

02/28/97

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

FRIDAY

February 28, 1997

MOTION DOCKET

96-2247. State ex rel. The Plain Dealer v. Ohio Dept. of Ins. In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus. Upon consideration of relators' and intervening respondent's motions for protective orders,

IT IS ORDERED by the court that the motions for protective orders be, and hereby are, denied.

Moyer, C.J., Resnick and Lundberg Stratton, JJ., would grant relators' motion only.

96-2443. State ex rel. Hamilton v. Fifth Dist. Court of Appeals.

In Mandamus. On February 26, 1997, relator filed a document titled "Motion for Declaratory Judgment for `Writ of Mandamus'." It appears to the court that relator's motion is, in substance, a request for reconsideration of this court's entry of January 15, 1997, and, as such, is untimely pursuant to S.Ct.Prac.R. XI(2)(A). 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 appellant's motion be, and hereby is, stricken.

97-187. State ex rel. Strothers v. Wertheim.

Cuyahoga App. No. 71185. This cause is pending before the court as an appeal from the Court of Appeals for Cuyahoga County. On February 20, 1997, appellee filed a second supplement pursuant to S.Ct.Prac.R. VII(3). Appellee's supplement does not contain the proof of service required by S.Ct.Prac.R. XIV(2)(C). Whereas S.Ct.Prac.R. XIV(2)(C) prohibits the filing of a document that does not contain a proof of service,

IT IS ORDERED by the court, sua sponte, that appellee's supplement be, and hereby is, stricken.

MISCELLANEOUS DISMISSALS

97-133. Grooms v. Herring.

Stark App. No. 1996CA00318. This cause is pending before the court as a discretionary appeal and claimed appeal of right. It appears from the records of this court that appellant has not filed a memorandum in support of jurisdiction, due February 14, 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.

97-189. Ohio Power Co. v. Pub. Util. Comm.

Public Utilities Commission, No. 96-628-EL-AEC. This cause is pending before the court as an appeal from the Public Utilities Commission of Ohio. 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.

97-201. Local Union 1886, United Mine Workers of Am. v. Reclamation Bd. of Review.

Franklin App. No. 96APD04-506. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. On January 27, 1997, appellant filed a notice of appeal pursuant to S.Ct.Prac.R. II(2). Appellant's notice of appeal does not contain the proof of service required by S.Ct.Prac.R. XIV(2)(C). Whereas S.Ct.Prac.R. XIV(2)(C) prohibits the filing of a document that does not contain a proof of service,

IT IS ORDERED by the court, sua sponte, that appellant's notice of appeal be, and hereby is, stricken.

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

97-224. Garfield Hts. Firefighters, Internatl. Assn. of Fire Fighters, Local #340 v. Garfield Hts.

Cuyahoga App. No. 69652. This cause is pending before the court as a discretionary appeal and a claimed appeal of right. 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.

97-390. Musa v. Musa.

Franklin App. No. 96APE07-831. On February 19, 1997, appellants filed a notice of appeal from a judgment entry denying certification of conflict filed February 4, 1997, by the Court of Appeals for Franklin County. Appellants attached a copy of the judgment entry filed February 4, 1997, but did not attach a copy of the court of appeals' opinion of February 4, 1997 to their memorandum in support of jurisdiction, as required by S.Ct.Prac.R. III(1)(D). Furthermore, it appears to this court that appellants' memorandum in support of jurisdiction relates solely to a court of appeals' journal entry and opinion entered December 11, 1996, that is attached to appellants' memorandum in

support of jurisdiction. Under S.Ct.Prac.R. II(2)(A), an appeal from a decision entered December 11, 1996 was due no later than January 25, 1997.

Whereas appellants have not filed a memorandum in support of jurisdiction relating to the decision entered February 4, 1997, in compliance with the requirements of S.Ct.Prac.R. III(1), nor filed a timely appeal of the decision entered December 11, 1996, appellants have not perfected an appeal to this court. Accordingly,

IT IS ORDERED by the court, sua sponte, that appellants' appeal be, and hereby is, dismissed.