

**SUPREME COURT OF OHIO**

**COLUMBUS**

**ANNOUNCEMENT**

9:00 A.M.

WEDNESDAY  
October 18, 2000

**MERIT DOCKET**

**00-1424. State ex rel. Harman v. Cacioppo.**

In Mandamus. On motion to dismiss and/or motion for summary judgment. Motion to dismiss sustained. Cause dismissed.

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

**00-1473. State ex rel. Gunnell v. Bowman.**

In Mandamus. On complaint in mandamus by Kevin Brian Gunnell. On S.Ct.Prac.R. X(5) determination, cause dismissed.

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

**00-1516. State ex rel. Hayes v. 911 Coordinator Claypool.**

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.

**00-1638. Thompson v. Wilkinson.**

In Habeas Corpus. On petition for writ of habeas corpus by Roger D. Thompson. *Sua sponte*, cause dismissed.

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

**00-1639. Chatfield v. Wolfe.**

In Habeas Corpus. On petition for writ of habeas corpus by James Chatfield. *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**

**00-1245. State v. Wright.**

Clark App. No. 99CA0011.

**00-1249. State v. Ward.**

Marion App. No. 9200040.

**00-1257. State v. Williams.**

Allen App. No. 1-99-86.

**00-1263. Thomas v. Fick.**

Summit App. No. 19595.

**00-1284. State v. Feasel.**

Seneca App. No. 13200011.

**00-1295. Solid Rock Ministries Internatl. v. Monroe Bd. of Zoning Appeals.**

Butler App. No. CA99-10-170.

**00-1302. Mancini v. Weisman.**

Franklin App. No. 99AP-1260.

F.E. Sweeney, J., dissents.

**00-1312. State v. Gulertekin.**

Franklin App. No. 99AP-900.

Lundberg Stratton, J., not participating.

**00-1317. State v. Montgomery.**

Cuyahoga App. No. 76244.

**00-1324. State v. Ickes.**

Tuscarawas App. No. 1999AP080052.

Pfeifer, J., dissents.

**00-1325. State v. Lee.**

Franklin App. No. 99AP-668.

**00-1327. State v. Butts.**

Franklin App. No. 99AP-1056.

**00-1328. Hamlin v. Motel Six.**

Miami App. No. 2000CA2.

Moyer, C.J., dissents.

**00-1334. Rodgers v. Ohio Valley Mall Co.**

Belmont App. No. 98BA18. On discretionary appeal and motion for admission *pro hac vice* of Scott R. Smith by Don Yannerella. Appeal and motion denied.

Douglas, J., dissents.

**00-1337. State v. Paris.**

Auglaize App. No. 2200004.

**00-1338. State v. Foster.**

Cuyahoga App. No. 76383.

Resnick, J., dissents.

**00-1339. State v. Klump.**

Brown App. No. CA200001001.

**00-1344. Stacy v. Wausau Business Ins. Co.**

Tuscarawas App. No. 2000AP010004.

Moyer, C.J., Resnick and Lundberg Stratton, JJ., dissent and would hold this cause for the decision in 00-132 and 00-170, *Davidson v. Motorists Mut. Ins. Co.*, Franklin App. No. 99AP-163.

**00-1345. State v. Holder.**

Warren App. No. CA99-09-117.

Cook, J., dissents.

**00-1347. State v. Lyons.**

Lake App. No. 99-L-067.

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

**00-1349. Conley v. Conley.**

Athens App. No. 00CA17.

Pfeifer, J., dissents.

**00-1354. State v. Britton.**

Marion App. No. 9-99-81.

**00-1355. Fischer Brewing Co. v. Flax.**

Cuyahoga App. No. 76155.

Pfeifer, J., dissents.

**00-1356. State v. Mollohan.**

Washington App. No. 99CA42.

**00-1357. Moon v. Northwest Airlines, Inc.**

Franklin App. No. 99AP-1104.

F.E. Sweeney, J., dissents.

**00-1359. State v. Russ.**

Clermont App. No. CA99-07-074.

Lundberg Stratton, J., dissents.

**00-1360. State v. Bryant-Bey.**

Lucas App. No. L-97-1425.

Resnick, J., not participating.

**00-1362. State v. Banks.**

Cuyahoga App. No. 76271.

**00-1364. State v. Zack.**

Lorain App. Nos. 98CA007270 and 99CA007321.

Pfeifer, J., dissents.

**00-1369. State v. Flanagan.**

Wayne App. No. 99CA0045.

**00-1370. Murin v. Jeep Eagle Corp.**

Lucas App. No. L-99-1346.

**00-1377. In re Brodman.**

Wyandot App. No. 16200007.

