (<b>79817</b>) , Counsel of Record</p>
<p>Village Bakery (Amicus Curiae on behalf of Appellant)</p>

Represented by: Dougherty, Trent ( <b>79817</b> ) , Counsel of Record
Village of Amesville (Amicus Curiae on behalf of Appellant) Represented by: Geertsma, Meleah ( <b>0000000</b> ) , Counsel of Record Precario, Peter ( <b>27080</b> ) Sinding, Katherine ( <b>0000000</b> )
Wide Angle Ranch (Amicus Curiae on behalf of Appellant) Represented by: Dougherty, Trent ( <b>79817</b> ) , Counsel of Record
Zen Small Business Solutions, LLC (Amicus Curiae on behalf of Appellant) Represented by: Dougherty, Trent ( <b>79817</b> ) , Counsel of Record
American Energy Partners LP (Amicus Curiae on behalf of Appellee) Represented by: Chorpenning, Brian ( <b>714</b> ) , Counsel of Record
American Petroleum Institute (Amicus Curiae on behalf of Appellee) Represented by: Martella, Roger ( <b>0000000</b> ) , Counsel of Record Boxerman, Samuel ( <b>0000000</b> ) Guerra, Joseph ( <b>0000000</b> ) Norris, Benjamin ( <b>0000000</b> ) Schiller, Lowell ( <b>0000000</b> ) Trafford, Kathleen ( <b>21753</b> )
Artex Oil Company (Amicus Curiae on behalf of Appellee) Represented by: Chorpenning, Brian ( <b>714</b> ) , Counsel of Record
Canton Regional Chamber of Commerce (Amicus Curiae on behalf of Appellee) Represented by: Martella, Roger ( <b>0000000</b> ) , Counsel of Record Boxerman, Samuel ( <b>0000000</b> ) Guerra, Joseph ( <b>0000000</b> ) Norris, Benjamin ( <b>0000000</b> ) Schiller, Lowell ( <b>0000000</b> ) Trafford, Kathleen ( <b>21753</b> )
City of Heath (Amicus Curiae on behalf of Appellee) Represented by: Morrison, David ( <b>18281</b> ) , Counsel of Record
Eclipse Resources I, LP (Amicus Curiae on behalf of Appellee) Represented by: Chorpenning, Brian ( <b>714</b> ) , Counsel of Record
EnerVest Operating, L.L.C. (Amicus Curiae on behalf of Appellee) Represented by:


Chorpenning, Brian ( <b>714</b> ) , Counsel of Record
Hess Ohio Developments, LLC (Amicus Curiae on behalf of Appellee) Represented by: Chorpenning, Brian ( <b>714</b> ) , Counsel of Record
Hilcorp Energy Company (Amicus Curiae on behalf of Appellee) Represented by: Chorpenning, Brian ( <b>714</b> ) , Counsel of Record
International Union of Operating Engineers, Local 18 (Amicus Curiae on behalf of Appellee) Represented by: Martella, Roger ( <b>0000000</b> ) , Counsel of Record Boxerman, Samuel ( <b>0000000</b> ) Guerra, Joseph ( <b>0000000</b> ) Schiller, Lowell ( <b>0000000</b> )
Ohio Aggregates Association (Amicus Curiae on behalf of Appellee) Represented by: Barger, Brian ( <b>18908</b> ) , Counsel of Record Coyle, Amanda ( <b>89482</b> )
Ohio Chamber of Commerce (Amicus Curiae on behalf of Appellee) Represented by: Martella, Roger ( <b>0000000</b> ) , Counsel of Record Boxerman, Samuel ( <b>0000000</b> ) Guerra, Joseph ( <b>0000000</b> ) Norris, Benjamin ( <b>0000000</b> ) Schiller, Lowell ( <b>0000000</b> ) Trafford, Kathleen ( <b>21753</b> ) Woggon, Linda ( <b>59082</b> )
Ohio Contractors Association (Amicus Curiae on behalf of Appellee) Represented by: Devine, Patrick ( <b>22919</b> ) , Counsel of Record
Ohio Oil and Gas Association (Amicus Curiae on behalf of Appellee) Represented by: Taylor, William ( <b>15709</b> ) , Counsel of Record Eickelberger, Scott ( <b>55217</b> )
Ohio Ready Mixed Concrete Association and Flexible Pavements (Amicus Curiae on behalf of Appellee) Represented by: Barger, Brian ( <b>18908</b> ) , Counsel of Record Coyle, Amanda ( <b>89482</b> )
Paloma Resources, LLC (Amicus Curiae on behalf of Appellee) Represented by: Chorpenning, Brian ( <b>714</b> ) , Counsel of Record
Sierra Resources, LLC (Amicus Curiae on behalf of Appellee) Represented by: Chorpenning, Brian ( <b>714</b> ) , Counsel of Record


