

ATTENTION

DIRECT ANY QUESTIONS ABOUT THE ANNOUNCEMENT TO WALTER S. KOBALKA,  
REPORTER OF DECISIONS, AND DEBORAH J. BARRETT AT (614) 466-4961 OR  
1-800-826-9010.

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

THURSDAY  
January 19, 1995

MOTION DOCKET

94-2407. State ex rel. Optimum Technology, Inc. v. Fisher.  
In Mandamus and Prohibition. This cause originated in this court on  
the filing of a complaint for writs of mandamus and prohibition.  
Upon consideration of respondent Lee Fisher's motion to dismiss,  
relator's motion to strike, and the motion to intervene by William  
Cargile,

IT IS ORDERED by the court that the motion to dismiss be, and  
hereby is, denied, effective January 18, 1995.

Cook, J., dissents.

IT IS FURTHER ORDERED by the court that the motion to strike  
be, and hereby is, denied, effective January 18, 1995.

Cook, J., dissents.

IT IS FURTHER ORDERED by the court that the motion for leave to  
intervene by William Cargile be, and hereby is, granted, effective  
January 18, 1995.

Cook, J., dissents.

IT IS FURTHER ORDERED by the court, sua sponte, that this cause  
be, and hereby is, consolidated with Supreme Court case No. 94-2420,  
effective January 18, 1995.

Cook, J., dissents.

IT IS FURTHER ORDERED by the court, sua sponte, that an  
alternative writ be granted, effective January 18, 1995, and the  
following schedule is set for the presentation of evidence and  
filing of briefs pursuant to S.Ct.Prac.R. X:

The parties shall file any evidence they intend to present on  
or before February 7, 1995, unless, upon good cause shown, the time  
is extended by the court; relator shall file its brief within ten

days of the filing of evidence; respondents shall file their brief within twenty days after the filing of relator's brief; and relator may file a reply brief within five days after the filing of respondents' brief.

Cook, J., dissents.

IT IS FURTHER ORDERED by the court, sua sponte, that the proceedings in the case, DLZ Corporation et al. v. Ohio Department of Administrative Services, App. Nos. 94APE08-1181 through 1186, be and hereby are, stayed pending further order of this court.

Cook, J., dissents.

94-2420. DLZ Corp. v. Fisher.

In Mandamus and Prohibition. This cause originated in this court on the filing of a complaint for writs of mandamus and prohibition. Upon consideration of respondent Lee Fisher's motion to dismiss; respondent Lee Fisher's motion to quash subpoena or, in the alternative, motion to stay discovery of James Conrad, Director of the Ohio Department of Administrative Services; and the motion to intervene by William Cargile,

IT IS ORDERED by the court that the motion to dismiss be, and hereby is, denied, effective January 18, 1995.

Cook, J., dissents.

IT IS FURTHER ORDERED by the court that the stay of discovery granted on December 12, 1994, be and hereby is, lifted; the motion to quash subpoena served upon James Conrad be, and hereby is, denied; and discovery shall proceed, effective January 18, 1995.

Cook, J., dissents.

IT IS FURTHER ORDERED by the court that the motion for leave to intervene by William Cargile be, and hereby is, granted, effective January 18, 1995.

Cook, J., dissents.

IT IS FURTHER ORDERED by the court, sua sponte, that this cause be, and hereby is, consolidated with Supreme Court case No. 94-2407, effective January 18, 1995.

Cook, J., dissents.

IT IS FURTHER ORDERED by the court, sua sponte, effective January 18, 1995, that an alternative writ be granted, and the following schedule is set for the presentation of evidence and filing of briefs pursuant to S.Ct.Prac.R. X:

The parties shall file any evidence they intend to present on or before February 7, 1995, unless, upon good cause shown, the time is extended by the court; relators shall file their brief within ten days of the filing of evidence; respondents shall file their brief within twenty days after the filing of relators' brief; and relators may file a reply brief within five days after the filing of respondents' brief.

Cook, J., dissents.

IT IS FURTHER ORDERED by the court, sua sponte, effective January 18, 1995, that the proceedings in the case, DLZ Corporation et al. v. Ohio Department of Administrative Services, App. Nos. 94APE08-1181 through 1186, be and hereby are, stayed pending further order of this court.

Cook, J., dissents.

MISCELLANEOUS DISMISSALS

94-2313. State ex rel. Columbus S. Power Co. v. Ryan.  
Franklin County, No. 93APD09-1303. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. Appellant's merit brief was due January 17, 1995. It appears from the records of this court that appellant has not filed a merit brief in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that this cause be, and hereby is, dismissed sua sponte, effective January 18, 1995.

#### SUPREME COURT OF OHIO

#### COLUMBUS

#### ANNOUNCEMENT

FRIDAY  
January 20, 1995

#### MOTION DOCKET

95-85. State v. Tyler.  
Franklin County, No. 94APA04-492. This cause is pending before the court as a discretionary appeal and a claimed appeal of right. Upon consideration of appellant's motion for stay of execution of the court of appeals judgment,

IT IS ORDERED by the court that the motion for stay be, and hereby is, granted, effective January 19, 1995.

#### MISCELLANEOUS DISMISSALS

94-710. State ex rel. Davis v. Indus. Comm.  
Franklin County, No. 94APD05-665. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. Upon consideration of the joint application for dismissal,

IT IS ORDERED by the court that the application be, and the same is hereby, granted, effective January 19, 1995.

ACCORDINGLY, IT IS FURTHER ORDERED by the court that this cause be, and hereby is, dismissed.

94-749. Delaney v. Regional Transit Auth.

Cuyahoga County, No. 66691. This cause is pending before the court as a discretionary appeal and as a claimed appeal of right. It appears from the records of this court that appellant has failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that this cause be, and hereby is, dismissed sua sponte, effective January 19, 1995.