

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

1:00 P.M.

WEDNESDAY
October 27, 1999

MERIT DOCKET

99-881. Wellman v. Pub. Util. Comm.

Public Utilities Commission, No. 98-516-TP-CSS. *Sua sponte*, cause dismissed.

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

99-1350. State ex rel. Landon v. Barnette.

In Quo Warranto. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

Douglas, Pfeifer and Cook, JJ., dissent, would consolidate with 99-1352, *infra*, and would grant an alternative writ.

99-1352. State ex rel. Landon v. Stantz.

In Quo Warranto. On motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

Douglas, Pfeifer and Cook, JJ., dissent, would consolidate with 99-1350, *supra*, and would grant an alternative writ.

99-1631. State ex rel. Kadas v. Gilligan.

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.

99-1643. State ex rel. Broomfield v. Clerk of Common Pleas Court of Franklin Cty.

In Mandamus. On answer of respondent. Answer treated as motion to dismiss. Motion to dismiss sustained. Cause dismissed.

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

99-1718. Blondheim v. Morgan.

In Habeas Corpus. On petition for writ of habeas corpus by Timothy J. Blondheim. *Sua sponte*, cause dismissed.

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

99-1765. State ex rel. Landis v. Ohio Adult Parole Auth.

In Habeas Corpus. On petition for writ of habeas corpus by William S. Landes, Jr. *Sua sponte*, cause dismissed.

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

99-1766. State v. Dickens.

Clermont App. No. CA98-09-075. On review of order certifying a conflict. The court determines that no conflict exists within the meaning of S.Ct.Prac.R. IV(2)(B). This cause is therefore dismissed.

Resnick, F.E. Sweeney, Pfeifer and Lundberg Stratton, JJ., concur.

Moyer, C.J., Douglas and Cook, JJ., dissent, would accept the conflict, and would hold this cause for the decision in 99-286, *State v. Williams*, Lake App. No. 97-L-191.

99-1767. Hefner v. Ohio Adult Parole Auth.

In Habeas Corpus. On petition for writ of habeas corpus by William G. Hefner and on motion for leave to supplement petition. *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**

99-1401. Adams v. Dean Witter Reynolds, Inc.

Cuyahoga App. No. 74379.

Douglas, J., dissents.

99-1417. Magnetic Specialty, Inc. v. Ohio Bur. of Emp. Serv.

Washington App. No. 98CA41.

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

99-1423. Hamilton Cty. Bd. of Commrs. v. Flanco Realty Co.

Hamilton App. No. C-980781.

99-1425. In re Adoption of Wagner.

Trumbull App. No. 97-T-0224.

99-1431. State v. Chaiffetz.

Marion App. No. 9-98-20.

99-1432. State v. Buchanan.

Summit App. No. 19005.

99-1434. Woodard v. Spellman.

Cuyahoga App. No. 74347.

99-1437. Tomko v. McFaul.

Cuyahoga App. No. 74171.

99-1438. State v. Bobo.

Summit App. No. 18939.

99-1446. State v. Berry.

Franklin App. Nos. 97AP-964 and 98AP-256.

Pfeifer, J., dissents.

99-1448. State v. Borden.

Cuyahoga App. No. 74112.

99-1455. State v. Mann.

Clermont App. No. CA98-08-066.

Lundberg Stratton, J., dissents.

99-1456. State v. Larbi.

Stark App. No. 1998CA00192.

Pfeifer, J., dissents.

99-1457. Johnson v. Johnson.

Vinton App. No. 98CA519.

99-1458. Jones v. Cincinnati Ins. Co.

Mahoning App. No. 96CA43.

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

Cook, J., not participating.

99-1459. State v. Lawwell.

Franklin App. No. 99AP-367.

99-1460. State v. Tillett.

Cuyahoga App. No. 74275.

99-1467. State v. Raglin.

Hamilton App. No. C-980425.

99-1484. State v. Pringle.

Lucas App. No. L-98-1364.

Resnick, J., not participating.

99-1489. Davie v. O'Brien.

Summit App. No. 19234.

99-1496. Pollock v. Rashid.

Hamilton App. No. C-980373.

99-1499. Flint v. Ace Doran Hauling & Rigging Co.

Portage App. No. 97-P-0116.

99-1502. State v. Agee.

Mahoning App. No. 95CA189.

99-1519. State v. Keys.

Hamilton App. No. C-980576.

99-1534. State v. Ferguson.

Medina App. No. 2830-M.

99-1584. State v. Edwards.

Clermont App. No. CA97-04-035.

99-1588. State v. Stewart.

Washington App. No. 96CA18.

99-1613. State v. Ramirez.

Defiance App. No. 4-94-03.

99-1620. State v. Buttrom.

Hamilton App. No. C-970406.

99-1626. State v. Mockbee.

Hamilton App. No. C-980881.

Moyer, C.J., dissents.

MOTION DOCKET

99-1269. Spoerndle v. Nationwide Mut. Ins. Co.

Summit App. No. 19289. On review of order certifying a conflict. The court determines that a conflict exists; *sua sponte*, cause consolidated with 99-1426, *Spoerndle v. Nationwide Mut. Ins. Co.*, Summit App. No. 19289; causes held for the decision in 99-342, 99-348 and 99-618, *Holcomb v. State Farm Ins. Cos.*, Franklin App. No. 98AP-353; and briefing schedule stayed.

