

05/19/97

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

MONDAY
May 19, 1997

RECONSIDERATION DOCKET

96-1270. VFW Post 1238 v. Ohio Liquor Control Comm.
Huron App. No. H-95-065. Reported at 78 Ohio St.3d ___, ___
N.E.2d ___. This cause came on for further consideration upon
appellant's motion to withdraw motion for reconsideration. Upon
consideration thereof,

IT IS ORDERED by the court that the motion to withdraw
motion for reconsideration be, and hereby is, granted.

Resnick, J., not participating.

96-1271. VFW 1238 v. Ohio Liquor Control Comm.
Huron App. No. H-95-065. Reported at 78 Ohio St.3d ___, ___
N.E.2d ___. This cause came on for further consideration upon
appellant's motion to withdraw motion for reconsideration. Upon
consideration thereof,

IT IS ORDERED by the court that the motion to withdraw
motion for reconsideration be, and hereby is, granted.

Resnick, J., not participating.

97-824. Prudential Prop. & Cas. Ins. Co. v. LMI Ins. Co.
Richland App. No. 96CA32. Reported at 78 Ohio St.3d 1470, ___
N.E.2d ___.

IT IS ORDERED by the court that the motion for
reconsideration in this case be, and hereby is, denied.

MISCELLANEOUS DISMISSALS

97-946. Smith v. Serva-Portion, Inc.

In this case, appellant has filed two appeals involving entries
entered by the Hamilton County Court of Appeals in case Nos. C-
961075, C-961121, C-970024, C-970071 and C-961105 on March 28,
1997. In the entries, the court of appeals overruled
appellant's motions to extend time because appellant failed to
provide any readable or intelligible reason within the motions;
struck appellant's "many other filings" as being unreadable and
unintelligible; and sua sponte, dismissed the appeals for
appellant's failure to show cause why he had failed to comply
with the Ohio Rules of Appellate Procedure. Upon review of the
documents appellant has filed in this case, this court finds
that the appeals are not reasonably well grounded in fact or

warranted by existing law or a good faith argument for the extension, modification or reversal of existing law.

This case is the seventh appeal filed by James Smith in this court in which Serva-Portion, Inc. is the appellee. In addition, appellant has filed fourteen appeals in which the Ohio Department Human Services is the appellee. This court has declined jurisdiction in and/or dismissed all of the prior appeals. Furthermore, on October 23, 1996, this court limited appellant's filings in connection with Clermont County Court of Appeals case No. CA96-05-045, James Smith v. Ohio Department of Human Services, to one notice of appeal to appeal the final decision of the court of appeals.

Upon consideration of the above, and pursuant to S.Ct.Prac.R. XIV(5), this court finds that the appeals filed herein are frivolous and that James Smith has abused his in forma pauperis status by filing numerous frivolous appeals. Accordingly,

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

IT IS FURTHER ORDERED by the court that the Clerk of this court shall not accept for filing any additional appeals from James Smith unless accompanied by the docket fee required by S.Ct.Prac.R. XV.