

SUPREME COURT OF OHIO

COLUMBUS

ANNOUNCEMENT

1:00 P.M.

WEDNESDAY
February 14, 2001

MERIT DOCKET

00-2044. State ex rel. Ormond v. Solon.

In Mandamus. On motion for leave to intervene as respondents by Cameratta Properties, L.P., and DiSanto Enterprises, Inc. Motion granted.

On motion to dismiss and/or motion for summary judgment, answer of respondent, motion to strike affidavit in support of complaint, motion to dismiss or, in the alternative, motion for summary judgment by Cameratta Properties, L.P. et al., motion to set response date to intervenor's motion to dismiss if leave is granted, and motion to expedite review of complaint in mandamus. Motions to dismiss sustained. Cause dismissed.

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

01-53. Roland v. Spillane.

In Habeas Corpus. On petition for writ of habeas corpus by Robin Neil Roland. *Sua sponte*, cause dismissed.

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

01-79. Shaner v. Haviland.

In Habeas Corpus. On petition for writ of habeas corpus by Rodney F. Shaner. *Sua sponte*, cause dismissed.

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

01-102. Ellis v. Hurley.

In Habeas Corpus. On petition for writ of habeas corpus by Taul C. Ellis. *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**

00-1381. State v. Tardif.

Portage App. No. 99-P-0031.

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

00-1608. State v. Morris.

Washington App. No. 99CA47.

00-1959. Berthelot v. Berthelot.

Summit App. No. 20238.

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

00-2030. Steele v. Frank.

Summit App. No. 19847.

Resnick, J., dissents.

00-2032. Miller v. Miller.

Cuyahoga App. Nos. 75622 and 75623.

Lundberg Stratton, J., would allow on Propositions of Law Nos. I and IV.

Douglas, J., would allow.

00-2039. In re Estate of Dotson.

Mahoning App. No. 99CA34.

00-2040. Xenia v. State.

Franklin App. No. 00AP-3.

Douglas, J., dissents.

00-2049. State v. Jones.

Auglaize App. No. 02200007.

00-2053. State v. Glenn.

Hamilton App. Nos. C-000206 and C-000210.

00-2061. Somerset v. LaRue.

Perry App. No. 99CA15.

00-2076. State v. Smith.

Allen App. No. 1200062.

00-2077. State v. Whitaker.

Defiance App. No. 4-99-17.

00-2079. State v. Boyle.

Richland App. No. 00CA34.

00-2085. State v. Mitts.

Cuyahoga App. No. 76963.

00-2086. Cireddu v. Cireddu.

Cuyahoga App. No. 76784.

00-2094. State v. Mierzejewski.

Lucas App. No. L-98-1434.

Resnick, J., not participating.

00-2104. Matos v. Kaiser Permanente Hosp.

Cuyahoga App. No. 77612.

00-2106. State v. Kelly.

Medina App. No. 3046-M.

00-2115. State v. Swingle.

Summit App. No. 19746.

00-2117. Bardes v. Todd.

Hamilton App. No. C-000055.

00-2118. State v. Clary.

Franklin App. No. 99AP-1465.

Lundberg Stratton, J., dissents and would hold this cause for the decision in 99-788, *State v. Eppinger*, Cuyahoga App. No. 72686.

00-2121. State v. Brahler.

Cuyahoga App. No. 76941.

00-2122. State v. Richard.

Cuyahoga App. No. 76797.

00-2125. State v. Phillips.

Cuyahoga App. No. 77082.

00-2128. State v. Phelps.

Summit App. No. 19732.

00-2143. Renshaw v. Renshaw.

Guernsey App. No. 00CA05.

Pfeifer, J., dissents.

00-2150. Advanced Vinyl Distrib. Corp. v. Beresh Group, Inc.

Morgan App. No. CA9911.

00-2154. Larson v. Larson.

Portage App. No. 2000P0023.

00-2164. Corpus v. Frasher.

Franklin App. No. 99AP-1143.

00-2183. Natl. City Bank v. Victory Bldg. Co.

Lucas App. No. L-99-1311.

Resnick, J., not participating.

00-2206. State v. Driver.

Stark App. No. 1999CA00290.

00-2257. State v. Wilson.

Franklin App. No. 99AP-1259.

00-2262. State v. Logan.

Cuyahoga App. No. 63943.

00-2272. State v. Lower.

Franklin App. No. 98AP-1275.

01-25. State v. Montgomery.

Franklin App. No. 99AP-750.

Lundberg Stratton, J., dissents.

01-51. In re Adoption of Schetterer.

Lake App. No. 2000L126.

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

MOTION DOCKET

00-1869. State v. Weideman.

Portage App. No. 98-P-0109. 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' Judgment Entry filed October 10, 2000, at page 2:

"Whether a stop and detention of a motorist by a police officer, who is *beyond* his or her jurisdictional limits, for an offense observed and committed *outside* the officer's jurisdiction automatically constitutes a *per se* unreasonable seizure under the Fourth Amendment, thereby triggering the mandatory application of the exclusionary rule to suppress all evidence flowing from the stop."

Cause consolidated with 00-2126, *State v. Weideman*, Portage App. No. 98-P-0109.

The conflict cases are *State v. Filler* (1995), 106 Ohio App.3d 731, 667 N.E.2d 54; *State v. Tennison* (Apr. 14, 1989), Wood App. No. WD-88-41, unreported, 1989 WL 35534; *State v. Brown* (Apr. 16, 1999), Pickaway App. No. 98CA27, unreported, 1999 WL 259649; and *State v. Hammons* (Aug. 28, 1998), Montgomery App. No. 16931, unreported, 1998 WL 543363.

01-50. State v. Helms.

