

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

WEDNESDAY
July 10, 1996

MOTION DOCKET

94-722. State v. Fautenberry.
Hamilton County, No. C-920734. Upon consideration of the motion filed by counsel for appellant to continue stay of execution in the above-styled cause pending the exhaustion of state post-conviction remedies, and it appearing from the exhibits to the motion that a petition for post-conviction relief has been filed by appellant with the Hamilton County Common Pleas Court,

IT IS ORDERED by the court that said motion be, and the same is hereby, granted.

IT IS FURTHER ORDERED by the court that compliance with the mandate and execution of sentence be, and the same are hereby, stayed pending the exhaustion of all proceedings for post-conviction relief before courts of this state.

IT IS FURTHER ORDERED that counsel for the appellant and for the appellee shall notify this court when all proceedings for post-conviction relief before courts of this state have been exhausted.

96-870. McBroom v. Russell.
Warren County, No. CA96-01-001. This cause is pending before the court as an appeal of right from the Court of Appeals for Warren County. Pursuant to S.Ct.Prac.R. II(1)(A)(1), this court will render judgment after the parties are given an opportunity to brief the case on the merits in accordance with S.Ct.Prac.R. VI.

The appellant in this case has filed a memorandum in support of jurisdiction, which is not required in an appeal of right, but has not filed a merit brief. Whereas the court has determined that appellant's memorandum shall be treated as his merit brief,

IT IS ORDERED by the court, sua sponte, that appellee's brief shall be due within thirty days of the date of this entry and the parties shall otherwise proceed in accordance with S.Ct.Prac.R. VI.

MISCELLANEOUS DISMISSALS

96-593. State ex rel. Durkin v. Ungaro.
In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus. Upon consideration of the joint application for dismissal,

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

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

96-1032. Allendorf v. Erie Cty. Bd. of Revision.
Board of Tax Appeals, No. 95-A-1134. This cause is pending before the court as an appeal from the Board of Tax Appeals. Upon consideration of appellant's application for dismissal,

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

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

96-1033. Allendorf v. Erie Cty. Bd. of Revision.
Board of Tax Appeals, No. 95-A-1133. This cause is pending before the court as an appeal from the Board of Tax Appeals. Upon consideration of appellant's application for dismissal,

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

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

96-1268. Champion Spark Plug Co. v. Fid. & Cas. Co. of New York.
Lucas County, No. L-94-374. This cause is pending before the court as a discretionary appeal and cross-appeal. It appears from the records of this court that appellees/cross-appellants have not filed a memorandum in support of cross-appeal, due July 3, 1996, in compliance with the Rules of Practice of the Supreme Court and therefore have failed to prosecute this cause with the requisite diligence. Upon consideration thereof,

IT IS ORDERED by the court that the cross-appeal of Fidelity and Casualty Company of New York et al. be, and hereby is, dismissed sua sponte.

The appeal of Champion Spark Plug Company remains pending.