

**SUPREME COURT OF OHIO**

**COLUMBUS**

**ANNOUNCEMENT**

9:00 A.M.

WEDNESDAY

June 2, 1999

**MERIT DOCKET**

**97-461. State ex rel. LTV Steel Co. v. Indus. Comm.**

Franklin App. No. 95APD12-1622. *Sua sponte*, cause dismissed as moot.

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

**99-723. State ex rel. Reynolds v. Spon.**

In Mandamus. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

**99-866. State ex rel. Jones v. Ohio Adult Parole Auth.**

In Habeas Corpus. On petition for writ of habeas corpus by Elijah Jones. *Sua sponte*, cause dismissed.

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

**99-880. Davis v. Moore.**

In Habeas Corpus. On petition for writ of habeas corpus by Marcus Davis. *Sua sponte*, cause dismissed.

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

**DISMISSALS, SUA SPONTE, NO SUBSTANTIAL  
CONSTITUTIONAL QUESTION AND DISCRETIONARY  
APPEALS, IF APPLICABLE, NOT ALLOWED**

**99-422. President & Bd. of Trustees of Ohio Univ. v. Smith.**

Athens App. No. 98CA11.

Resnick, J., dissents.

**99-439. In re Mason.**

Cuyahoga App. No. 73259.

Resnick, J., dissents.

**99-440. State v. Carlton.**

Fairfield App. No. 98CA65.

**99-441. State v. Bristow.**

Crawford App. No. 3-98-21.

**99-451. State v. Hillman.**

Franklin App. No. 98AP-1354.

**99-452. State v. Merriweather.**

Lorain App. No. 99CA007285.

**99-473. Mitchell v. Bickett.**

Summit App. No. 19370.

Moyer, C.J., dissents.

Lundberg Stratton, J., dissents and would hold this cause for the decision in 97-1870, *Burger v. Cleveland Hts.*, Cuyahoga App. No. 72675.

**99-482. State v. Kirk.**

Miami App. No. 98CA15.

**99-484. State v. Weigand.**

Medina App. No. 2860-M.

**99-493. State v. Rains.**

Fulton App. No. F-98-016.

Lundberg Stratton, J., dissents.

Resnick, J., not participating.

**99-494. State v. Albaugh.**

Stark App. Nos. 1997CA00167 and 1997CA00222.

Moyer, C.J., Pfeifer and Cook, JJ., dissent, would allow on Propositions of Law Nos. III and V, and would hold the cause for the decision in 98-2301, *State v. Gowdy*, Hamilton App. No. C-970359.

**99-495. Parks v. Lazaroff.**

Pickaway App. No. 98CA16.

**99-500. State v. Martin.**

Summit App. No. 18715.

Moyer, C.J., dissents.

Cook, J., dissents and would allow on Proposition of Law No. I.

**99-501. State v. Waddell.**

Franklin App. No. 98AP-676.

**99-502. Soc. Natl. Bank v. Byrd.**

Franklin App. No. 98AP-1335.

Resnick, J., dissents.

**99-510. State v. Netherland.**

Hamilton App. No. C-971086.

**99-512. Kelley v. Yang Lighting, Inc.**

Hamilton App. No. C-980196.

F.E. Sweeney and Pfeifer, JJ., dissent.

**99-515. Meeker v. Bituminous Cas. Corp.**

Hamilton App. No. C-970977.

Douglas, J., dissents, would allow on Propositions of Law Nos. I, III, VI, and VII, and would consolidate this cause with 99-775, *Meeker v. Bituminous Cas. Corp.*, Hamilton App. No. C-970977.

**99-517. State v. Keene.**

Montgomery App. No. 16963.

**99-522. State v. Jackson.**

Erie App. No. E-97-116.

Resnick, J., not participating.

**99-523. State v. Rideau.**

Montgomery App. No. 17002.

**99-526. State v. Desellems.**

Lake App. No. 98-L-053.

**99-527. Turner v. Goldberg.**

Mahoning App. No. 96CA252.

Moyer, C.J., dissents.

Cook, J., not participating.

**99-545. State v. Sergeant.**

Montgomery App. No. 17249.

Moyer, C.J., and Cook, J., dissent, would allow on Proposition of Law No. II, and would hold this cause for the decision in 98-2301, *State v. Gowdy*, Hamilton App. No. C-970359.

**99-548. State v. Thigpen.**

Stark App. No. 1997CA0284.

Moyer, C.J., and Lundberg Stratton, J., dissent.

**99-553. State v. Cummings.**

Medina App. No. 2824-M.

Moyer, C.J., and Lundberg Stratton, J., dissent.

**99-555. State v. McGaha.**

Butler App. No. CA98-05-091.

Pfeifer, J., dissents.

**99-561. Barker v. Gibson.**

Stark App. No. 1998CA00144.

**99-575. Johnson v. Talley.**

Cuyahoga App. No. 73581.

**99-577. State v. Robinson.**

Logan App. No. 8-97-20.

Moyer, C.J., and Pfeifer, J., dissent.

**99-583. State v. Cumpian.**

Henry App. No. 7-98-10.

**99-592. State v. Grant.**

Allen App. No. 1-96-37.

**99-603. State v. Niehaus.**

Hamilton App. No. C-930491.

**99-630. State v. Perdue.**

Hamilton App. No. C-971112.

**99-632. State v. Wogenstahl.**

Hamilton App. No. C-980175.

**99-640. State v. Harris.**

Sandusky App. No. S-97-048.

Resnick, J., not participating.

**99-666. State v. Young.**

Stark App. No. 1997CA00270.

