

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

1:00 P.M.

WEDNESDAY
December 20, 2000

MERIT DOCKET

00-1864. State ex rel. Williams-Bey v. Taft.

In Mandamus and Procedendo. On motion to dismiss, motion for the determination of material falsity, motion to substitute relator David Turner, motion to strike motion to dismiss and motion for determination of material falsity, and motion for appointment of counsel. Motion to dismiss sustained. Cause dismissed. All other motions are denied.

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

Cook, J., concurs in the denial of the motion for determination of material falsity for lack of authenticated supporting documentation. See Evid.R. 901.

Douglas and Lundberg Stratton, JJ., concur except that they would grant the motion for determination of material falsity.

00-1916. State ex rel. Miller v. State.

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.

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

00-1309. State v. Harris.

Cuyahoga App. No. 76020.

00-1693. State v. Ingledue.

Auglaize App. No. 2200015.

00-1702. State v. Keith.

Cuyahoga App. Nos. 76469, 76479 and 76610.

00-1708. State v. Teasley.

Hamilton App. No. C-990722.

00-1709. State v. Fields.

Wayne App. No. 99CA0062.

00-1710. State v. Pickett.

Cuyahoga App. No. 76295.

Cook and Lundberg Stratton, JJ., dissent.

00-1711. State v. Kimbrough.

Cuyahoga App. No. 76517.

00-1716. State v. Jones.

Franklin App. No. 00AP-10.

00-1717. State v. King.

Auglaize App. No. 2200013.

00-1719. State v. Davis.

Franklin App. No. 00AP-12.

Cook, J., dissents.

Lundberg Stratton, J., not participating.

00-1720. State v. Pearson.

Seneca App. Nos. 13200012 and 13200013.

00-1722. State v. Hagar.
Cuyahoga App. No. 76634.

00-1724. State v. Kirin.
Trumbull App. No. 99-T-0054.

00-1726. State v. Goldson.
Hamilton App. No. C-990777.

00-1727. State v. Walker.
Hamilton App. No. C-980849.
Moyer, C.J., and Douglas, J., dissent.

00-1729. State v. Waddell.
Franklin App. No. 99AP-1130.

00-1743. State v. Slagle.
Cuyahoga App. No. 76834.

00-1746. Sayre v. Valley Ford Truck Sales, Inc.
Cuyahoga App. No. 76515.
F.E. Sweeney, J., dissents.

00-1749. State v. Kelly.
Franklin App. No. 99AP-1302.
Pfeifer, J., dissents.

00-1750. State v. Watkins.
Cuyahoga App. No. 77051.

00-1751. State v. Mallet.
Cuyahoga App. No. 76608.

00-1755. State v. Crawford.
Hamilton App. Nos. C-000522 and C-000537.

00-1763. State v. Kajoshaj.
Cuyahoga App. No. 76857.

00-1765. Lovelace v. Williams.
Licking App. No. 00CA00012.

00-1768. State v. Ireys.
Belmont App. No. 18391.

00-1770. State v. Heropoulos.
Stark App. No. 1999CA00408.

00-1777. Canton v. Houser.
Stark App. No. 2000CA00055.

00-1778. State v. Roeder.
Allen App. No. 1200058.

00-1780. State v. Stamper.
Wyandot App. No. 16200006.

00-1782. State v. Prade.
Summit App. No. 19327.
Pfeifer, J., dissents.

00-1790. Vermett v. Fred Christen & Sons Co.
Lucas App. No. L-99-1166.
Douglas, J., dissents.

00-1795. State v. Kaine.
Cuyahoga App. No. 75159.

00-1796. State v. Johnson.
Cuyahoga App. No. 76865.

00-1802. State v. Turner.
Summit App. No. 19751.

00-1828. Hope v. Shiveley.
Clermont App. No. CA200004022.

00-1831. State v. Simmons.
Montgomery App. No. 18077.

00-1856. State v. Proctor.
Butler App. No. CA99-08-139.

00-1930. State v. Hagans.
Franklin App. No. 98AP-815.

00-1981. In re Farris.
Summit App. No. 20102.
Resnick, J., dissents.

MOTION DOCKET

00-1508. Payphone Assn. of Ohio v. Pub. Util. Comm.
Public Utilities Commission, No. 93-487-TP-ALT. On motion for admission *pro hac vice* of Henry T. Kelly by Roger P. Sugarman. Motion granted.

00-1625. Green v. Toledo Hosp.
Lucas App. No. L-97-1457. 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' Decision and Judgment Entry filed August 11, 2000, at page 14:

“Recognizing that our decision is in conflict with the Tenth Appellate District in Banks v. D’Andrea (Sept. 23, 1997), Franklin App. No. 97APG03-321, unreported [1997 WL 599920], and State Auto. Mut. Ins. Co. v. Lytle (March 5, 1985), Franklin App. No. 84AP-424, unreported [1985 WL 9887], we hereby certify the record of this matter to the Supreme Court of Ohio to determine whether syllabus paragraph three of State v. Keairns (1984), 9 Ohio St.3d 228 [9 OBR 569, 460 N.E.2d 245], applies to civil cases.”

F.E. Sweeney, J., dissents.

Resnick, J., not participating.

Sua sponte, cause consolidated with 00-1694, *Green v. Toledo Hosp.*, Lucas App. No. L-97-1457.

Resnick, J., not participating.

00-1658. State ex rel. Sherrills v. State.
Cuyahoga App. No. 78261. On motion for sanctions, motion for emergency relief to supplement record with evidence, and motion to supplement record. Motions denied.

00-1673. State ex rel. Sherrills v. Ohio Adult Parole Auth.