Cook and Lundberg Stratton, JJ., dissent and would hold this cause for the decisions in 00-906, *In re Anderson*, Clark App. Nos. 99CA90 and 99CA91, and 00-941, *In re Howard*, Greene App. No. 98CA132.

**00-1400. McDaniel v. Huntington Natl. Bank.**

Franklin App. No. 99AP-1115.

**00-1417. State v. Mollohan.**

Washington App. No. 98CA13.

**00-1429. State v. Cook.**

Hamilton App. No. C-990918.

**00-1439. State v. Cunningham.**

Clark App. No. 99CA31.

**00-1442. State v. Marcial.**

Lorain App. No. 99CA007353.

**00-1463. Meszaros v. Legal News Publishing Co.**

Cuyahoga App. No. 76368.

Cook, J., dissents.

**00-1476. State v. Sams.**

Richland App. No. 99CA82.

Lundberg Stratton, J., dissents.

**00-1489. State v. Cassie.**

Coshocton App. No. 99CA014.

Lundberg Stratton, J., dissents.

**00-1509. State v. Gonzalez.**

Lorain App. No. 96CA006358.

**00-1513. State v. Flowers.**

Summit App. No. 19448.

**MOTION DOCKET**

**98-1974. State ex rel. Sysco Food Serv. of Cleveland, Inc. v. Indus. Comm.**

In Mandamus. On motion for stay of execution of judgment pending disposition of motion for reconsideration. Motion granted.

Resnick and Pfeifer, JJ., dissent.

**00-507. Cincinnati Bell Tel. Co. v. Pub. Util. Comm.**

Public Utilities Commission, No. 96-899-TP-ALT. On motion for leave to intervene by MCImetro Access Transmission Services, LLC. Motion denied.

Pfeifer, J., dissents.

**00-1540. State v. Hutton.**

Cuyahoga App. No. 51704. On motion for leave to file delayed appeal. Motion granted.

Resnick, J., dissents.

**00-1559. State ex rel. Rose v. Ohio Dept. of Rehab. & Corr.**

In Mandamus. On motion for issuance of peremptory writ and on answer of respondent and counterclaim. *Sua sponte*, alternative writ granted.

Resnick, F.E. Sweeney and Lundberg Stratton, JJ., dissent and would dismiss the cause.

**00-1603. State v. Inglesias-Rodriquez.**

Cuyahoga App. No. 76028. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

**00-1608. State v. Morris.**

Washington App. No. 99CA47. On motion for leave to file delayed appeal. Motion granted.

F.E. Sweeney, J., dissents.

**00-1612. State v. Dixon.**

Trumbull App. No. 99-T-0085. On motion for leave to file delayed appeal. Motion denied.

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

**00-1645. Howard v. Spore.**

Lucas App. No. L-00-1179. On motion for stay of court of appeals' judgment. Motion denied.

**00-1659. State v. Johnson.**

Hamilton App. Nos. C-990397 and C-990399. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

**00-1665. State v. King.**

Hamilton App. No. C-990716. On motion for leave to file delayed appeal. Motion denied.

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

**00-1671. State v. Walker.**

Ross App. No. 99CA2494. On motion for leave to file delayed appeal. Motion denied.

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

**00-1678. State v. Jackson.**

Miami App. No. 99CA36. On motion for leave to file delayed appeal. Motion denied.

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

**DISCRETIONARY APPEALS ALLOWED**

**00-1161. Bernad v. Lakewood.**

Cuyahoga App. No. 75684.

Pfeifer and Cook, JJ., dissent.

Resnick, J., not participating.

**00-1210. Dykes v. Gayton.**

Franklin App. No. 99AP-1073.

Moyer, C.J., and Cook, J., dissent.

**00-1214. Andersen v. Highland House Co.**

Cuyahoga App. No. 75769.

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

**00-1224. Steinbach v. State Farm Mut. Auto. Ins. Co.**

Licking App. No. 99CA00064. Discretionary appeal allowed and cause held for the decision in 00-745 and 00-801, *Littrell v. Wigglesworth*, Butler App. Nos. CA99-05-092 and CA99-08-141.

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

**00-1267. Complete Gen. Constr. Co. v. Ohio Dept. of Transp.**

Franklin App. No. 98AP-1619.

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

Cook, J., not participating.



**00-1274. Polen v. Baker.**

Pickaway App. No. 99CA34.

Resnick and Lundberg Stratton, JJ., dissent.

**DISCRETIONARY APPEALS NOT ALLOWED**

**00-1275. Bohl v. Bohl.**

Lorain App. No. 98CA007276.

