

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

1:00 P.M.

WEDNESDAY

July 19, 2000

**DISMISSALS, SUA SPONTE, NO SUBSTANTIAL
CONSTITUTIONAL QUESTION AND DISCRETIONARY
APPEALS, IF APPLICABLE, NOT ALLOWED**

00-362. State v. Miller.

Tuscarawas App. No. 1999AP020010.

Lundberg Stratton, J., dissents and would hold this cause for the decision in 99-1419, *Woods v. Telb*, Lucas App. No. L-99-1083.

00-590. State v. Dvorkin.

Cuyahoga App. Nos. 75339, 75340 and 75341.

Resnick, J., not participating.

00-615. Courtyard on Coventry v. Giambrone Masonry, Inc.

Cuyahoga App. No. 75271.

Resnick, J., not participating.

00-622. Romine v. Ohio State Hwy. Patrol.

Franklin App. No. 99AP-657.

00-626. State v. Godfrey.

Licking App. No. 99CA95.

Lundberg Stratton, J., dissents.

00-633. State v. Neace.

Mercer App. No. 10-99-07.

00-637. Breitenstein v. E.I. Du Pont De Nemours & Co.

Hamilton App. No. C-990518.

00-638. Brecksville v. Malone.

Cuyahoga App. Nos. 75466 and 75651.

00-639. State v. Pryor.

Hamilton App. No. C-990497.

Lundberg Stratton, J., dissents.

00-640. State v. Doan.

Clinton App. No. CA97-12-014.

Pfeifer, J., dissents.

00-646. Hood v. Diamond Products, Inc.

Lorain App. No. 98CA007278.

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

00-651. Dermer v. Wayne.

Fairfield App. No. 99CA00064.

F.E. Sweeney, J., dissents.

00-655. Kaeser v. Cincinnati Zoning Bd. of Appeals.

Hamilton App. No. C-990407.

F.E. Sweeney, J., dissents.

00-657. State v. Jones.

Cuyahoga App. No. 75843.

Pfeifer, J., dissents.

Resnick, J., not participating.

00-664. State v. VanHorn.

Lucas App. No. L-98-1171.

Resnick, J., not participating.

00-665. Krzynowek v. Krzynowek.

Cuyahoga App. No. 75893.

Resnick, J., not participating.

00-666. State v. Botros.

Cuyahoga App. No. 76738.

00-669. State v. Valle.

Stark App. No. 1999CA00079.

00-683. State v. Moore.

Stark App. No. 1999CA00126.

00-688. Yancy v. Haehn.

Geauga App. No. 99-G-2210.

00-691. State v. Burke.

Franklin App. No. 99AP-174.

Pfeifer, J., dissents.

00-693. State v. Hamm.

Jefferson App. No. 97JE54.

00-695. State v. Hamilton.

Clark App. No. 98CA98.

00-697. M&M Precision Sys. Corp. v. Interactive Group, Inc.

Montgomery App. No. 18008.

00-699. State v. Harmon.

Hamilton App. No. C-990275.

00-700. State v. Class.

Tuscarawas App. No. 1999AP060040.

00-701. State v. Bowers.

Cuyahoga App. No. 75749.

00-703. AmeriFirst Sav. Bank of Xenia, Ohio v. Krug.

Montgomery App. No. 17349.

F.E. Sweeney, J., dissents.

00-706. State v. Flowers.

Summit App. No. 19448.

00-707. Westfall v. Schwan's Sales Ent.

Guernsey App. No. 99CA19.

00-708. State v. Davis.

Cuyahoga App. No. 75975.

Moyer, C.J., and Lundberg Stratton, J., dissent and would hold this cause for the decision in 99-1419, *Woods v. Telb*, Lucas App. No. L-99-1083.

00-709. State v. La Mar.

Lawrence App. No. 98CA23.

00-710. Hemphill v. Marysville.

Union App. No. 14-99-48.

Moyer, C.J., dissents.

00-712. State v. Gillespie.

Cuyahoga App. No. 75918.

00-713. State v. Fosdick.

Licking App. No. 99CA99.

00-717. State v. Jordan.

Hamilton App. No. C-990633.

00-720. State v. Chapel.

Guernsey App. No. 99CA18.

Pfeifer, J., dissents.

00-723. Finan v. Union Cent. Life Ins. Co.

Hamilton App. No. C-990238.

00-725. State v. McNeill.

Lorain App. No. 98CA007045.

Lundberg Stratton, J., dissents.

00-727. Dove v. Ohio State Dental Bd.

Lucas App. No. L-99-1280.

Moyer, C.J., dissents.

00-732. State v. English.

Lorain App. No. 99CA007410.

00-733. State v. McCray.

Lorain App. No. 99CA007310.

00-735. State v. Howard.

Summit App. No. 19609.

00-739. State v. English.