<p>State of Ohio (Amicus Curiae on behalf of Appellee)</p> <p>Represented by:</p> <p>Murphy, Eric (<b>83284</b>) , Counsel of Record</p> <p>DeWine, Richard (<b>9181</b>)</p>
<p>Youngstown/Warren Regional Chamber (Amicus Curiae on behalf of Appellee)</p> <p>Represented by:</p> <p>Martella, Roger (<b>0000000</b>) , Counsel of Record</p> <p>Boxerman, Samuel (<b>0000000</b>)</p> <p>Guerra, Joseph (<b>0000000</b>)</p> <p>Norris, Benjamin (<b>0000000</b>)</p> <p>Schiller, Lowell (<b>0000000</b>)</p> <p>Trafford, Kathleen (<b>21753</b>)</p>
<p>City of Munroe Falls (Appellant)</p> <p>Represented by:</p> <p>Houlihan, Thomas (<b>70067</b>) , Counsel of Record</p> <p>Morrison, Jack (<b>14939</b>)</p> <p>Saxer, Thomas (<b>55962</b>)</p>
<p>Beck Energy Corporation (Appellee)</p> <p>Represented by:</p> <p>Keller, John (<b>19957</b>) , Counsel of Record</p>
<p>Willingham, Joseph (Appellee)</p> <p>Represented by:</p> <p>Keller, John (<b>19957</b>) , Counsel of Record</p>












## PRIOR JURISDICTION













Jurisdiction Information	Prior Decision Date	Case Number(s)
Summit County, 9th District Court of Appeals	02/08/2013	25953

## DOCKET ITEMS



- Most documents that were filed in Supreme Court cases after December 1, 2006, are scanned. They are available for viewing via the online dockets, generally within one business day from their date of filing.
- Supreme Court orders that were issued after January 1, 2007, are also available via the online docket as PDFs. Orders scanned prior to April 6, 2009, may not bear the signature of the Chief Justice. These online orders are identical to the original orders in all other respects.
- A  symbol in an online docket denotes a scanned filing or an electronic version of a Supreme Court order. Clicking the icon opens an image of the filing or order.

Date Filed	Description
03/22/13  <b>View</b>	<b>Notice of appeal of City of Munroe Falls</b> <i>Filed by:</i> City of Munroe Falls

03/22/13  <b>View</b>	<b>Memorandum in support of jurisdiction</b> <i>Filed by:</i> City of Munroe Falls
03/22/13  <b>View</b>	<b>Jurisdictional memorandum of amicus curiae People's Oil and Gas Collaborative - Ohio in support of appellant</b> <i>Filed by:</i> People's Oil and Gas Collaborative - Ohio
03/25/13	<b>Copy of notice of appeal sent to clerk of court of appeals</b>
04/22/13  <b>View</b>	<b>Memorandum in response to jurisdiction</b> <i>Filed by:</i> Beck Energy Corporation <i>Filed by:</i> Willingham, Joseph
06/19/13  <b>View</b>	<b>DECISION: Appeal accepted</b>
06/19/13  <b>View</b>	<b>Order to clerk of court/custodian to certify record</b>
07/09/13	<b>Record</b>
07/09/13	<b>Clerk's notice of filing of record</b>
07/10/13  <b>View</b>	<b>Stipulation to extension of time to file merit brief to 9/9/13</b> <i>Filed by:</i> City of Munroe Falls
09/06/13  <b>View</b>	<b>Appellant's merit brief</b> <i>Filed by:</i> City of Munroe Falls
09/06/13  <b>View</b>	<b>Motion for admission pro hac vice of Deborah Goldberg for amici curiae Health Professionals</b>
	<b>09/18/13: Granted; counsel shall file notice of permission to appear pro hac vice with Attorney Services within 30 days</b>
09/06/13  <b>View</b>	<b>Brief of amici curiae Health Professionals in support of appellant</b>
09/06/13  <b>View</b>	<b>Brief of municipal amici curiae City of Broadview Heights et al. and Village of Amesville in support of appellant</b> <i>Filed by:</i> City of Broadview Heights <i>Filed by:</i> City of Euclid <i>Filed by:</i> City of Mansfield <i>Filed by:</i> City of North Royalton <i>Filed by:</i> Village of Amesville
09/06/13  <b>View</b>	<b>Motion for admission pro hac vice of Meleah Geertsma as counsel of record for municipal amici curiae City of Broadview Heights et al. and Village of Amesville</b> <i>Filed by:</i> City of Broadview Heights <i>Filed by:</i> City of Euclid <i>Filed by:</i> City of Mansfield <i>Filed by:</i> City of North Royalton <i>Filed by:</i> Village of Amesville
	<b>09/18/13: Granted; counsel shall file notice of permission to appear pro hac vice with Attorney Services within 30 days</b>
	<b>Motion for admission pro hac vice of Katherine Sinding for municipal amici curiae City of Broadview Heights et al.</b> <i>Filed by:</i> City of Broadview Heights

