

**SUPREME COURT OF OHIO**

**COLUMBUS**

**ANNOUNCEMENT**

1:00 P.M.

WEDNESDAY  
March 15, 2000

**MERIT DOCKET**

**00-128. State ex rel. Hill v. Ruehlman.**

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.

**00-282. Graham v. Ohio Adult Parole Auth.**

In Habeas Corpus. On petition for writ of habeas corpus by John Anthony Graham. *Sua sponte*, cause dismissed.

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

**00-302. Bennett v. Money.**

In Habeas Corpus. On petition for writ of habeas corpus by Thomas Bennett, Sr. *Sua sponte*, cause dismissed.

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

**00-317. Brown v. Lazaroff.**

In Habeas Corpus. On petition for writ of habeas corpus by Harold D. Brown. *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**

**99-1864. Archer v. Payne.**

Muskingum App. No. CT980043.

**99-2058. Castle Manufactured Homes, Inc. v. Tegtmeier.**

Wayne App. No. 98CA0065.

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

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

Stark App. No. 1999CA00115. On discretionary appeal and on motion to refer case to a Master Commissioner for settlement conference. Discretionary appeal and motion denied.

**99-2285. State v. Siller.**

Cuyahoga App. No. 75139.

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

**99-2292. Ueshima, Inc. v. Ohio Liquor Control Comm.**

Lucas App. No. L-99-1029.

**99-2297. State v. Kinley.**

Clark App. No. 99CA20.

**99-2298. State v. Fears.**

Hamilton App. No. C-990050.

**99-2299. Crutcher v. Butler Twp.**

Montgomery App. No. 17775. On motion to strike by Bureau of Workers' Compensation. Motion granted.

Moyer, C.J., Douglas, Resnick and Lundberg Stratton, JJ., concur.

Discretionary appeal denied.

Douglas, Resnick, F.E. Sweeney, Pfeifer and Cook, JJ., concur.

**99-2315. State v. Walker.**

Cuyahoga App. No. 74773.

**99-2321. State v. Taylor.**

Cuyahoga App. No. 75352.

Resnick, J., not participating.

**99-2326. In re Guardianship of Dick.**

Warren App. No. CA98-12-154.

Lundberg Stratton, J., would allow on Proposition of Law No. I.

**00-7. State v. Valich.**

Athens App. No. 98CA40.

**00-22. State v. Downey.**

Hardin App. No. 6-99-08.

**00-25. State v. Wynn.**

Cuyahoga App. No. 75281. Discretionary appeal and cross-appeal denied.

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

Resnick, J., not participating.

**00-30. State v. Noble.**

Cuyahoga App. No. 75360.

Resnick, J., not participating.

**00-33. State v. Prichard.**

Hamilton App. No. C-990148. On discretionary appeal and on motion for admission *pro hac vice* by Roger Kirk for Brenda Popplewell. Appeal and motion denied.

**00-34. State v. Tillman.**

Cuyahoga App. No. 74987.

**00-35. White v. Fenicle.**

Lucas App. No. L-99-1204.

**00-37. State v. Hamilton.**

Summit App. No. 19214.

**00-41. State v. Miller.**

Butler App. No. CA98-06-129.

**00-44. State v. Shadrovov.**

Hamilton App. No. C-990226.

**00-45. State v. Kuhlen.**

Franklin App. No. 99AP-107.

**00-49. McLaughlin v. Pyles.**

Clark App. No. 99CA0013.

Lundberg Stratton, J., dissents.

**00-51. State v. Wilkerson.**

Logan App. No. 98CA007225.

Moyer, C.J., dissents.

**00-53. State v. Douglas.**

Marion App. No. 9-99-11.

Moyer, C.J., dissents.

**00-64. State v. Hardman.**

Delaware App. No. 99CAA11059.

**00-66. State v. Childs.**

Hamilton App. No. C-960444.

**00-68. State v. Patterson.**

Lucas App. No. L-97-1377.

Resnick, J., not participating.

**00-69. State v. Nelloms.**

Montgomery App. No. 17663.

**00-99. State v. McDade.**

Hamilton App. No. C-980890.

Lundberg Stratton, J., would allow on Proposition of Law No. III.

Moyer, C.J., would allow.

**00-101. State v. Alvarez.**

Franklin App. No. 98AP-1375.

**00-120. State v. Fitzwater.**

Hamilton App. Nos. C-981005 and C-981006.

Pfeifer, J., dissents.

**00-155. State v. Long.**

Hamilton App. No. C-990234.

**MOTION DOCKET**

**99-1901. State ex rel. Alston v. Indus. Comm.**

Franklin App. No. 98AP-1325. On request for oral argument. Request denied.

**99-2216. Mayer v. Bristow.**

Crawford App. No. 3-98-29. On motion for leave to intervene by Attorney General Betty D. Montgomery. Motion granted.

Cook, J., dissents.