Moyer, C.J., and Cook, J., dissent, would allow on Propositions of Law Nos. III and IV, and would hold this cause for the decision in *State v. Gowdy*, Hamilton App. No. C-970359.

## **MOTION DOCKET**

**97-568. Am. Assn. of Univ. Professors, Cent. State Univ. Chapter v. Cent. State Univ.**

Greene App. No. 96CA21. On motion to submit briefs on remand from United States Supreme Court. Motion granted.

On motion for admission *pro hac vice* of State Solicitor Edward B. Foley by Mark D. Tucker. Motion granted.

**99-444. Weiss v. Pub. Util. Comm.**

Public Utilities Commission, No. 97-876-EL-CSS. On motion to dismiss. Motion denied.

Cook, J., not participating.

On motion for leave to intervene by the Cleveland Electric Illuminating Company. Motion granted.

Cook, J., not participating.

**99-871. State v. Owen.**

Miami App. No. 98CA17. On motion for leave to file delayed appeal. Motion granted.

Douglas, Resnick and F.E. Sweeney, JJ., dissent.

**99-872. State v. Rodgers.**

Columbiana App. No. 98CO25. On motion for leave to file delayed appeal. Motion denied.

Moyer, C.J., dissents.

**99-904. Villas Condominium Unit Owners' Assn. v. Gammarino.**

Hamilton App. No. C-980626. On motion for stay of the judgment of the court of appeals. Motion denied.

Resnick, J., dissents.

## **DISCRETIONARY APPEALS ALLOWED**

**99-305. McKimm v. Ohio State Elections Comm.**

Franklin App. No. 98AP-304. On discretionary appeal and on motion for admission *pro hac vice* of Edward B. Foley. Discretionary appeal allowed and motion granted.

Resnick and F.E. Sweeney, JJ., dissent.

**99-468. State v. Arnett.**

Hamilton App. Nos. C-980172 and C-980173. Discretionary appeal allowed.

Moyer, C.J., Cook and Lundberg Stratton, JJ., would also strike the appendix.

Resnick and Pfeifer, JJ., dissent.

**DISCRETIONARY APPEALS NOT ALLOWED**

**99-315. Roulet v. AAA Pipe Cleaning Corp.**

Cuyahoga App. No. 75425.

Moyer, C.J., Cook and Lundberg Stratton, JJ., dissent and would hold this cause for the decision in 97-1870, *Burger v. Cleveland Hts.*, Cuyahoga App. No. 72675.

**99-407. Fraiberg v. Fraiberg.**

Cuyahoga App. No. 73321.

Douglas, Resnick and F.E. Sweeney, JJ., dissent.

**99-421. Hillyer v. State Farm Mut. Auto. Ins. Co.**

Cuyahoga App. No. 75073.

Douglas, J., dissents and would hold this cause for the decision in 98-1607, *Hillyer v. State Farm Ins. Co.*, Lake App. No. 97-L-031.

F.E. Sweeney and Pfeifer, JJ., dissent.

**99-437. State v. Hanning.**

Franklin App. No. 98AP-380.

Douglas, Resnick and Lundberg Stratton, JJ., dissent.

**99-458. Hoffman v. Levine.**

Cuyahoga App. No. 75012.

**99-478. State v. Letts.**

Montgomery App. No. 17084.

**99-481. Bass v. Lucas.**

Montgomery App. No. 17212.

Moyer, C.J., Cook and Lundberg Stratton, JJ., dissent.

**99-489. Harvey v. Utica Natl. Ins. Group.**

Hamilton App. No. C-980022.

**99-497. Cox v. Cox.**

Warren App. Nos. CA98-04-045 and CA98-05-054.

Douglas, J., dissents.

**99-499. State v. Wombold.**

Montgomery App. No. 17191.

**99-508. State v. Trammell.**

Stark App. No. 1998CA00026.

**99-509. Brewer v. H & R Concrete, Inc.**

Montgomery App. No. 17254.

F.E. Sweeney and Lundberg Stratton, JJ., dissent.

**99-511. Lyttle v. Progressive Cas. Ins. Co.**

Cuyahoga App. No. 73620.

Douglas and Pfeifer, JJ., dissent.

**99-516. In re Estate of Clay.**

Mercer App. No. 10-98-12.

**99-518. Coke v. Mayo.**

Franklin App. No. 98AP-550.

**99-549. In re Wiethe.**

Warren App. No. CA98-04-049.

Pfeifer and Cook, JJ., dissent.

**99-550. Murray v. Murray.**

Warren App. No. CA98-08-097.

Lundberg Stratton, J., dissents.

**99-572. Lanier v. Univ. Suburban Health Ctr.**

Cuyahoga App. No. 74625.



## **RECONSIDERATION DOCKET**

**98-21 and 98-23. Delli Bovi v. Pacific Indemn. Co.**

Certified State Law Questions, Nos. 4:97 CV0094 and 4:97 CV0147. Reported at 85 Ohio St.3d 343, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

Douglas, Resnick and Pfeifer, JJ., dissent.

**99-170. FOE Aerie 0895 v. Ohio Liquor Control Comm.**

Lawrence App. No. 98CA09. Reported at 85 Ohio St.3d 1456, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

**99-175. State v. Hutton.**

Lucas App. No. L-98-1199. Reported at 85 Ohio St.3d 1456, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

Douglas, J., dissents.

Resnick, J., not participating.

**99-387. State ex rel. Abelt v. Eighth Dist. Court of Appeals.**

In Procedendo. Reported at 85 Ohio St.3d 1455, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.