

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

1:00 P.M.

WEDNESDAY
October 25, 2000

MERIT DOCKET

00-1544. AT&T Communications of Ohio, Inc. v. Pub. Util. Comm.

Public Utilities Commission, Nos. 00-127-TP-COI and 83-464-TP-COI. *Sua sponte*, cause dismissed, the appeal being premature.

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

Pfeifer, J., dissents, would deny the stay, and would grant the motion for leave to intervene of Ameritech Ohio.

Resnick, J., not participating.

00-1575. State ex rel. Stewart v. Lazarus.

In Procedendo. 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.

00-1680. Kinsey v. Starr.

In Prohibition. 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.

00-1697. Abdullah v. Wilkinson.

In Habeas Corpus. On petition for writ of habeas corpus by Khaldun S. Abdullah, a.k.a. Daryl E. Delaney and Michael Ira Ferry. *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**

00-1358. Evans v. Mellott Mfg. Co.

Jackson App. No. 98CA838.

00-1368. Polzer v. Awig.

Cuyahoga App. Nos. 76103 and 76305.

00-1373. State v. Taylor.

Miami App. No. 99CA23.

Lundberg Stratton, J., dissents.

00-1374. State v. Ashley.

Ross App. No. 99CA2514.

00-1375. State v. Walls.

Cuyahoga App. No. 76394.

00-1376. State v. Shinn.

Washington App. Nos. 99CA29 and 99CA35.

Douglas and Lundberg Stratton, JJ., dissent.

00-1378. State v. Banks.

Franklin App. No. 99AP-1237.

00-1385. State v. McGowan.

Summit App. No. 19989.

Moyer, C.J., would allow on Proposition of Law No. II.

00-1386. State v. Conley.

Franklin App. No. 99AP-901.

00-1388. State v. Burrier.

Geauga App. No. 98-G-2126.

00-1390. Willoughby v. Eckersley.

Lake App. No. 99-L-061.

00-1395. State v. Leek.

Cuyahoga App. No. 74338.

00-1401. State v. Harris.

Franklin App. No. 99AP-1087.

00-1408. Fred C. Koch Greenhouses, Inc. v. Cincinnati.

Hamilton App. No. C-990834.

00-1409. State v. Nelson.

Cuyahoga App. No. 75756.

00-1411. State v. Wells.

Jefferson App. No. 99JE2.

00-1414. State v. Jones.

Mercer App. No. 10200006.

00-1415. State v. Jones.

Mercer App. No. 10200005.

00-1416. State v. Butler.

Franklin App. No. 99AP-302.

Resnick, J., dissents.

00-1423. Endicott v. Johrendt.

Franklin App. No. 99AP-935.

00-1426. State v. Sumlin.

Cuyahoga App. No. 76261.

00-1430. Schluter v. PSL Motors, Inc.

Richland App. No. 99CA67.

00-1432. Pratt v. Wilson Mem. Hosp.

Montgomery App. No. 18030.

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

00-1433. State v. Volgares.

Lawrence App. No. 99CA25.

00-1434. State v. Lehrfeld.

Hamilton App. No. C-990754.

00-1435. State v. Dempsey.

Cuyahoga App. No. 76386.

Resnick, J., not participating.

00-1437. Kays v. Schregardus.

Portage App. No. 99-P-0066.

00-1447. State ex rel. Montgomery v. Ohio Cast Products, Inc.

Stark App. No. 1999CA00394.

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

00-1448. State v. Saadey.

Columbiana App. No. 99CO49.

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

00-1449. Denham v. New Carlisle.

Clark App. No. 98CA19.

00-1450. State v. Edmonds.

Montgomery App. No. 17907.

00-1451. State v. Hawn.

Montgomery App. No. 17722.

Resnick and Lundberg Stratton, JJ., dissent.

00-1461. German v. Bohn.

Allen App. No. 1200014.

00-1469. Rose v. Rose.

Wayne App. No. 99CA0009.

Douglas, J., dissents.

00-1471. Burkey v. Farris.

Tuscarawas App. No. 1999AP030015.

00-1474. State v. Thieken.

Marion App. No. 9200009.

Douglas, J., dissents.

00-1477. Harris v. Walker.

Cuyahoga App. No. 76326.

Moyer, C.J., dissents.

Resnick, J., not participating.

00-1485. Toliver v. Middletown.

Butler App. No. CA99-08-147.

Moyer, C.J., dissents.

00-1492. State v. McKinley.

Cuyahoga App. No. 76443.

00-1497. Collier v. Cappadonna.

Lake App. No. 99-L-030.

00-1532. State v. Sanford.

Wood App. No. WD-92-057.

Resnick, J., not participating.

00-1539. Miller v. Ohio Bur. of Emp. Serv.

Butler App. No. CA99-11-189. On discretionary appeal and on motion for substitution of parties of Director, Ohio Department of Job & Family Services, for Administrator, Ohio Bureau of Employment Services. Appeal and motion denied.

MOTION DOCKET

00-505. Farm Credit Serv. of Mid-America v. Tracy.

Board of Tax Appeals, Nos. 97-T-889 and 98-T-333. On motion for admission *pro hac vice* of Richard Hanson by John A. Biek. Motion granted.

00-1553. Smith v. Friendship Village of Dublin, Ohio, Inc.