**00-1296. Toledo v. Crenshaw.**

Lucas App. No. L-00-1172.

**00-1301. State v. Baker.**

Fayette App. No. CA200001002.

Moyer, C.J., dissents.

**00-1308. Cremeans v. Robbins.**

Ross App. No. 99CA2520.

Douglas, J., dissents.

**00-1313. Miller v. Dayton Power & Light Co.**

Montgomery App. No. 18096.

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

**00-1314. Lawson v. Grange Mut. Cas. Co.**

Montgomery App. No. CA18002.

Moyer, C.J., dissents.

**00-1316. State v. Bernard.**

Montgomery App. No. 18058.

**00-1320. Maffett v. Moyer's Auto Wrecking, Inc.**

Crawford App. Nos. 3-99-11 and 3-99-12.

Cook and Lundberg Stratton, JJ., dissent.

**00-1342. Brown v. Quimby Material Handling, Inc.**

Tuscarawas App. No. 1999AP110066.

**00-1343. Lewis v. Ace Doran Hauling & Rigging Co.**

Portage App. Nos. 99-P-0007 and 99-P-0020.

Moyer, C.J., dissents and would hold this cause for the decision in 99-2186, *Shealy v. Phillips*, Crawford App. No. 3-99-15.

**00-1350. Okum v. Acordia of Ohio, Inc.**

Butler App. No. CA99-10-167. On discretionary appeal and motion for admission *pro hac vice* for Diane Marie Kehl and Bruce M. Radke by Beth A. Myers for First Ins. Funding Corp. Appeal and motion denied.

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

**00-1367. McGregor v. Hanson.**

Geauga App. No. 99-G-2228.

Pfeifer and Lundberg Stratton, JJ., dissent.

**00-1371. Sabbaghzadeh v. Shelvey.**

Lorain App. No. 98CA007244.

**00-1404. O'Brien v. Am. Real Estate Co-Operatives, CMH, Inc.**

Franklin App. No. 99AP-1010.

**RECONSIDERATION DOCKET**

**98-2110. Leisure v. State Farm Auto. Ins. Co.**

Stark App. Nos. 1997CA00417 and 1998CA00001. Reported at 89 Ohio St.3d 110, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

**98-2481. Leisure v. State Farm Mut. Auto. Ins. Co.**

Stark App. Nos. 1997CA00420 and 1997CA00445. Reported at 89 Ohio St.3d 110, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

**99-1481. Amoco Oil Co. v. Petroleum Underground Storage Tank Release Comp. Bd.**

Montgomery App. No. 17672. Reported at 89 Ohio St.3d 477, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

Douglas and Pfeifer, JJ., dissent.

Resnick, J., not participating.

**99-1658. In re Original Grand Jury Investigation.**

Lucas App. No. L-98-1146. Reported at 89 Ohio St.3d 544, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. The motion is denied for want of four votes on the following vote:

Moyer, C.J., F.E. Sweeney and Cook, JJ., vote no.

Douglas, Pfeifer and Lundberg Stratton, JJ., vote yes.

Resnick, J., not participating.

**99-1780. R&R Serv. v. Petroleum Underground Storage Tank Release Comp. Bd.**

Sandusky App. No. S-99-003. Reported at 89 Ohio St.3d 477, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

Douglas and Pfeifer, JJ., dissent.

Resnick, J., not participating.

**00-902. Cincinnati v. Borger.**

Hamilton App. No. C-990465. Reported at 90 Ohio St.3d 1402, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

**00-949. Abner v. A-Best Products Co.**

Butler App. No. CA98-08-174. Reported at 90 Ohio St.3d 1402, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

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

**00-963. Posadny v. Erie Islands Resort & Marina.**

Ottawa App. No. OT-99-066. Reported at 90 Ohio St.3d 1403, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

Resnick, J., not participating.

**00-1016. State v. Jackson.**

Hamilton App. No. C-990371. Reported at 90 Ohio St.3d 1404, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

**00-1036. State v. Stallings.**

Summit App. No. 19620. Reported at 90 Ohio St.3d 1404, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

**00-1077. State ex rel. Henderson v. Clerk of Courts, Franklin Cty. Court of Common Pleas.**

In Mandamus. Reported at 89 Ohio St.3d 1486, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration. Motion denied.

Pfeifer, J., dissents.

**00-1115. State ex rel. Madonia v. Callahan.**

In Mandamus. Reported at 89 Ohio St.3d 1486, \_\_\_ N.E.2d \_\_\_. On motion for reconsideration, motion to strike respondent's motions for failure to provide designation of counsel of record, and motion to strike motion for reconsideration and motion for stay of foreclosure. Motions denied.