Lorain App. No. 99CA007408.

00-741. Abbas v. Abbas.

Wood App. No. WD-00-015.

00-744. State v. White.

Cuyahoga App. No. 77741.

00-747. State v. D'Ambrosio.

Cuyahoga App. No. 75076.

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

00-752. State v. Sanchez.

Cuyahoga App. No. 75902.

00-762. State v. Umpenhour.

Fulton App. Nos. F-99-012 and F-99-013.

Moyer, C.J., dissents.

00-766. State v. Smith.

Lorain App. No. 98CA007169.

00-768. McCullough v. Catholic Diocese of Columbus.
Fairfield App. No. 99CA77.

00-770. State v. Hicks.
Lorain App. No. 00CA007566.

00-774. Heard v. Conrad.
Mahoning App. No. 98CA71.
F.E. Sweeney and Pfeifer, JJ., dissent.

00-775. State v. Henson.
Franklin App. No. 99AP-553.
Lundberg Stratton, J., dissents.

00-777. In re Mitchell.
Franklin App. No. 99AP-621.

00-790. Jordan v. State Farm Mut. Auto. Ins. Co.
Columbiana App. No. 98CO62.

00-791. State v. Callahan.
Mahoning App. No. 97CA224.

00-797. Cassidy v. Conrad.
Franklin App. No. 99AP-603.
Cook and Lundberg Stratton, JJ., dissent.

00-799. State v. Miller.
Summit App. No. 19496.

00-803. State v. Drake.
Cuyahoga App. No. 76072.
Resnick, J., not participating.

00-804. State v. Gordon.
Summit App. No. 19984.

00-815. State v. Scott.
Mahoning App. No. 98CA174.
Moyer, C.J., and Lundberg Stratton, J., dissent.

00-828. Regal Cinemas, Inc. v. Mayfield Hts.

Cuyahoga App. No. 75962.

Pfeifer, J., dissents.

00-836. Chambers v. Chambers.

Cuyahoga App. Nos. 75220, 75239, 75240, 75241 and 75242.

Cook and Lundberg Stratton, JJ., dissent, would allow, and would hold this cause for the decision in 00-472 and 00-481, *Johnson v. Greene Cty. Drug Task Force*, Greene App. No. 99CA61.

00-837. State v. Hart.

Hamilton App. No. C-990541.

00-855. State v. Stern.

Hamilton App. No. C-990216.

Moyer, C.J., dissents, would allow, and would hold this cause for the decision in 00-472 and 00-481, *Johnson v. Greene Cty. Drug Task Force*, Greene App. No. 99CA61.

00-861. Vicha v. Streetsboro.

Portage App. Nos. 98-P-0111, 98-P-0112, 98-P-0113 and 98-P-0114.

Cook, J., dissents.

00-891. State v. Palmer.

Franklin App. No. 99AP-175.

00-927. State v. Vernon.

Lake App. No. 99-L-006.

00-929. State v. Brown.

Trumbull App. Nos. 95-T-5349 and 98-T-0061.

MOTION DOCKET

99-2203. In re Estate of Vaughan.

Cuyahoga App. No. 75790. On amended objections of Safeco Insurance Company of America to non-compliance, amended motion to strike appellant's merit brief, and amended motion to dismiss; on motion to strike appellant's merit brief by Jacqueline Bradshaw and motion to dismiss. Objections and motions denied.

Lundberg Stratton, J., would also order both defendants to supplement and give the other side twenty days to supplement.

Resnick, J., not participating.

00-641. Myers v. Safeco Ins. Co. of Am.

Licking App. No. 99CA00083. On review of order certifying a conflict. The court determines that a conflict exists. *Sua sponte*, cause consolidated with 00-597, *Myers v. Safeco Ins. Co. of Am.*, Licking App. No. 99CA00083, and causes held for the decision in 00-132 and 00-170, *Davidson v. Motorists Mut. Ins. Co.*, Franklin App. No. 99AP-163; briefing schedule stayed.

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

DISCRETIONARY APPEALS ALLOWED

00-591. State v. Hill.

Fairfield App. No. 98CA67. On motion to strike a portion in the appendix of both the appellant's and *amicus curiae's* memos in support. Motion denied.

Cook, J., dissents.

On discretionary appeal. Appeal allowed.

00-597. Myers v. Safeco Ins. Co. of Am.

Licking App. No. 99CA00083. Discretionary appeal allowed, cause consolidated with 00-641, *Myers v. Safeco Ins. Co. of Am.*, Licking App. No. 99CA00083, and causes held for the decision in 00-132 and 00-170, *Davidson v. Motorists Mut. Ins. Co.*, Franklin App. No. 99AP-163; briefing schedule stayed.

Moyer, C.J., and Cook, J., would also have Proposition of Law No. III briefed and argued on the same date as 00-132 and 00-170.

