

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

MONDAY
November 16, 1998

MOTION DOCKET

98-1274. Laidlaw Waste Sys., Inc. v. Consol. Rail Corp.

Certified State Law Question, No. C2980227. This cause came before the court on the certification of a state law question from the United States District Court, Southern District of Ohio, Eastern Division. On November 12, 1998, petitioner filed a reply brief that was due November 2, 1998, under S.Ct.Prac.R. XVIII(7). Whereas S.Ct.Prac.R. XIV(1)(C), prohibits the untimely filing of a brief,

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

98-2145. Kohrman, Jackson & Krantz, P.L.L. v. Fraiberg.

Cuyahoga App. No. 73276. This cause is pending before the court as a discretionary appeal. Upon consideration of appellant's motion for stay,

IT IS ORDERED by the court that the motion for stay be, and hereby is, denied.

98-2178. Burnes v. Webb.

Athens App. No. 97CA45. This cause is pending before the court as a discretionary appeal. Upon consideration of appellant's motion for stay,

IT IS ORDERED by the court that the motion for stay be, and hereby is, denied.

98-2198. State v. Talley.

Montgomery App. No. 16479. This cause is pending before the court as a discretionary appeal. Upon consideration of appellant's motion for stay,

IT IS ORDERED by the court that the motion for stay be, and hereby is, denied.

98-2210. State ex rel. Vance v. Rockwell Internatl.

Franklin App. No. 97APD06-869. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. Upon consideration of the motion for stay filed by Rockwell International,

IT IS ORDERED by the court that the motion for stay be, and hereby is, denied.

Moyer, C.J., dissents.

MISCELLANEOUS DISMISSALS

98-1713. State ex rel. The Budd Co. v. Forney.

Franklin App. No. 97APD04-454. This cause is pending before the court as an appeal from the Court of Appeals for Franklin County. It appears from the records of this court that appellant has not filed a merit brief, due October 21, 1998, in compliance with the Rules of Practice of the Supreme Court and therefore has failed to prosecute with the requisite diligence. Upon consideration thereof,

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

98-1760. Johnson v. Russell.

Warren App. No. CA98-06-069. This cause is pending before the court as an appeal from the Court of Appeals for Warren County. It appears from the records of this court that appellant has not filed a merit brief, due October 26, 1998, 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*.

98-2049. Kinvernon Corp. v. Hamilton Cty. Bd. of Revision.

Board of Tax Appeals, No. 96-L-1472. 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.

98-2198. State v. Talley.

Montgomery App. No. 16479. This cause is pending before the court as a discretionary appeal. It appears from the records of this court that appellant has not filed a memorandum in support of jurisdiction, due October 29, 1998, 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*.

MISCELLANEOUS DOCKET

In re Judicial Campaign Complaint
Against Jonathan P. Hein

Case No. 98-2388

ORDER

Pursuant to Rule II, Section 5(E)(1) of the Supreme Court Rules for the Government of the Judiciary of Ohio and section 2701.11 of the Ohio Revised Code, the Supreme Court appoints the following judges to serve on the five-judge commission to consider the report of the hearing panel of the Board of Commissioners on Grievances and Discipline in *In re Judicial Campaign Complaint Against Jonathan P. Hein*, Case No. 98-2388:

Judge Nancy Drake Hammond

Judge Peter M. Handwork
Judge John Donnelly

Fayette County Court of Common Pleas
(Twelfth District)

Sixth District Court of Appeals
Cuyahoga County Court of Common Pleas
(Eighth District)

Judge Lawrence A. Belskis

Franklin County Court of Common Pleas
(Tenth District)

Judge Jeff Payton

Mansfield Municipal Court
(Fifth District)

Pursuant to Gov. Jud. R. III, Section 2(B)(1), the Supreme Court designates Judge Hammond as chairman of the Commission.

Pursuant to R.C. 2701.11, Richard A. Dove, Associate Director of the Supreme Court of Ohio, for the purpose of this proceeding, is designated as Administrative Director to serve as Secretary to the Commission, with authority to sign entries and orders on behalf of and at the direction of the Commission or its chairman.

All pleadings and documents in this matter shall be filed with the Clerk of the Supreme Court. The original and seven copies of all documents shall be filed. Service on the Commission shall be made by serving the Secretary. The Rules of Practice of the Supreme Court of Ohio shall apply to all proceedings before the Commission, except as otherwise ordered by the Court.

THOMAS J. MOYER
Chief Justice

Dated: November 16, 1998