Lucas App. No. L-99-1264. On motion for leave to file delayed appeal. Motion denied.

01-54. State v. Cooksey.

Lorain App. No. 99CA007474. On motion for leave to file delayed appeal. Motion denied.

01-55. State v. Stith.

Franklin App. No. 95APA07-934. On motion for leave to file delayed appeal. Motion denied.

01-72. State v. Wilson.

Cuyahoga App. No. 62181. On motion for leave to file delayed appeal. Motion denied.

01-87. State v. Wilson.

Hamilton App. No. C-000593. On motion for leave to file delayed appeal. Motion denied.

Cook, J., dissents.

01-91. Shell Energy Serv. Co., L.L.C. v. Pub. Util. Comm.

Public Utilities Commission, Nos. 99-1729-EL-ETP and 99-1730-EL-ETP. On motion for admission *pro hac vice* of Paul Forshay, Keith McCrea, and Daniel Oginsky by Langdon Bell. Motion granted.

01-105. State v. Smith.

Morrow App. No. 837. On motion for leave to file delayed appeal. Motion denied.

DISCRETIONARY APPEALS ALLOWED

00-1963. Parrish v. Parrish.

Ross App. No. 98CA2470. Discretionary appeal and motion for admission *pro hac vice* of Jeremiah B. McKenna by Katherine Hine allowed.

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

00-1978. Rollin v. Nationwide Mut. Ins. Co.

Lorain App. No. 99CA007313.

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

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

Summit App. No. 19121. On discretionary appeal, motion for admission *pro hac vice* of Michael W. Morrison and Dale R. Kurth by Brian T. Winchester for Allstate Ins. Co., motion for admission *pro hac vice* by Jordan Berns for A. Hugh Scott and Kathleen A. Burdette for Aetna and Travelers, motion for admission *pro hac vice* by Gregory J. DeGulis of International Surplus Lines Ins. Co. for Clay Phillips and Dennis Dolan, and motion for admission *pro hac vice* by Lawrence R. Bach for Michael J. Balch. Appeal allowed and motions granted.

Moyer, C.J., and Lundberg Stratton, J., would allow only on Propositions of Law Nos. I and III.

Cook, J., not participating.

00-1997. State v. Hayden.

Montgomery App. No. 18103.

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

00-1998. Davis v. State Farm Mut. Auto. Ins. Co.

Franklin App. No. 99AP-194. 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; and *Stickney v. State Farm Mut. Auto. Ins. Co.*, Richland App. No. 98CA7; briefing schedule stayed.

Douglas, Resnick and Pfeifer, JJ., dissent.

00-2126. State v. Weideman.

Portage App. No. 98-P-0109. Discretionary appeal allowed and cause consolidated with 00-1869, *State v. Weideman*, Portage App. No. 98-P-0109.

DISCRETIONARY APPEALS NOT ALLOWED

00-1962. McCoy v. Maxwell.

Portage App. No. 99-P-0099.

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

00-2028. Smith v. Colonial Ins. Co. of California.

Defiance App. No. 4200007.

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

00-2037. Bath Twp. v. Raymond C. Firestone Co.

Summit App. No. 19689.

Resnick, J., dissents.

00-2038. Bertolini v. Whitehall City School Dist. Bd. of Edn.
Franklin App. No. 99AP-1374.

00-2045. Standring v. Gerbus Bros. Constr. Co.
Hamilton App. No. C-990798.
Cook, J., dissents.

00-2055. Carnahan v. Ohio Dept. of Human Serv.
Lake App. No. 99-L-094. Discretionary appeal and cross-appeal denied.
Moyer, C.J., Pfeifer and Lundberg Stratton, JJ., dissent.

00-2057. Jackson v. Champaign Natl. Bank & Trust Co.
Franklin App. No. 00AP-170.
Douglas, Resnick and F.E. Sweeney, JJ., dissent.

00-2063. Princeton City School Dist. Bd. of Edn. v. Princeton Assn. of Classroom Educators, OEA.
Hamilton App. No. C-000078.

00-2065. State v. Johnson.
Muskingum App. No. 00CA7.

00-2091. State v. Fisher.
Franklin App. No. 99AP-1497.
Resnick, J., would allow on Proposition of Law No. I.

00-2102. Turton v. York Internatl.
Lorain App. No. 00CA007539.
Resnick, J., dissents.

00-2111. Old Kent Mtge. Co. v. Delozier.
Lorain App. No. 99CA007463.

00-2146. Dickerson Internationale, Inc. v. Klockner.
Miami App. No. 99CA39.

00-2173. Hamilton Ins. Serv., Inc. v. Nationwide Ins. Cos.
Richland App. No. 00CA18.

00-2203. Ward v. Marymount Hosp.
Cuyahoga App. No. 76973.

RECONSIDERATION DOCKET

99-910. State ex rel. Schrichten v. Indus. Comm.

Franklin App. No. 98AP-170. Reported at 90 Ohio St.3d 436, ___ N.E.2d ____.
On *amicus curiae* motion for leave to file under S.Ct.Prac.R. XI by the Ohio AFL-CIO and on motion for reconsideration. Motions denied.

Douglas, Resnick and Pfeifer, JJ., dissent.

99-2293. Linko v. Indemn. Ins. Co. of N. Am.

Certified State Law Question, No. 98CV129S. Reported at 90 Ohio St.3d 445, ___ N.E.2d _____. On motion for reconsideration, *amicus curiae* motion for leave to file under S.Ct.Prac.R. XI by American Insurance Association, and *amicus curiae* motion for leave to file under S.Ct.Prac.R. XI by Ohio Academy of Trial Lawyers. Motions denied.

Cook, J., would grant on the second certified question.

Moyer, C.J., and Lundberg Stratton, J., would grant.