

03/13/97

## SUPREME COURT OF OHIO

## COLUMBUS

## ANNOUNCEMENT

THURSDAY  
March 13, 1997

## MOTION DOCKET

96-2342. State ex rel. Shotts v. Austin Powder Co.  
Franklin App. No. 95APD12-1643. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. On March 3, 1997, appellants filed a reply brief that was due February 10, 1997. Rule XIV, Section 1(C) of the Rules of Practice of the Supreme Court prohibits the filing of a brief that is not timely tendered for filing. Accordingly,

IT IS ORDERED by the court, sua sponte, that the reply brief be, and hereby is, stricken.

96-2485. State ex rel. Crum v. Indus. Comm.  
Franklin App. No. 95APD11-1516. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. Upon consideration of the agreed motion for remand filed by the parties,

IT IS ORDERED by the court that the motion be, and is, hereby, granted, and this cause is remanded to the Court of Appeals for Franklin County.

IT IS FURTHER ORDERED by the court that the parties shall pay their respective costs herein expended; and that a mandate be sent to the court of appeals to carry this judgment into execution; and that a copy of this entry be certified to the court of appeals for entry.

## MISCELLANEOUS DISMISSALS

95-1722. State ex rel. Apanovich v. Tubbs Jones.  
In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus. On October 10, 1995, relator filed an application for dismissal of this cause. Upon consideration thereof,

IT IS ORDERED by the court, nunc pro tunc, that relator's application for dismissal be, and hereby is, granted, effective October 10, 1995.

96-2825. DLZ Corp. v. Jones.

Franklin App. No. 96APE05-575. This cause is pending before the court as a discretionary appeal. 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.

96-2698. Tosi v. Jones.

Franklin App. No. 96APE04-500. This cause is pending before the court as a discretionary appeal. 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.

97-486. State v. Conley.

Summit App. No. 18175. Appellant has filed an untimely appeal of the court of appeals' decision dismissing his post-conviction action, and a motion for delayed appeal. This appeal involves a civil, post-conviction matter and not an appeal of a felony case to which the provisions for delayed appeal in S.Ct.Prac.R. II(A)(4) apply. Accordingly,

IT IS ORDERED by the court, sua sponte, that the motion for delayed appeal be, and hereby is, stricken.

IT IS FURTHER ORDERED by the court, sua sponte, that, in that appellant failed to perfect an appeal pursuant to S.Ct.Prac.R. II(2)(A)(1), this cause be, and hereby is, dismissed for lack of jurisdiction.