

08/04/97

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

MONDAY
August 4, 1997

MOTION DOCKET

97-865. Justice v. Cuyahoga Cty. Prosecutor.
In Prohibition. On June 18, 1997, this court filed an entry treating respondents' answer as a motion to dismiss, sustaining the motion, and dismissing this cause. On July 25, 1997, relator filed a document titled "Motion for Reconsideration under Civil Rule 60(B)" and "Relator Responds to Both Respondent[s'] Answers Under Civil Rule 60(B) Reconsideration." It appears to this court that relator's motion is, in substance, an untimely motion for reconsideration of this court's decision of June 18, 1997, under S.Ct.Prac.R. XI(2) and not a motion under Civ.R. 60(B). Whereas S.Ct.Prac.R. XI(2)(C) prohibits the filing of an untimely motion for reconsideration.

IT IS ORDERED by the court, sua sponte, that relator's motion for reconsideration be and hereby is stricken.

97-1362. Bourlas Constr., Inc. v. Karns.
Stark App. No. 1996CA00290. This cause is pending before the court as a discretionary appeal from the Court of Appeals for Stark County. Upon consideration of appellants' motion to stay court of appeals' judgment pending appeal,

IT IS ORDERED by the court that the motion to stay be, and hereby is, denied.

MISCELLANEOUS DISMISSALS

97-877. State ex rel. Sinito v. Ohio Adult Parole Auth.
Franklin App. No. 96APD11-1572. 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.

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

97-968. State ex rel. Hare v. Indus. Comm.

Franklin App. No. 96APD06-811. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. It appears from the records of this court that appellant has not filed a merit brief, due July 21, 1997, 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.

97-1055. Rea v. Pecsok, Rea & Demarchi.

Cuyahoga App. No. 71014. This cause is pending before the court as a discretionary appeal. Upon consideration of appellants' 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.