Franklin App. No. 99AP-1332. On review of order certifying a conflict. The court determines that a conflict exists; the parties are to brief the issue stated in the court of appeals' Journal Entry filed August 3, 2000:

“For the reasons stated in the memorandum decision of this court herein on August 1, 2000, it is the order of this court that the motion to certify the judgment of this court as being in conflict with the judgment of the Court of Appeals for Jefferson County in *Hultberg v. Ohio Edison Co.* (1996), 116 Ohio App.3d 130 [687 N.E.2d 12], is sustained, and, pursuant to Section 3(B)(4), Article IV, Ohio Constitution, the record of this case is certified to the Supreme Court of Ohio for review and final determination upon the following issue in conflict: Kristie Smith, plaintiff-appellant, ‘was not barred from filing her complaint with the trial court pursuant to R.C. 4112.99 simply because she had previously filed an administrative claim pursuant to R.C. 4112.05.’”

Sua sponte, cause consolidated with 00-1456, *Smith v. Friendship Village of Dublin, Ohio, Inc.*, Franklin App. No. 99AP-1332.

Pfeifer, J., dissents to all of the above.

00-1679. Stop 26-Riverbend, Inc. v. Krichbaum.

Mahoning App. No. 00CA153. On motion to expedite briefing schedule. Motion denied.

Douglas, J., dissents.

On request for oral argument. Request denied.

00-1704. State v. Hoke.

Knox App. No. 99CA19. On motion for leave to file delayed appeal. Motion denied.

Pfeifer and Lundberg Stratton, JJ., dissent.

DISCRETIONARY APPEALS ALLOWED

00-1276. Whaley v. Franklin Cty. Bd. of Commrs.

Franklin App. No. 99AP-570.

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

00-1304. Wilmington City School Dist. Bd. of Edn. v. Clinton Cty. Bd. of Commrs.

Clinton App. No. CA99-12-037.

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

00-1321. Nations Title Ins. of New York, Inc. v. Bertram.

Montgomery App. No. 18078.

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

00-1323. Michael v. Reliance Natl. Ins. Co.

Franklin App. No. 99AP-1002.

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

00-1456. Smith v. Friendship Village of Dublin, Ohio, Inc.

Franklin App. No. 99AP-1332. Discretionary appeal allowed and cause consolidated with 00-1553, *Smith v. Friendship Village of Dublin, Ohio, Inc.*, Franklin App. No. 99AP-1332.

Douglas, Resnick and Pfeifer, JJ., dissent.

00-1462. State v. Garretson.

Warren App. No. 9910123.

Douglas and Pfeifer, JJ., dissent.

00-1479. State v. Kole.

Lorain App. No. 98CA007116.

Cook, J., would allow only on Propositions of Law Nos. 1, 2, and 3.

F.E. Sweeney, J., dissents.

DISCRETIONARY APPEALS NOT ALLOWED

00-1366. Miller-Valentine Constr., Inc. v. Iron Workers Local Union No. 55.

Wood App. No. WD-99-072.

Cook and Lundberg Stratton, JJ., dissent.

Resnick, J., not participating.

00-1372. Franks v. Natl. Lime & Stone Co.

Hancock App. No. 5-99-58.

Douglas and Resnick, JJ., dissent.

00-1382. W.E. Lott Co. v. D.A. Internatl. Casting Co.

Crawford App. Nos. 3200002, 3200003 and 3200004.

Douglas and Pfeifer, JJ., dissent.

00-1387. Sovchik v. Cloverleaf Local School Dist. Bd. of Edn.

Medina App. No. 3076-M.

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

00-1402. Frost v. Dayton Power & Light Co.

Adams App. No. 98CA669.

Resnick and Cook, JJ., dissent.

00-1407. Wilmot v. Forest City Auto Parts.

Cuyahoga App. No. 75945. Discretionary appeal denied.

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

Resnick, J., not participating.

Discretionary cross-appeal denied.

Moyer, C.J., and Douglas, J., dissent.

Resnick, J., not participating.

00-1410. Krist v. Curtis.

Cuyahoga App. No. 76074.

F.E. Sweeney, J., dissents.

Resnick, J., not participating.

00-1412. Klinar v. Ohio Extended Care.

Lorain App. No. 98CA007246.

Douglas, J., dissents.

00-1419. Fraternal Order of Police, Ohio Labor Council, Inc. v. Atty. Gen.

Franklin App. No. 99AP-1039.

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

00-1428. In re Petition to Annex Approximately 101.763 Acres of Deerfield Twp. Land.

Warren App. No. CA99-11-129.

00-1496. In re O'Herron.

Montgomery App. Nos. 18213 and 18214.

Resnick, J., dissents.

RECONSIDERATION DOCKET

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

In Mandamus. Reported at 89 Ohio St.3d 612, ___ N.E.2d ___. On motion for reconsideration and on *amicus curiae* motion for leave to file under S.Ct.Prac.R. XI by the Ohio Self-Insurers' Association. Motions denied.

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

99-1312. CASA 94, L.P. v. Franklin Cty. Bd. of Revision.

Board of Tax Appeals, No. 97-S-632. Reported at 89 Ohio St.3d 622, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

99-1570. Simmerer v. Dabbas.

Summit App. No. 18718. On motion to strike motion for reconsideration. Motion denied.

99-1570. Simmerer v. Dabbas.

Summit App. No. 18718. Reported at 89 Ohio St.3d 586, ___ N.E.2d ___. On motion for reconsideration. Motion denied.

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