On motion to strike motion for leave to intervene by Attorney General Betty D. Montgomery. Motion denied.

Cook, J., dissents.

On review of order certifying a conflict. The court determines that a conflict exists; the parties are to brief the issue whether R.C. 2323.52, the vexatious litigator statute, is unconstitutional in its entirety.

Cook, J., dissents.

The conflict cases are *Cent. Ohio Transit Auth. v. Timson* (1998), 132 Ohio App.3d 41, \_\_\_ N.E.2d \_\_\_; and *Deters v. Briggs* (Dec. 31, 1998), Hamilton App. No. C-971033, unreported, 1998 WL 906405.

**00-76. Reynolds v. Budzik.**

Erie App. No. E-99-048. On motion to vacate emergency stay. Motion denied.

Douglas and Cook, JJ., dissent.

Resnick, J., not participating.

**00-191. Franklin Cty. Dist. Bd. of Health v. Sturgill.**

Franklin App. No. 99AP-362. On motion for stay of court of appeals' proceedings. Motion denied.

**00-213. State ex rel. Blackson v. Ohio Adult Parole Auth.**

In Prohibition. On complaint in prohibition by Nelson K. Blackson, motion for more definite statement, and motion for stay of proceedings pending resolution of case No. 99-1419, *Woods v. Telb*, Lucas App. No. L-99-1083.

*Sua sponte*, cause held for the decision in 99-1419, *Woods v. Telb*.

Douglas, J., would also hold the cause for the decision in 99-2286, *Sidle v. Ohio Adult Parole Auth.*

Moyer, C.J., Resnick and Pfeifer, JJ., would dismiss the cause.

**00-234. State v. Batey.**

Cuyahoga App. No. 74764. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

**00-272. State v. Richmond.**

Hamilton App. No. C-990728. On motion for leave to file delayed appeal. Motion denied.

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

**00-274. State v. James.**

Butler App. No. CA99-03-047. On motion for leave to file delayed appeal. Motion denied.

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

**00-278. State v. Jackson.**

Erie App. No. E-99-062. On motion for leave to file delayed appeal. Motion denied.

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

Resnick, J., not participating.

**00-308. Indus. Energy Users-Ohio v. Pub. Util. Comm.**

Public Utilities Commission, No. 98-1636-EL-UNC. On motion for admission *pro hac vice* of David C. Rinebolt by Gretchen J. Hummel. Motion granted.

**00-336. State v. Brown.**

Summit App. No. 18591. On motion for leave to file delayed appeal. Motion denied.

Moyer, C.J., and Resnick, J., dissent.

**DISCRETIONARY APPEALS ALLOWED**

**99-2155. Moroney v. Annis.**

Richland App. No. 99CA27. Discretionary appeal allowed; *sua sponte*, cause held for the decision in 98-2630, *Wolfe v. Wolfe*, Montgomery App. No. 17111; briefing schedule stayed.

F.E. Sweeney, J., dissents.

**99-2203. In re Estate of Vaughan.**

Cuyahoga App. No. 75790.

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

Resnick, J., not participating.

**99-2206. Penn Traffic Co. v. Clark Cty. Bd. of Elections.**

Clark App. No. 99CA26.

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

**99-2244. Stephenson v. Grange Mut. Cas. Co.**

Franklin App. No. 98AP-1596. Discretionary appeal allowed; *sua sponte*, cause held for the decision in 98-2630, *Wolfe v. Wolfe*, Montgomery App. No. 17111; briefing schedule stayed.

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

**99-2246. State v. Santana.**

Ashtabula App. No. 98-A-0084.

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

**99-2258. Izev v. Nationwide Mut. Ins. Co.**

Medina App. No. 2865-M. Discretionary appeal allowed; *sua sponte*, cause held for the decision in 98-2630, *Wolfe v. Wolfe*, Montgomery App. No. 17111; briefing schedule stayed.

Cook and Lundberg Stratton, JJ., dissent.

**99-2260. Powers v. Nationwide Mut. Fire Ins. Co.**

Mahoning App. No. 97CA219. Discretionary appeal allowed; *sua sponte*, cause held for the decision in 98-2630, *Wolfe v. Wolfe*, Montgomery App. No. 17111; briefing schedule stayed.

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

**99-2276. Mkparu v. Ohio Heart Care, Inc.**

Stark App. No. 1998CA00283.

Cook and Lundberg Stratton, JJ., dissent.

**99-2287. Malcolm-Smith v. Goff.**

Cuyahoga App. No. 74648.

**99-2310. Gild v. Saley.**

Portage App. No. 98-P-0056. Discretionary appeal allowed; *sua sponte*, cause held for the decision in 98-2630, *Wolfe v. Wolfe*, Montgomery App. No. 17111; briefing schedule stayed.