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

00-610. Thomas v. Taylor.

Cuyahoga App. Nos. 75005 and 75006.

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

00-632. Coleman v. Cleveland Hts.

Cuyahoga App. No. 77452. Discretionary appeal allowed and cause held for the decision in 00-472 and 00-481, *Johnson v. Greene Cty. Drug Task Force*, Greene App. No. 99CA61; briefing schedule stayed.

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

DISCRETIONARY APPEALS NOT ALLOWED

00-618. Fiedeldey v. Colerain Twp. Bd. of Zoning Appeals.

Hamilton App. No. C-990471.

00-619. Cleveland Police Patrolmen's Assn. v. Cleveland.

Cuyahoga App. No. 75839.

Resnick, J., not participating.

00-649. State v. Miller.

Stark App. No. 1999CA00306.

00-654. State v. Parker.

Lorain App. No. 98CA007158.

00-658. Howard v. Seidler.

Mahoning App. Nos. 97CA193 and 98CA45. On discretionary appeal and on motion for admission *pro hac vice* of Scott D. Livingston and Moira Cain by James L. Messenger. Appeal and motion denied.

Pfeifer, J., dissents.

00-659. O.E. Meyer Co. v. The BOC Group, Inc.

Erie App. No. E-99-002.

Pfeifer, J., dissents.

Resnick, J., not participating.

00-668. Blakely v. Lucal.

Erie App. No. E-99-031.

Resnick, J., not participating.

00-675. Scott v. Univ. of Toledo.

Franklin App. No. 99AP-656.

Pfeifer, J., dissents.

00-678. Lamvermeyer v. Denison Univ.

Licking App. No. 99CA50.

Moyer, C.J., dissents.

00-679. Le-Air Molded Plastics, Inc. v. Goforth.

Cuyahoga App. No. 74543.

00-686. Dubinsky v. Dubinsky.

Cuyahoga App. No. 75403.

00-687. Rakowski v. Cassel.

Lucas App. No. L-99-1135.

Resnick, J., not participating.

00-694. Kelly v. Ohio Convenient Food Mart, Inc.

Lake App. No. 98-L-270.

00-698. Stratford Chase Apts. v. Columbus.

Franklin App. No. 99AP-586.

00-714. Amerifirst Sav. Bank of Xenia, Ohio v. Krug.

Montgomery App. Nos. 17345 and 17349.

00-722. State v. Sullivan.

Franklin App. No. 99AP-936.

Lundberg Stratton, J., dissents.

00-724. Eight Day Sound Sys., Inc. v. Lorrie Morgan Productions.

Cuyahoga App. Nos. 75931 and 76206.

Pfeifer, J., dissents.

Resnick, J., not participating.

00-726. Perkinson v. Merrill Lynch, Pierce, Fenner & Smith.

Summit App. No. 19377.

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

00-729. State v. Smith.

Cuyahoga App. No. 75512.

00-731. Williams v. Franklin Cty. Bd. of Commrs.

Franklin App. No. 00AP-186.

00-734. Conway v. Conway.

Marion App. No. 9-99-72.

00-737. Beta Lasermike, Inc. v. Swinchatt.

Montgomery App. No. 18059.

Pfeifer, J., dissents.

00-742. In re Annexation of 64.301 Acres in Plain Twp.

Stark App. No. 1999CA00324.

Pfeifer, J., dissents.

00-751. Connell Wilks v. Wilks.

Butler App. No. CA99-05-085.

Douglas and Pfeifer, JJ., dissent.

00-754. Barille v. T.W. Grogan Co.

Cuyahoga App. No. 75364.

00-763. Oliver Design Group, Inc. v. Allen-Bradley Co.

Cuyahoga App. No. 75502.

Douglas and Pfeifer, JJ., dissent.

00-772. Patterson v. N. Am. Ins. Co.

Summit App. No. 19733.

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

00-773. Ferguson v. McCreedy.

Lorain App. No. 98CA007175.

Resnick, J., dissents.

00-785. Jordan v. Jordan.

Greene App. No. 99CA64.

Moyer, C.J., and F.E. Sweeney, J., dissent.

00-794. Westbrook v. W. Ohio Health Care Corp.

Montgomery App. No. 17417.

Douglas and Pfeifer, JJ., dissent.

00-796. Helms v. Armsey.

Summit App. No. 19435.

00-805. Sisson v. Ohio Dept. of Human Serv.

Medina App. No. 2949-M. On motion to adopt memorandum in response of Ohio Department of Human Services by Medina County Department of Human Services and on motion to adopt memorandum in response of Ohio Department of Human Services by Medina County Department of MRDD. Discretionary appeal and motions denied.

00-811. Cuyahoga Deputy Sheriffs Union Local 1 v. State Emp. Relations Bd.

Franklin App. No. 99AP-1470.