

**SUPREME COURT OF OHIO**  
**COLUMBUS**

**ANNOUNCEMENT**

FRIDAY  
January 7, 2000

**MOTION DOCKET**

**99-2218. State v. King.**

Cuyahoga App. No. 76373. This cause is pending before the court as a discretionary appeal and claimed appeal of right. Upon consideration of appellant's motion for stay of the court of appeals' judgment,

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

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

**99-2211. Tidenberg v. Jones.**

Stark App. No. 1999CA00115. This cause is pending before the court as a discretionary appeal and claimed appeal of right. Upon consideration of appellant's motion for stay of the court of appeals' judgment,

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

## **MISCELLANEOUS DISMISSAL**

### **98-2053. Henry Meyer Assoc., Inc. v. Moreland Hills.**

Cuyahoga App. No. 72754. This cause is pending before the court as an appeal from the Court of Appeals for Cuyahoga County. Upon consideration of the joint application for dismissal and request to remand the case to the court of common pleas,

IT IS ORDERED by the court that the application for dismissal be, and hereby is, granted.

IT IS FURTHER ORDERED by the court that the request to remand the case to court of common pleas be, and hereby is, granted.

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

IT IS FURTHER ORDERED that the appellees recover from the appellant their costs herein expended; and that a mandate be sent to the Court of Common Pleas for Cuyahoga County to carry this judgment into execution, and that a copy of this entry be certified to the Clerk of the Court of Appeals for Cuyahoga County for entry.

### **99-1857. Davet v. Nicastro.**

Cuyahoga App. No. 76423. This cause is pending before the court as an appeal from the Court of Appeals for Cuyahoga County. It appears from the records of this court that appellant has not filed a merit brief, due December 28, 1999, 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*.

IT IS FURTHER ORDERED that the appellee recover from the appellant her costs herein expended; and that a mandate be sent to the Court of Appeals for Cuyahoga County to carry this judgment into execution; and that a copy of this entry be certified to the Clerk of the Court of Appeals for Cuyahoga County for entry.

**99-2319. State v. Cannon.**

Hamilton App. No. C-970765. On December 30, 1999, appellant filed a notice of appeal, motion for stay of court of appeals' judgment, and notice of pending motion to certify a conflict. In lieu of the filing fee required by S.Ct.Prac.R. XV(1), appellant tendered a document titled "Affidavit of Indigency." Whereas appellant's document is not notarized, it does not meet the requirements of S.Ct.Prac.R. XV(3). Accordingly,

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

**00-19. Cleveland v. Strothers.**

Cuyahoga App. No. 74716. On January 3, 2000, appellant filed a notice of appeal and motion for stay of court of appeals' judgment. Appellant has not filed a memorandum in support of jurisdiction in compliance with S.Ct.Prac.R. III within the time for perfecting his appeal, and pursuant to S.Ct.Prac.R. II(2)(A)(1), appellant's failure to file a memorandum in support of jurisdiction divests this court of jurisdiction to hear the appeal. Upon consideration thereof,

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