Franklin App. No. 99AP-1295. On motion for sanctions and motion to supplement record to include further evidence. Motions denied.

00-1697. Abdullah v. Wilkinson.

In Habeas Corpus. On motion for findings of fact and conclusions of law. Motion denied.

00-1968. In re Olah.

Lorain App. No. 99CA007318. 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 October 5, 2000, at page 2:

“Whether the language of R.C. 2151.35(B)(1) requires a juvenile court to dismiss a complaint without prejudice on its own motion when the court cannot hold the dispositional hearing within ninety days of the filing of the complaint.”

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

The conflict cases are *In re Kutzli* (1991), 71 Ohio App.3d 843, 595 N.E.2d 1026; *In re Bailey* (Apr. 17, 1998), Lucas App. No. L-96-363, unreported, 1998 WL 196287; and *In re N.B.* (Apr. 15, 1996), Butler App. Nos. CA95-02-031, CA95-03-056 and CA95-06-017, unreported, 1996 WL 174546.

Sua sponte, cause consolidated with 00-1785, *In re Olah*, Lorain App. No. 99CA007318.

00-1984. Aetna Cas. & Sur. Co. v. Goodyear Tire & Rubber Co.

Summit App. No. 19121. On motion for admission *pro hac vice* by Steven R. Smith for Mitchell F. Dolin for Babcock & Wilcox Company et al. Motion granted.

00-2024. State v. Goins.

Butler App. No. CA200005078. On motion for leave to file delayed appeal. Motion denied.

Pfeifer, J., dissents.

00-2038. Bertolini v. Whitehall City School Dist. Bd. of Edn.

Franklin App. No. 99AP-1374. On motion for stay of court of appeals' judgment. Motion denied.

00-2055. Carnahan v. Ohio Dept. of Human Serv.

Lake App. No. 99-L-094. On motion for stay and motion to strike. Motions denied.

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

00-2073. State v. Zimmerman.

Lucas App. No. L-98-1246. On motion for leave to file delayed appeal. Motion denied.

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

00-2075. State v. Tanner.

Richland App. No. 98CA28. On motion for leave to file delayed appeal. Motion denied.

00-2081. State v. Washabaugh.

Mahoning App. No. 97CA131. On motion for leave to file delayed appeal. Motion denied.

00-2082. State v. Hardman.

Delaware App. No. 00CAA07018. On motion for leave to file delayed appeal. Motion denied.

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

00-2093. State v. Edwards.

Franklin App. No. 99AP-958. On motion for leave to file delayed appeal. Motion denied.

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

00-2097. State v. Wynn.

Hamilton App. No. C-000575. On motion for leave to file delayed appeal. Motion granted.

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

00-2107. State v. Warren.

Hamilton App. No. C-000285. On motion for leave to file delayed appeal. Motion denied.

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

00-2117. Bardes v. Todd.

Hamilton App. No. C-000055. On motion for stay. Motion denied.

DISCRETIONARY APPEALS ALLOWED

00-1607. In re West.

Cuyahoga App. No. 78228. Discretionary appeal allowed and cause held for the decision in 00-906, *In re Anderson*, Clark App. Nos. 99CA90 and 99CA91; briefing schedule stayed.

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

00-1609. State v. Napier.

Stark App. No. 1999CA00331.

Pfeifer, J., dissents.

00-1655. Lownsbury v. VanBuren.

Summit App. No. 19365.

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

00-1694. Green v. Toledo Hosp.

Lucas App. No. L-97-1457. Discretionary appeal allowed and cause consolidated with 00-1625, *Green v. Toledo Hosp.*, Lucas App. No. L-97-1457.

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

Resnick, J., not participating.

00-1757. State v. Murrell.

Hamilton App. No. C-000103.

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

00-1785. In re Olah.

Lorain App. No. 99CA007318. Discretionary appeal allowed and cause consolidated with 00-1968, *In re Olah*, Lorain App. No. 99CA007318.

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

DISCRETIONARY APPEALS NOT ALLOWED

00-1495. State v. Luipold.

Erie App. No. E-99-037.

Lundberg Stratton, J., dissents.

00-1707. Gironda v. Gill.

Summit App. No. 19647.

Resnick, J., dissents.

00-1733. Fontbank, Inc. v. CompuServe, Inc.

Franklin App. No. 99AP-817.

00-1734. Davis v. Chrysler Corp.

Summit App. No. 20103.

00-1737. Ensell v. Mtge. Serv. Corp.

Ashtabula App. No. 99-A-0051.

00-1738. Wawrzyniak v. Zayat.

Cuyahoga App. No. 76487.

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

00-1739. T.A.P. On Tap, Inc. v. Sardis.

Cuyahoga App. No. 75755.

00-1752. State v. Patrick.

Cuyahoga App. No. 77644.

00-1754. Bayes, Inc. v. Bertsch Co.

Lucas App. No. L-99-1384.

00-1769. Doolittle v. Zapis Communications Corp.

Trumbull App. No. 99-T-0084.

00-1783. Long v. Internatl. Wire Group, Inc.

Crawford App. No. 3200011.

00-1791. Skidmore v. Stacey.

Hamilton App. No. C-000131.

Douglas and Lundberg Stratton, JJ., dissent.

00-1800. Sekulovski v. Bubev.

Franklin App. No. 99AP-1224.

RECONSIDERATION DOCKET

00-490. State ex rel. Davis v. Indus. Comm.

Franklin App. No. 99AP-173. Reported at 90 Ohio St.3d 203, ____ N.E.2d ____.

On motion for reconsideration. Motion denied.

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