

05/02/97

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

FRIDAY
May 2, 1997

MERIT DOCKET

96-1270. VFW Post 1238 v. Ohio Liquor Control Comm.
Huron App. No. H-95-065. This cause, here on certification of conflict by the Court of Appeals for Huron County, was considered in the manner prescribed by law. The court finds that the record establishes that the notice of appeal from the trial court to the court of appeals was not filed within the time prescribed by App.R. 4(A). Accordingly, this appeal is dismissed, sua sponte, for want of jurisdiction; the judgment of the court of appeals is vacated because it lacked jurisdiction; and the trial court's entry filed on September 1, 1995, and journalized on September 5, 1995, is reinstated on authority of Pitts v. Ohio Dept. of Transp. (1981), 67 Ohio St.2d 378, 21 O.O.3d 238, 423 N.E.2d 1105, paragraph one of the syllabus.

It is further ordered that the appellee recover from the appellant its costs herein expended, that a mandate be sent to the Court of Appeals for Huron County to carry this judgment into execution, and that a copy of this entry be certified to the Clerk of the Court of Appeals for Huron County for entry.

Moyer, C.J., Douglas, Nader, F.E. Sweeney, Pfeifer, Cook and Lundberg Stratton, JJ., concur.

Robert A. Nader, J., of the Eleventh Appellate District, sitting for Resnick J.

96-1271. VFW Post 1238 v. Ohio Liquor Control Comm.
Huron App. No. H-95-065. This cause, here on appeal from the Court of Appeals for Huron County, was considered in the manner prescribed by law. The court finds that the record establishes that the notice of appeal from the trial court to the court of appeals was not filed within the time prescribed by App.R. 4(A). Accordingly, this appeal is dismissed, sua sponte, for want of jurisdiction; the judgment of the court of appeals is vacated because it lacked jurisdiction; and the trial court's entry filed on September 1, 1995, and journalized on September 5, 1995, is reinstated on authority of Pitts v. Ohio Dept. of Transp. (1981), 67 Ohio St.2d 378, 21 O.O.3d 238, 423 N.E.2d 1105, paragraph one of the syllabus.

It is further ordered that the appellee recover from the appellant its costs herein expended, that a mandate be sent to the Court of Common Pleas of Huron County to carry this judgment into execution, and that a copy of this entry be

certified to the Clerk of the Court of Appeals for Huron County for entry.

Moyer, C.J., Douglas, Nader, F.E. Sweeney, Pfeifer, Cook and Lundberg Stratton, JJ., concur.

Robert A. Nader, J., of the Eleventh Appellate District, sitting for Resnick J.

MISCELLANEOUS DISMISSALS

97-370. Beck v. Tracy.

Board of Tax Appeals, No. 96-K-156. 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.

97-666. State ex rel. Beery v. Schregardus.

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.