

08/06/97

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

WEDNESDAY

August 6, 1997

MOTION DOCKET

97-1214. Burger Iron Co. v. Tracy.

Board of Tax Appeals, Nos. 95-M-1078 and 96-M-48. This cause is pending before the court as an appeal of case Nos. 95-M-1078 and 96-M-48 from the Board of Tax Appeals. On July 17, 1997, the Clerk of this court filed the documents transmitted from the Board of Tax Appeals that had been certified as the record in this case. The documents filed as the record with this court include, in addition to the transcript and pleadings filed with the Board of Tax Appeals, a file folder labeled "96M0048" that appears to contain copies of various documents and correspondence filed with the Board of Tax Appeals, and an empty file folder labeled "95M1078." On July 29, 1997, the Board of Tax Appeals submitted a letter indicating that its "file jackets" for case Nos. 95-M-1078 and 96-M-48 were inadvertently included in the documents certified as the record, and requesting that the jackets be returned.

It appearing to the court that the documents filed as the record of case Nos. 95-M-1078 and 96-M-48 include the Board of Tax Appeals' jackets,

IT IS ORDERED by the court that the Board of Tax Appeals' request for the return of the file jackets be, and hereby is, granted.

MISCELLANEOUS DISMISSALS

97-1087. Reese v. Mitchell.

Trumbull App. No. 96-T-5622. This cause is pending before the court as an appeal from the Court of Appeals for Trumbull County. It appears from the records of this court that appellant has not filed a merit brief, due July 31, 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.