09/06/13  <b>View</b>	<p><i>Filed by:</i> City of Euclid</p> <p><i>Filed by:</i> City of Mansfield</p> <p><i>Filed by:</i> City of North Royalton</p> <p><i>Filed by:</i> Village of Amesville</p>
 <b>View</b>	<b>09/18/13: Granted; counsel shall file notice of permission to appear pro hac vice with Attorney Services within 30 days</b>
09/09/13  <b>View</b>	<p><b>Brief of amicus curiae City of Heath in support of appellant</b></p> <p><i>Filed by:</i> City of Heath</p>
09/09/13  <b>View</b>	<p><b>Brief of amicus curiae Ohio Local Businesses in support of appellant</b></p> <p><i>Filed by:</i> Ohio Local Businesses</p>
09/17/13  <b>View</b>	<p><b>Motion for admission pro hac vice of Roger R. Martella, Jr. for American Petroleum Institute and Ohio Chamber of Commerce</b></p> <p><i>Filed by:</i> American Petroleum Institute</p> <p><i>Filed by:</i> Ohio Chamber of Commerce</p>
 <b>View</b>	<b>10/01/13: Granted; counsel shall file notice of permission to appear pro hac vice with Attorney Services within 30 days</b>
09/17/13  <b>View</b>	<p><b>Motion for admission pro hac vice of Joseph R. Guerra for American Petroleum Institute and Ohio Chamber of Commerce</b></p> <p><i>Filed by:</i> American Petroleum Institute</p> <p><i>Filed by:</i> Ohio Chamber of Commerce</p>
	<b>10/01/13: Granted; counsel shall file notice of permission to appear pro hac vice with Attorney Services within 30 days</b>
09/17/13  <b>View</b>	<p><b>Motion for admission pro hac vice of Samuel B. Boxerman for American Petroleum Institute and Ohio Chamber of Commerce</b></p> <p><i>Filed by:</i> American Petroleum Institute</p> <p><i>Filed by:</i> Ohio Chamber of Commerce</p>
	<b>10/01/13: Granted; counsel shall file notice of permission to appear pro hac vice with Attorney Services within 30 days</b>
09/17/13  <b>View</b>	<p><b>Motion for admission pro hac vice of Lowell J. Schiller for American Petroleum Institute and Ohio Chamber of Commerce</b></p> <p><i>Filed by:</i> American Petroleum Institute</p> <p><i>Filed by:</i> Ohio Chamber of Commerce</p>
	<b>10/01/13: Granted; counsel shall file notice of permission to appear pro hac vice with Attorney Services within 30 days</b>
09/18/13  <b>View</b>	<p><b>Stipulation to extension of time to file merit brief to 10/28/13</b></p> <p><i>Filed by:</i> Beck Energy Corporation</p> <p><i>Filed by:</i> Willingham, Joseph</p>
10/28/13  <b>View</b>	<p><b>Brief of amicus curiae Ohio Contractors Association in support of appellee</b></p> <p><i>Filed by:</i> Ohio Contractors Association</p>
10/28/13  <b>View</b>	<p><b>Brief of amicus curiae State of Ohio in support of appellee</b></p> <p><i>Filed by:</i> State of Ohio</p>