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

**00-56. Mayer v. Bristow.**

Crawford App. No. 3-98-29. On motion for leave to intervene by Attorney General Betty D. Montgomery. Motion granted. On motion to dismiss. Motion denied. On discretionary appeal. Appeal allowed; *sua sponte*, cause consolidated with 99-2216, *Mayer v. Bristow*, Crawford App. No. 3-98-29.

**DISCRETIONARY APPEALS NOT ALLOWED**

**99-1918. State v. Lower.**

Franklin App. No. 98AP-1275.

Moyer, C.J., dissents, would allow, and would hold the cause for the decision in 99-286, *State v. Williams*, Lake App. No. 97-L-191.



**99-2291. Fed. Home Loan Mtge. Corp. v. Owca.**

Medina App. No. 2897-M.

**99-2301. Fookes v. York-Mahoning Mechanical Contrs., Inc.**

Mahoning App. No. 98CA18.

**99-2302. In re Steinbrook.**

Licking App. No. 99CA00070.

Resnick, J., dissents.

**99-2305. Jenkins v. Fid. Fin. Serv. of Ohio.**

Cuyahoga App. No. 75439.

**99-2313. Maher v. Maher.**

Summit App. No. 19470.

Douglas and Lundberg Stratton, JJ., dissent.

**99-2327. In re Estate of Miller.**

Clark App. No. 98CA78.

**00-2. In re Estate of Little.**

Summit App. No. 19396.

**00-6. Red Head Brass, Inc. v. Buckeye Union Ins. Co.**

Wayne App. No. 98CA0051.

**00-8. Haynes v. Consol. Rail Corp.**

Licking App. No. 99CA6.

Lundberg Stratton, J., dissents.

**00-9. Haynes v. Consol. Rail Corp.**

Licking App. No. 99CA12.

**00-12. Steppe v. KMart Stores.**

Cuyahoga App. No. 74884.

Douglas and Resnick, JJ., dissent.

**00-17. Durnell v. Raymond Corp.**

Franklin App. No. 98AP-1577.

F.E. Sweeney, J., dissents.

**00-42. Triplett v. Ohio Dept. of Rehab. & Corr.**

Franklin App. No. 99AP-16.

Douglas, J., dissents.

**00-46. Richfield Groups, Inc. v. Guran Bros.**

Medina App. No. 2748-M.

Douglas and Cook, JJ., dissent.

**00-48. Winklemann v. Cekada.**

Medina App. No. 2854-M.

**00-50. Hearty v. First Merit Bank, N.A.**

Summit App. No. 19273.

**00-89. Anthony v. Anthony.**

Lake App. No. 98-L-222.

**00-91. Ohio Patrolman's Benevolent Assn. v. Cuyahoga Cty. Sheriff.**

Cuyahoga App. No. 75026.

Resnick, J., not participating.

**00-103. Vawter v. Select Transp., Inc.**

Franklin App. No. 99AP-191.

**RECONSIDERATION DOCKET**

**98-73. State ex rel. Hoskins v. Indus. Comm.**

Franklin App. No. 96APD08-1108. Reported at 87 Ohio St.3d 560, \_\_\_\_ N.E.2d \_\_\_\_\_. On motion for reconsideration. Motion denied.

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

**98-556. State ex rel. Baker v. Indus. Comm.**

Franklin App. No. 96APD10-1283. Reported at 87 Ohio St.3d 561, \_\_\_\_ N.E.2d \_\_\_\_\_. On *amicus curiae* motion for leave to file under S.Ct.Prac.R. XI by Ohio AFL-CIO et al.; *amicus curiae* motion for leave to file under S.Ct.Prac.R. XI by Ohio Education Association; *amicus curiae* motion for

leave to file under S.Ct.Prac.R. XI by Ohio Conference of Teamsters et al.; and *amicus curiae* motion for leave to file under S.Ct.Prac.R. XI by Ohio Manufacturers' Association et al. Motions granted.

Cook and Lundberg Stratton, JJ., dissent.

On motion for reconsideration. Motion granted.

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

*Sua sponte*, cause to be scheduled for oral argument; parties granted leave to file supplemental briefs no longer than fifteen pages; the filing of the supplemental briefs shall be simultaneous.

Cook, J., dissents.

**99-1972. Chadwell v. Ohio State Racing Comm.**

Franklin App. No. 99AP-275. Reported at 88 Ohio St.3d 1415, \_\_\_ N.E.2d \_\_\_\_\_. On motion for reconsideration. Motion denied.

**99-2083. Murray v. Welch.**

Portage App. No. 98-P-0030. Reported at 88 Ohio St.3d 1412, \_\_\_ N.E.2d \_\_\_\_\_. On motion for reconsideration. Motion denied.

**99-2323. State ex rel. Left Fork Mining Co. v. Fuerst.**

Cuyahoga App. No. 77405. Reported at 88 Ohio St.3d 1410, \_\_\_ N.E.2d \_\_\_\_\_. On motion for reconsideration. Motion denied.

Cook, J., dissents, would reinstate the appeal, and would give appellant twenty-five days to file its merit brief.