

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

TUESDAY  
June 6, 1995

MOTION DOCKET

95-403. State ex rel. Haukedahl v. Bates.  
Lucas County, No. L-93-353. This cause is pending before the court  
as an appeal from the Court of Appeals for Lucas County. Upon  
consideration of appellees' motion for stay of proceedings,

IT IS ORDERED by the court that the motion for stay of  
proceedings be, and hereby is, granted, effective June 5, 1995,  
pending the probate court's consideration of the parties' settlement.

IT IS FURTHER ORDERED by the court that the parties promptly  
notify this court of the probate court's disposition and file, if  
appropriate, an application for dismissal of this cause.

MISCELLANEOUS DISMISSALS

94-1567. State ex rel. Carrington v. Indus. Comm.  
Franklin County, No. 93APD06796. This cause is pending before the  
court as an appeal from the Court of Appeals for Franklin County.  
Upon consideration of appellant's application for dismissal,

IT IS ORDERED by the court that the application for dismissal  
be, and hereby is, granted, effective June 5, 1995.

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

95-108. Armco, Inc. v. N. Assur. Co. of Am.  
Butler County, No. CA94-02-026. This cause is pending before the  
court as an appeal from the Court of Appeals for Butler County.

Appellant's merit brief was due May 30, 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 June 2, 1995.

95-524. State ex rel. Baker v. Nunez.

Lorain County, No. 94CA005908. This cause is pending before the court as an appeal from the Court of Appeals for Lorain County. Appellant's request for an extension of time to file merit brief was granted and appellant's brief was due May 30, 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 June 5, 1995.

95-820. Viccarone v. Colonial Penn Ins. Co.

Cuyahoga County, No. 66822. This cause is pending before the court as a discretionary appeal and cross-appeal. Appellee/cross-appellant's memorandum in response and in support of cross-appeal was due May 26, 1995. It appears from the records of this court that appellee/cross-appellant has not filed a memorandum in response and in support of cross-appeal 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 the cross-appeal of Colonial Penn Insurance Company be, and hereby is, dismissed sua sponte, effective June 5, 1995.

IT IS FURTHER ORDERED by the court that the appeal of Diane Viccarone remains pending.

95-823. Olmsted Twp. Bd. of Trustees v. Berea.

Cuyahoga County, No. 67797. This cause is pending before the court as a discretionary appeal and cross-appeal. Upon consideration of appellees/cross-appellants' application to dismiss their cross-appeal,

IT IS ORDERED by the court that the application to dismiss cross-appeal be, and hereby is, granted, effective June 5, 1995.

IT IS FURTHER ORDERED by the court that the appeal of the city of Berea et al. remains pending.

95-899. Pain Ent., Inc. v. Wessling.

Hamilton County, No. C-930888. This cause is pending before the court as a discretionary appeal. Upon consideration of appellant's application for dismissal,

IT IS ORDERED by the court that the application for dismissal be, and hereby is, granted, effective June 5, 1995.

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

95-1063. State v. Kirby.

Licking County, No. 91CA3749. Appellant has filed an untimely appeal of the court of appeals' decision denying his application for

reopening under App.R. 26(B) and a motion for delayed appeal. This appeal involves a civil, post-conviction matter and not an appeal of a felony case to which the provisions for delayed appeal in S.Ct.Prac.R. II(2)(A)(4) apply. Therefore,

IT IS ORDERED by the court, sua sponte, effective June 5, 1995, that the motion for delayed appeal be, and hereby is, stricken.

IT IS FURTHER ORDERED by the court, sua sponte, that, in that appellant failed to perfect an appeal pursuant to S.Ct.Prac.R. II(2)(A)(1), this case be, and hereby is, dismissed for lack of jurisdiction.