Lundberg Stratton, J., dissents.

99-1544. State v. Cejas.

Huron App. No. H-92-032. On motion for leave to file delayed appeal. Motion denied.

99-1564. In re Estate of Fouras.

Licking App. No. 99CA55. On motion for stay of court of appeals' proceedings. Motion denied.

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

99-1768. State v. Weaver.

Delaware App. No. 99CAA05030. On motion for leave to file delayed appeal. Motion granted.

Cook, J., dissents.

99-1775. State v. Vargo.

Lorain App. No. 99CA007413. On motion for stay of court of appeals' judgment. Motion denied.

99-1777. Varian v. Levy.

Stark App. No. 1998CA00278. On motion for stay of court of appeals' judgment. Motion denied.

Moyer, C.J., dissents.

99-1815. Gladieux v. Ohio State Med. Bd.

Franklin App. No. 98AP-1296. On motion for stay of court of appeals' judgment. Motion denied.

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

Cook, J., dissents and would grant the motion with the same conditions imposed by the court of common pleas.

DISCRETIONARY APPEALS ALLOWED

99-1333. State v. Dixon.

Lucas App. No. L-97-1318. Discretionary appeal allowed; *sua sponte*, cause held for the decision in 98-1779, *State v. Conyers*, Lucas App. No. L-97-1327, and 98-1929, *State v. Schultz*, Hamilton App. No. C-970954; briefing schedule stayed.

99-1337. Galmish v. Cicchini.

Stark App. Nos. 97CA00326 and 97CA00403.

Cook and Lundberg Stratton, JJ., dissent.

99-1385. State ex rel. Wallace v. State Med. Bd. of Ohio.

Hamilton App. No. C-980557.

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

99-1426. Spoerndle v. Nationwide Mut. Ins. Co.

Summit App. No. 19289. Discretionary appeal allowed; *sua sponte*, cause consolidated with 99-1269, *Spoerndle v. Nationwide Mut. Ins. Co.*, Summit App. No. 19289; causes held for the decision in 99-342, 99-348 and 99-618, *Holcomb v. State Farm Ins. Cos.*, Franklin App. No. 98AP-353; and briefing schedule stayed.

Lundberg Stratton, J., dissents.

DISCRETIONARY APPEALS NOT ALLOWED

99-1141. Kagy v. Toledo-Lucas Cty. Port Auth.

Fulton App. No. 99-FU-10.

Douglas, J., dissents.

Resnick, J., not participating.

99-1418. Gulla v. Brightman.

Cuyahoga App. No. 73559.

Moyer, C.J., dissents.

99-1422. Dean v. Conrad.

Hamilton App. No. C-980731. Discretionary appeal and cross-appeal denied.

99-1439. Thomas v. Vesper.

Ashland App. No. 99COA01291.

99-1449. Ferguson v. Ohio State Univ. Med. Ctr.

Franklin App. No. 98AP-863.

Douglas and Resnick, JJ., dissent.

99-1451. Goodyear Tire & Rubber Co. v. Robert J. Broker, Jr., M.D., Inc.

Mahoning App. No. 97CA184.

Pfeifer, J., dissents.

99-1453. Nay v. Knighton.

Tuscarawas App. No. 1998AP090101.

99-1462. Joseph D. Bettura Constr., Inc. v. Alpha Framing & Constr., Inc.
Mahoning App. No. 97CA8.

99-1468. Wilson v. Brooks.
Butler App. Nos. CA98-06-123 and CA98-06-132.

99-1471. Fifth Third Bank v. Simpson.
Hamilton App. No. C-980703.
Douglas and Lundberg Stratton, JJ., dissent.

99-1474. Asp v. Ohio Med. Transp., Inc.
Franklin App. No. 98AP-1063.

99-1476. Flitton v. Steve R. Rauch, Inc.
Montgomery App. No. 17402.

99-1479. O'Neill v. O'Neill.
Cuyahoga App. No. 73407.

99-1483. O'Neal v. Arndt.
Ottawa App. No. OT-98-035.
Douglas and Lundberg Stratton, JJ., dissent.
Resnick, J., not participating.

99-1490. In re Testamentary Trust of Hamm.
Geauga App. No. 98-G-2147.

99-1497. In re Bowens.
Ashtabula App. Nos. 97-A-0050, 97-A-0051 and 97-A-0052.

99-1500. Bognar v. Mantua Twp. Bd. of Zoning Appeals.
Portage App. No. 98-P-0054.

99-1509. Ogden v. Robinson Mem. Hosp.
Portage App. No. 98-P-0107.

99-1513. Crow v. Estate of Parker.
Allen App. No. 1-99-13.

99-1527. State v. McDonald.

Mahoning App. Nos. 97CA146 and 97CA148.

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

99-1550. Progressive Ins. Co. v. Stewart.

Lucas App. No. L-98-1250.

Lundberg Stratton, J., dissents.

99-1593. Etheridge v. Executive Caterers at Landerhaven.

Cuyahoga App. No. 75968.

F.E. Sweeney, J., dissents.

RECONSIDERATION DOCKET

99-1187. Lange v. Kent State Univ.

Trumbull App. No. 98-T-0076. Reported at 86 Ohio St.3d 1488, ____ N.E.2d ____.

On motion for reconsideration. Motion denied.