10/28/13  <b>View</b>	<b>Appellees' merit brief</b> <i>Filed by:</i> Beck Energy Corporation <i>Filed by:</i> Willingham, Joseph
10/28/13  <b>View</b>	<b>Brief of amicus curiae Ohio Oil and Gas Association in support of appellee</b> <i>Filed by:</i> Ohio Oil and Gas Association <i>Filed by:</i> Willingham, Joseph
10/28/13  <b>View</b>	<b>Brief of amici curiae Artex Oil Company et al. in support of appellee</b> <i>Filed by:</i> American Energy Partners LP <i>Filed by:</i> Artex Oil Company <i>Filed by:</i> Eclipse Resources I, LP <i>Filed by:</i> EnerVest Operating, L.L.C. <i>Filed by:</i> Hess Ohio Developments, LLC <i>Filed by:</i> Hilcorp Energy Company <i>Filed by:</i> Paloma Resources, LLC <i>Filed by:</i> Sierra Resources, LLC
10/28/13  <b>View</b>	<b>Brief of amice curiae Ohio Aggregates Association and Ohio Ready Mixed Concrete Association and Flexible Pavements of Ohio in support of appellee</b> <i>Filed by:</i> Ohio Aggregates Association <i>Filed by:</i> Ohio Ready Mixed Concrete Association and Flexible Pavements
10/28/13  <b>View</b>	<b>Brief of amicus curiae the American Petroleum Institute et al. in support of appellees</b> <i>Filed by:</i> American Petroleum Institute <i>Filed by:</i> Canton Regional Chamber of Commerce <i>Filed by:</i> International Union of Operating Engineers, Local 18 <i>Filed by:</i> Ohio Chamber of Commerce <i>Filed by:</i> Youngstown/Warren Regional Chamber
10/28/13  <b>View</b>	<b>Motion for admission pro hac vice of Benjamin Norris for the American Petroleum Institute</b> <i>Filed by:</i> American Petroleum Institute
 <b>View</b>	<b>11/14/13: Granted; counsel shall file notice of permission to appear pro hac vice with Attorney Services within 30 days</b>
10/28/13  <b>View</b>	<b>Notice of appearance of Kathleen M. Trafford and Linda Woggon</b> <i>Filed by:</i> American Petroleum Institute <i>Filed by:</i> Ohio Chamber of Commerce <i>Filed by:</i> Youngstown/Warren Regional Chamber
11/12/13  <b>View</b>	<b>Notice of withdrawal of Robert Krummen as co-counsel for Beck Energy Corporation and Joseph Willingham</b> <i>Filed by:</i> Beck Energy Corporation <i>Filed by:</i> Willingham, Joseph
11/18/13  <b>View</b>	<b>Reply brief</b> <i>Filed by:</i> City of Munroe Falls
11/18/13  <b>View</b>	<b>Reply brief of amici curiae Health Professionals</b> <i>Filed by:</i> Health Professionals
11/18/13  <b>View</b>	<b>Notice of change of address for counsel for amici curiae Health Professionals, Deborah Goldberg</b> <i>Filed by:</i> Health Professionals

11/18/13  <b>View</b>	<b>Reply brief of municipal amici curiae the cities of Broadview Heights, Euclid, Mansfield, and North Royalton, and the Village of Amesville</b> <i>Filed by:</i> City of Broadview Heights <i>Filed by:</i> City of Euclid <i>Filed by:</i> City of Mansfield <i>Filed by:</i> City of North Royalton <i>Filed by:</i> Village of Amesville
12/02/13	<b>Ordinary mail returned; Not deliverable as addressed (Roger R. Martella)</b>
12/05/13	<b>Oral argument scheduled for Wednesday, February 26, 2014</b>
12/13/13  <b>View</b>	<b>Notice of oral argument to be held on Wednesday, February 26, 2014</b>
01/23/14  <b>View</b>	<b>Joint motion of appellees and amicus curiae State of Ohio for divided argument time</b> <i>Filed by:</i> Beck Energy Corporation <i>Filed by:</i> State of Ohio <i>Filed by:</i> Willingham, Joseph
 <b>View</b>	<b>02/06/14: Granted; amicus curiae State of Ohio shall share the time allotted to appellees</b>
02/18/14  <b>View</b>	<b>Notice of pro hac vice renewal registrations</b> <i>Filed by:</i> American Petroleum Institute <i>Filed by:</i> Canton Regional Chamber of Commerce <i>Filed by:</i> International Union of Operating Engineers, Local 18 <i>Filed by:</i> Ohio Chamber of Commerce <i>Filed by:</i> Youngstown/Warren Regional Chamber
02/18/14  <b>View</b>	<b>List of additional authorities</b> <i>Filed by:</i> City of Munroe Falls
02/26/14	<b>Oral argument held</b>
07/01/14  <b>View</b>	<b>List of additional authorities</b> <i>Filed by:</i> City of Munroe Falls
10/14/14  <b>View</b>	<b>Notice of withdrawal of Deputy Solicitor Peter Glenn-Applegate as co-counsel for State of Ohio</b> <i>Filed by:</i> State of Ohio
02/17/15	<b>DECISION: Affirmed. See opinion at 2015-Ohio-485 . See announcement at 2015-Ohio-555 .</b>

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**Question or Comments?**

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